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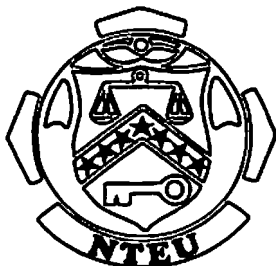
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ROACHEZ



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HEADQUARTERS NEWS ITEMS

WHERE'S MY 'BOWL An increasing number of members and bargaining unit employees are asking the question, "Where's the Fishbowl; have I been taken off the mailing list?" No you haven't. On behalf of the Executive and Editorial Boards, we offer our apologies. Our only excuse is that the officers are too busy doing, rather than writing about it.

HOW IS FLEXIPLACE WORKING FOR YOU? We need your comments and feedback on your experiences with the Flexiplace program. Chapter 280 and EPA signed the Flexiplace agreement on March 18, 1999, and it states that the parties will meet within one year to discuss implementation concerns. This is our chance to smooth out the wrinkles. Please contact Rosezella Canty-Letsome (202-260-3346), Julie Simpson (202-260-7873), or Freshteh Toghrol (703-308-7014) by phone or e-mail to let us know what is working and what is not.

EPA CREDIT CARD WARNING So maybe you break down on a back country road. You don't have the cash to pay for the tow. Your only financial instrument is your EPA credit card. You figure, "What the heck, this is an emergency. I'll just pay it back in full when the bill comes." Forget about it. You *will* be busted. Judging from the number of charges the Union is handling, EPA is cracking down on credit card use for ANYTHING other than official business. So don't do it. Penalties have ranged from no action to suspensions and can include firing. And this for emergency use of EPA credit cards where the employees pay the entire balance off on the next statement. Chief Steward Rosezella Canty-Letsome is currently poring through the disciplinary actions on record to determine consistency of penalties. Preliminary indications seem to support there is no consistency.

EPA WEB SHUTDOWN -THE REAL REASONS By now everyone has seen the all employee notices and worse dealt with the frustration of an unresponsive/less than fully responsive internet when one attempts to either contact the net from inside EPA or contact the EPA LAN from the outside. But what is the real reason for the shut-down. Could it be fear of cyber-vandals or something far worse. Consider, much of EPA's Confidential Business Information is on computer. Supposedly accessible only by EPA employees with appropriate clearances, this information might be duck soup for a good hacker to raid.

Another concern expressed by employees is access to personal employee information. For instance access to 17,000 plus name/social security numbers, could in the hands of the unscrupulous turn into 17,000 Visa/Master Card applications. 17,000 times a \$5,000 credit limit are no small potatoes.

President Dwight Welch has expressed these concerns to the OARM but is still awaiting a response.

OSWER HOLDS ALL-HAND MEETING ON SPACE - by Linda Martin On Thursday, February 3, 2000, OSWER held an All-Hands meeting to discuss staff concerns arising from the return of the Wilson Building to the District government and subsequent displacement of OSWER staff planning to move there, and the long-time, on-going health and safety concerns of staff at

Waterside Mall. The meeting was conducted by Tim Fields (OSWER), Dave O'Connor (OARM), and Rich Lemley (OARM.)

EPA Consolidation Efforts Information provided to the staff included the future location of all EPA staff, focusing upon OSWER offices. EPA's consolidation efforts are supported by the Office of Management and Budget and Congress, and began with the acquisition of the Federal Triangle complex. However, Dave O'Connor acknowledged that it was known from the beginning that the Federal Triangle complex was short 100,000 square feet of the 1.4 million square feet needed to house all EPA staff. As the result of this shortfall the Wilson Building, with 165,000 square feet, was acquired and renovated at EPA expense. During construction of the complex several architectural constraints arose from the historical nature of the buildings to be renovated and the architectural orientation of the Reagan building. It became apparent that fewer staff than originally thought could be accommodated at the Federal Triangle complex.

The upshot of the discussion was that OSWER staff who are currently in Waterside Mall will remain there for approximately two and one half more years. Further, the Office of Solid Waste currently located at Crystal Station, will not be moving to the Customs building as originally planned. Instead, all offices currently located in Waterside Mall will be moved to the Customs building beginning in 2001. All Crystal City locations, Judiciary Square, and Fairchild will be relocated to the yet-to-be acquired 400,000 square feet of additional space intended to make up for current space deficits at the Federal Triangle complex. It is thought that the 400,000 square feet of additional space will be located within eight blocks of the Federal Triangle complex (to the north, west, or east), and may be located within two blocks of a Metro station. Most of the sites under review are either currently under development or proposed. It is not known whether shuttle bus service between the Federal Triangle complex and the yet-to-be named location will be funded.

Current Workspace Staff voiced many concerns with respect to lax security at Waterside Mall (including parking areas), ventilation, air quality, adverse health effects experienced by staff (particularly CEPPO), lack of clean facilities and slow response times from the facilities help desk. Rich Lemley assured staff that he would look into these concerns, but urged staff to call the facilities help desk in order to establish a record of building-related problems for the owner. In addition, Rich Lemley offered to investigate interim space for CEPPO staff in response to specific health-related concerns associated with their Mall office location. It is generally felt that, with the Administrator's recent move to Ariel Rios Building, security will become a larger, more serious problem. In response to these security concerns, Rich Lemley raised the possibility of additional Metropolitan police officers to patrol the Waterside Mall area.

Crystal City Concerns Crystal City staff voiced concerns relating to difficulties in coordination among remote locations and the larger EPA organization. Concerns include productivity losses resulting from long shuttle rides to get to meetings downtown, poor telephone connections for conference calls, and lack of direct, frequent access to staff in other EPA offices. OSW staff expressed further concerns of isolation resulting from the Office's displacement from the Customs building. Finally, Crystal City staff have quality of life-related concerns resulting from the recent loss of the Crystal Station fitness center and no easy access to the EPA child care facility. Staff in these remote locations have no choice but to use shuttle bus services to gain

access to amenities other EPA staff easily enjoy.

Follow-Up As follow-up to the comments received at the OSWER All-Hands, Tim Fields asked Dev Barnes to establish an OSWER Council on Quality of Life Issues. Dev will send out bi-weekly updates that will include information on future space and progress in dealing with current OSWER space concerns.

UNIONS NEGOTIATE RECRUITMENT/PLACEMENT DEAL FOR OPPT-to-OEI

TRANSFEREES When the Office of Environmental Information was created, one of the units assigned to the new Office was the Toxics Release Inventory team from the Office of Pollution Prevention and Toxics. A glitch developed in the transfer, however, regarding technical support people needed for the TRI function who worked in other OPPT Branches. Here's the deal. When TRI was in OPPT, the unit that got transferred to OEI would get periodic, short-term support, on an as-needed basis, from OPPT scientists who also provide support for other OPPT programs.

This as-needed support often involved a lot of heavy-duty overtime and high-pressure deadlines, therefore few of these support scientists volunteered to go with the TRI unit as permanent attachments - they'd seen how tough things could get when regulation-writing/publication time rolled around.

Bill Garetz met with senior managers of OEI and OPPT and worked out an arrangement that would help get volunteers from OPPT to move to OEI. The alternative, which neither management nor the union, as the employees' representative, wanted to see was to "Shanghai" employees from their home units into the new OEI/TRI unit.

An agreement on how to conduct a voluntary recruitment to fill the vacancies was worked out, and the problem solved. This was a fine example of how partnership between the union and management can work to better conditions for workers and further the Agency's mission. *See related articles on the National Partnership Council's activities.*

GRIEVANCES - TWO STEP THREE HEARINGS IN TWO DAYS - by Dwight Welch

Chapter 280's experience with Step 3 Grievances, the three manager panel, since the days of partnership, have been essentially good ones. In steps one and two of the grievance process, the likelihood of a fair outcome is often severely limited. The Contract requires the grievance to go to the lowest supervisor capable of granting the relief sought. So if a Division Director, for instance, orders retaliation against an employee by the Branch Chief, the grievant first grieves to the Branch Chief and the step 2 appeal is filed with the Division Director! If the Division Director is the problem, a fair hearing is unlikely. At step 3, the hearing is conducted by a senior manager and two senior managers outside the chain of command. While grievants have not always gotten what they've wanted, the hearings have been essentially fair. This may be changing.

Union President Complains to AA Diaz Concerning Abuse of Grievant's Civil Rights On February 23, following the oral presentation of a Step 3 grievance for an employee who will remain anonymous, President Dwight Welch sent an e-mail to Assistant Administrator Romy Diaz to complain about the abuse of the grievant's civil rights and the exclusion of the Union from the process. Specifically, meetings were held *ex parte* between Ms. Elsie Wilson of the Labor Relations Staff and the three-manager, grievance resolution panel: the President's request to

participate in those meetings was denied by Ms. Wilson. The Union was not allowed discovery--not allowed to view, prior to presentation, the documents supplied to the panelists. by management. The Union was not informed in a timely manner of the face to face meeting, allowing only a day or two for the employee and her representative (Mr. Welch) to prepare. Indeed, Ms. Wilson informed the Union that the grievant/Union had no right to a face-to-face meeting at all! While we realize the contract is somewhat ambiguous in this regard, the spirit of fair play and a fair hearing necessitates an opportunity for the grievant and representative to present their oral case in a complete and comfortable manner. Fortunately, we had a panel of seemingly fair minded managers who did grant the meeting. But the meeting was scheduled for only one hour, when at least two hours were needed to present the case. The meeting was scheduled on the grievant's day off, necessitating not only a rearrangement of her schedule, but the use of leave by her husband.

Mr. Welch's e-mail ends with: "All I am asking for is simple: one, JUST ONE, fair hearing. One hearing where the manager(s) is (are) not prejudiced prior to our presentation by the Labor Relations office. If I could get just one fair and unbiased hearing, I would be willing to accept whatever decision came from it. In not allowing a fair hearing, Labor Relations forces me to continue until we get one. Mr. Sharfstein will no doubt dub me as over-reacting, etc. Perhaps I am jumping to conclusions, perhaps I am not. But if I am not allowed to participate, we will never know, will we?"

NTEU NATIONAL UNION NEWS

CONTRACT NEGOTIATIONS ARE COMING The Collective Bargaining Agreement (CBA) will expire this year. Plans are to negotiate not only a new CBA for the Chapter, but a national agreement covering all EPA NTEU Chapters. On February 11, Julie Simpson, Jim Murphy, Dwight Welch and Bill Hirzy met with NTEU Chapter 281 (Region 4) President, J. R. Finney and Chapter 279 (Cincinnati) President Jim Dryer and Suzanne Brennan and Merle Levy from the NTEU Nation Office Negotiations Department to begin planning. Some items currently in the hopper are an expansion of the compressed work week program to include four ten-hour-day workweeks, renegotiation of the Flexiplace Agreement, renegotiation of the Generic Move Agreement, a mechanism to put dissenting scientific opinions into the official record (similar to processes already in place in agencies like FDA), additional child care facilities, and a new clean space for the chemically sensitive.

The national agreement would be a move toward creating a national council of NTEU unions similar to that enjoyed by the EPA AFGE Locals.

A series of meetings with bargaining unit members to pass on information and to solicit concerns for bargaining will be scheduled in the near future. Got an idea for what you would like to see in the new contracts, contact Julie Simpson at 260-7873.

NTEU LEGISLATIVE CONFERENCE 2000 The National Treasury Employees Union's annual legislative conference took place over February 6-9 this year, because more and more states are holding primary elections early in the year. Chapter 280 Legislative coordinator James Handley participated, with Jim Goodyear, Eric Jackson and Jim Murphy. An added activity this

year was a massive and spirited informational picket at noon on Tuesday at the Securities and Exchange Commission headquarters, where the employees want to organize with NTEU and the SEC Commissioner has repeatedly stalled the representational election. A forest of signs, Union songs, and chants of "Let us vote!" filled the air at SEC headquarters.

NTEU National President Colleen Kelley, Office of Personnel Management Director Janice Lachance and U.S. Senator Chuck Robb (D - VA) were the keynote speakers on Monday, February 7. Coincidentally, Monday's Washington Post (2/7) carried a very positive story about Colleen Kelley and NTEU.

Monday afternoon, the first of the week's workshops were held, reviewing the Hatch Act changes governing political activity by federal employees, advice on generating media contacts, legislative issues, and use of the internet to gather legislative and political information. Monday evening, NTEU held a vigil of lights at the National Law Enforcement Memorial to remember U.S. Customs officers who gave their lives in the line of duty.

On Tuesday, James Handley met Representative Eleanor Holmes Norton to discuss issues targeted by the NTEU legislative advisory committee, in particular NTEU's position that there should be a moratorium on contracting out of government work until a study shows whether contracting actually saves the government any money. Ms. Norton said that she would love to get a handle on how much the government puts into contracts. Jim Goodyear and Jim Murphy also spoke against contracting out government work in a meeting with Congressmen James Moran, Tom Davis and Frank Wolf. Murphy noted that he was in contract research before joining EPA and that most contracts cost more than three times the direct labor cost, which is not likely to save money when the jobs being done are iterative or long-term.

Frank Wolf's staff gave Chapter 280 a recent press release, urging President Clinton to sign an executive order to increase carpool and transit benefits, to run shuttles between mass transit stations and federal worksites, to provide bike racks and shower facilities, and to expand telecommuting and flexible work schedules. Frank Wolf is a strong supporter of flexiplace and telecommuting.

This year, the legislative advisory committee, comprising all the agencies that NTEU represents, selected five issues to push. *First*, having secured a pay raise of 4.8% this year, NTEU seeks a pay raise in line with the Federal Employees Pay Comparability Act for FY2001. Repeal of the 0.5% increase in pension contributions is also sought. *Second*, NTEU opposes replacing health insurance with medical savings accounts, and seeks to hold the line on the cost of prescription drugs. *Third*, NTEU seeks reliable reporting systems for government contracting expenditures, and opposes contracting out until those systems can demonstrate that contracting actually saves taxpayers money. *Fourth*, NTEU supports the Internal Revenue Service's Oversight Board and opposes mandatory termination of employees for the "seven [or more] deadly sins" in section 1203 of the IRS Reform and Restructuring Act. *Fifth*, NTEU opposes efforts to cut night pay for Customs Inspectors and Canine Officers. (At the legislative conference's closing luncheon on Wednesday, NTEU introduced and applauded the Customs officer who intercepted 200 pounds of explosives late last year at a point of entry into the United States.)

For more information on the legislative conference, contact Jim Murphy at 260-2987, or Chapter 280's other participants, James Handley, Jim Goodyear, and Eric Jackson.

NTEU NAMES NEW LEGISLATIVE LIAISON FOR EPA Jim Wall was introduced at this year's legislative conference as EPA's new legislative liaison, taking over from Kurt Vorndran, who is being assigned to work with other federal agencies represented by NTEU. NTEU has a half-dozen full-time lobbyists who track legislation and advocate members' interests throughout the year, long after the annual legislative conference has wound down. We in Chapter 280 welcome Jim Wall and look forward to working with him, just as we had enjoyed working with Kurt.

NTEU ANNOUNCES NATIONAL TRAINING CONFERENCE SCHEDULE The annual NTEU road show known as the National Training Conferences will make the rounds this spring to update local Union leaders on how-to and what-not-to. The closest to EPA headquarters appears to be in Richmond, VA, from Wednesday, May 31, to Friday, June 2, at the Omni Hotel. Other sessions will be April 4-6 in New Orleans, April 25-27 at Incline Village, NV, May 9-11 in Saratoga Springs, NY, and May 16-18 in Las Vegas, NV. The deadline for reservations is approximately one month before each scheduled conference.

NEW FACES AT NTEU WASHINGTON OFFICE NTEU National Counsel Jeff Friday visited Chapter 280 on Thursday, January 6, to develop strategies with Chief Steward Rosezella Canty-Letsome and President Dwight Welch for handling grievances. Jeff Friday brought with him Scott Marx and Derrick Davis, who will be working in the NTEU Washington office.

THE NEW AND IMPROVED HATCH ACT We now enter the season that political junkies look forward to every four years: the Presidential primaries and National elections. Like to participate but are afraid of the Hatch Act? The latest "Do's and Don't's" are reprinted from our own Intranet at the end of this issue, and they are a lot more open than you might think.

SCIENTIFIC INTEGRITY AND ETHICS NEWS

FREE SPEECH IN GOVERNMENT-RULING WEDNESDAY, FEBRUARY 23, 2000.
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FEDERAL WORKER TO SPEAK ON ISSUES - by Keith Roger Review-Journal A U.S. appeals court has ruled that a Las Vegas federal worker is free to speak at government meetings on behalf of nonprofit citizens' groups, ending his 10-year legal battle with the Environmental Protection Agency. The ruling favors Jeff van Ee, 50, who filed a lawsuit about five years ago after exhausting administrative remedies to keep from losing his job. His bosses at EPA had told him he couldn't actively represent Sierra Club or other organizations in issues involving any part of the federal government. "I hope no other federal employee will have to go through what I've been through in the last 10 years," van Ee said Tuesday, reacting to the Feb. 8 decision from U.S. Court of Appeals in Washington, D.C. He said his career has suffered since the case began but he sought no financial compensation from the EPA. It is a message to other federal employees that they do have a right to be in nonprofit organizations that are working to better their community," he said. An electrical engineer who monitors contaminants in air, water and soil, van Ee challenged a reprimand from his bosses on the basis that he spoke out as a private citizen, was not

paid by the Sierra Club, and attended public meetings on his own time. He argued that making threats he would be fired, jailed and fined violated his First Amendment rights and the federal Whistle-blower Act.

The EPA charged that he was representing the Sierra Club in federal meetings on the fate of the desert tortoise, now a threatened reptile in the Las Vegas area. After being warned by EPA, he was forced to curtail his volunteer activities.

In an opinion issued a decade after the EPA sought criminal prosecution in 1990, the circuit court said laws restricting certain activities by federal workers were designed to prevent conflicts of interest and to prevent the workers from getting into situations that would financially benefit themselves.

"Neither the text nor the legislative history demonstrates a congressional intent to prevent federal employees from representing non-governmental interests without compensation in proceedings in which broad policy issues are at stake," the court opinion says.

The American Civil Liberties Union lauded the ruling. In a statement, Arthur Spitzer, the ACLU's legal director said, "This is an important decision because it frees more than 1.6 million employees of the federal and District of Columbia governments to speak on behalf of nonprofit groups regarding issues that are important in their communities."

"Citizens who are involved in environmental organizations, or church groups, or neighborhood associations, or the Boy Scouts should not be precluded from speaking to the government on those groups' behalf just because they work for a different government agency," said Spitzer, who along with John Flyger and Cynthia Taub represented van Ee in the case.

The appeals court noted that career federal civil servants are free to voice concerns because "the likelihood that such representational assistance could divide the loyalty of the employee or distort the decision-making is minimal."

The Associated Press contributed to this report.

OUR OWN CODE OF PROFESSIONAL ETHICS - by Bill Hirzy The following statement of *Principles of Scientific Integrity* was adopted by the full National Partnership Council at its December 1999 meeting in Atlanta (see articles in last October's issue and later in this issue), and it has been vetted by the Administrator, whom we expect soon to address employees on this matter. It is hard to overstate the significance of this accomplishment. Having such a set of Principles as been a goal of this union since its earliest days; indeed, the need for them was the major driving force behind the union's organizing efforts in the early 1980's. You are invited to savor the accomplishment with those of us who have bled to achieve it.

Much more importantly, you are invited to be on guard against violations. If someone steals your work, let us know. If someone misrepresents your work, let us know. If a boss tells you to cook the numbers, let us know. If someone directs you to do your work with less than the best tools, let us know. If you disagree with the professional opinion that passes for a management-approved Agency position on an issue, and your opinion is suppressed, let us know.

Principles of Scientific Integrity

"It is essential that EPA's scientific and technical activities be of the highest quality and credibility if EPA is to carry out its responsibilities to protect human health and the environment. Honesty and integrity in its activities and decision-making processes are vital if the American public is to have trust and confidence in EPA's decisions. EPA adheres to these Principles of Scientific Integrity.

"EPA employees, whatever their grade, job or duties, must:

- "Ensure that their work is of the highest integrity – this means that the work must be performed objectively and without predetermined outcomes using the most appropriate techniques. Employees are responsible and accountable for the integrity and validity of their own work. Fabrication or falsification of work results are direct assaults on the integrity of EPA and will not be tolerated.
- "Represent their own work fairly and accurately. When representing the work of others, employees must seek to understand the results and the implications of this work and also represent it fairly and accurately.
- "Respect and acknowledge the intellectual contributions of others in representing their work to the public or in published writings such as journal articles or technical reports. To do otherwise is plagiarism.. Employees should also refrain from taking credit for work with which they were not materially involved.
- "Avoid financial conflicts of interest and ensure impartiality in the performance of their duties by respecting and adhering to the principles of ethical conduct and implementing standards contained in *Standards of Ethical Conduct for Employees of the Executive Branch* and in supplemental agency regulations.
- "Be cognizant of and understand the specific, programmatic statutes that guide the employee's work
- "Accept the affirmative responsibility to report any breach of these principles.
- "Welcome differing views and opinions on scientific and technical matters as a legitimate and necessary part of the process to provide the best possible information to regulatory and policy decision-makers.

"Adherence by all EPA employees to these principles will assure the American people that they can have confidence and trust in EPA's work and in its decisions. "

Now we are faced with closing the loop on this issue. Now we need to develop and implement a process for adjudicating disputes that arise from these *Principles* and for imposing sanctions against violators. Until an alternative process appears, the union will use the grievance process for this purpose.

It was ethics questions that got us into the fluoridation fight and has kept us there for a long, long time.

ATTACK BY PRO-FLUORIDATIONISTS ON OUR UNION - by Bill Hirzy In July 1997, when we were still NFFE Local 2050, this union reviewed the latest information on fluoride toxicity and alleged benefits and voted to support a California citizens group trying to keep hydrofluosilicic acid out of their drinking water supplies. Since then, the vote of EPA's Headquarters professionals union has driven crazy the crowd that pushes the use of the Nation's drinking water systems as a waste disposal medium for that by-product of the phosphate fertilizer manufacturing industry.

The latest technique that unethical bunch is using to counter the effect of our analysis of fluoridation is to tell government officials, such as the Hawaii State Legislature and the Board of Health of Wilmington, Massachusetts, that the union "doesn't exist".

Even after I spent 15 minutes on the phone last October with him explaining the situation and the basis of our vote, the dentist on the Wilmington, MA Board of Health, Dr. James Ficocello, now is telling his colleagues to ignore us, because we don't exist! (We must be having an effect for the fluoridistas to be pursuing so transparent a disinformation campaign.)

The Wilmington Board has taken a vote not to fluoridate, based on the recommendation of its Director, Greg Erickson, who did a thorough study of the pros and cons of the issue, including communicating with me. A copy of Mr. Erickson's report follows, and your attention is called to the straight-forward logical analysis that he uses - with the health effects issues in particular. Mr. Erickson is a past President of the Massachusetts Health Officers Association.

Fluoridation

A Discussion on Whether the Board of Health

Should order the Fluoridation of the Municipal Water Supply

By Gregory Erickson, Director of Public Health

February 15, 2000

Near the beginning of 1999, the Wilmington Board of Health began to investigate the proposition that the town's water supply should once again be fluoridated. In an effort to learn the latest information about fluoride, I began my own research on the subject. In doing so, I have looked at the background, history, science and research presented to date, and, have encountered many areas which have raised a good deal of concern. In pursuing suitable explanations to these concerns, I have only encountered even more concerns.

As is the case with many public programs, it is common to find disagreement, even after serious investigation and debate on the issues, and even among friends and long standing associates. Such is the case with the issue of fluoridating the water supply for the Town of Wilmington. As

Director of Public Health, I have made my own observations and study and I have done so independently with the intent of making a responsible recommendation to the Board of Health and to the public.

The Board of Health has divided the fluoridation issue into three main categories:

1. Is it safe?
2. Is it effective?
3. Is it right for the Town of Wilmington?

I have divided my observations into the same categories for the sake of consistency. My concerns are based on government documents, research papers, personal communications, personal interviews, a related seminar, and two Board of Health hearings. I have formulated a recommendation which I feel focuses on the major concerns that should be considered by the Board of Health and the public at large.

The First Issue: Is Fluoridation safe?

I have discussed this one issue with both of the authors of the paper **Applying the NAEP Code of Ethics to the Environmental Protection Agency and the Fluoride in Drinking Water Standard**, by Robert J Carton, Ph.D. and J. William Hirzy, Ph.D. Both are presently scientists, employed by the Environmental Protection Agency (EPA) and they have confirmed to me the authorship and authenticity of their paper which describes in detail the procedure that the EPA used to raise the Maximum Contaminant Level (MCL) of fluoride in drinking water from 1.0 ml/L to 4.0 mg/L and how it was done inappropriately, with a succession of irregularities, and in violation of the EPA's own Code of Ethics. As a result of this, in 1997, the National Federation of Federal Employees Union (local 2050) which is comprised of the scientists, researchers, and attorneys who work for the EPA has taken the unanimous position to oppose the fluoridation of public water supplies.

This point, taken by itself, causes a great deal of concern to me. I question how the EPA as a governmental agency charged with the responsibility of insuring safe drinking water standards for the nation can recommend the fluoridation of water supplies when its own scientists working there are unanimously opposed to it. These EPA employees have taken other actions to openly oppose the fluoridation of water supplies, such as the writing of several papers on the issue, making videos, and actively lobbying the Governor of California, for example, to not fluoridate the water supplies of that state.

Considering that these are the professionals who comprise the scientific community that sets the standards for toxicity and enforcement of the drinking water standards for the nation, this point alone, without adequate explanation, is sufficient for anyone to reject the notion that fluoridation is safe. On this point, I remain open to any explanation that can be offered up to adequately counter the logical conclusion.

Another concern is that the EPA has reclassified fluorosis from that of a "health effect" to a "cosmetic effect", and has done so without the benefit of hearings or scientific input. This includes all levels of fluorosis, including severe fluorosis. It is the position of the EPA that there is no "health

effect" until there is a "loss of tooth function". This means, in layman's terms, that one must lose a tooth or teeth, or lose the function of a tooth or teeth in order for a "health effect" to exist. Up to that point, one can have permanently stained, cracked, pitted and mottled tooth enamel, and a "health effect" is not considered to be present, according to the EPA. This is a completely absurd and unacceptable position. I don't think that any parent would accept this standard for their own child. As a public health administrator, I cannot accept it for the Town of Wilmington.

Point in fact: Fluoride causes fluorosis of the teeth. This is not a debatable issue. In fact, the discovery that fluoride causes less cavities to occur was a result of the correlation found between the occurrence of fluorosis and the occurrence of less cavities, where in Texas, naturally occurring fluoride existed at higher levels. It has been presumed that by adding fluoride to the water supply, it would result in better dental health. However, history has shown that by adjusting the fluoride at a lower level (1.0 mg/L) which causes less fluorosis negates the effect of the fluoride with regard to dental health. Those who support fluoride have said that this is mild fluorosis for the most part. And this is true, for the most part. What of the lesser part?

The *Executive Summary, Review of Fluoride Benefits and Risks* by the U. S. Public Health Service, Department of Health and Human Services, February 1991, states that:

"Moderate and severe forms of dental fluorosis, considered by some investigators as presenting a cosmetic problem, do not appear to produce adverse dental health effects, such as the loss of tooth function, and represents less than six percent of the cases of fluorosis nationally."

So according to the Public Health Service, it's acceptable that 6% of the 300 children born to residents of the Town of Wilmington in 1999 (actual statistic) should be expected to have moderate to severe (not mild) dental fluorosis. That's 18 children in a "one year" age group. If the Town of Wilmington continues to have 300 children added to the rolls in each coming year, the school system should be expected to have $[18 \times 12] = 216$ children in the school system with moderate to severe fluorosis. Of those, how many will have severe fluorosis? One? Two? This is a totally unacceptable tradeoff. This is taken from a governmental document which purports to support fluoridation. [Note: total fluorosis (mild, moderate and severe) is expected to be 22% of our 300, or 66 of our children per year]

Point in fact: Fluoride also causes crippling skeletal fluorosis. This is not debatable. Just as the EPA ignores fluorosis as a "health effect", the EPA ignores all of the precursor signs of crippling skeletal fluorosis as a "health effect" (such as arthritic pain, rigidity of the spine, and the mal shaping of bones) and recognizes skeletal fluorosis as a "health effect" only at the onset of actual crippling. This means that a person can be experiencing the preliminary signs of crippling skeletal fluorosis, including real arthritic pain and malformation of the skeleton, but the EPA says it's not a "health effect" because you're not crippled yet? How ever absurd this seems to the reader, this is the rational that the EPA has used to raise the MCL from 1.0 mg/L to 4.0 mg/L, allowing the so called "optimum" level of 1.0 mg/L to neatly fit into it's standards.

Why? It would seem that there must be some reason that would cause the U.S. EPA to go against its own scientists and encourage states and municipalities to fluoridate their water supplies in the face of the information given above.

For your consideration, a letter from the EPA, signed by Rebecca Hanmer, Deputy Assistant Administrator for Water, which states:

"Water treatment chemicals, including fluosilicic acid have been evaluated for their potential for contributing to the contamination of drinking water. The Water Treatment Chemicals Codex, published by the National Academy of Sciences, prescribes the purity requirements for fluosilicic acid and other fluoridation chemicals.

In regard to the use of fluosilicic acid as a source of fluoride for fluoridation, this Agency regards such use as an ideal environmental solution to a long-standing problem. By recovering by-product fluosilicic acid from fertilizer manufacturing, water and air pollution are minimized, and water utilities have a low-cost source of fluoride available to them."

As the letter states, one motivation for the EPA allowing the disposal of "fluosilicic acid and other fluoridation chemicals" into our water supplies is because it is "an ideal environmental solution to a long-standing problem". Note that "other fluoridation chemicals" would include sodium fluoride which is recommended by the Massachusetts Department of Public Health for the Town of Wilmington. Sodium fluoride is a hazardous waste produced by the aluminum industry, and hydrofluorosilic acid is a hazardous waste produced by the fertilizer industry.

Sodium fluoride is a very toxic and very reactive chemical. It's toxicity is very well documented. As a by product of industry, it is a hazardous waste, which if properly disposed of would need to be taken to a class 1 landfill at the cost of approximately \$7000 per truckload. How convenient for industry, that the EPA was so willing to make these adjustments to the MCL to facilitate the disposal of their hazardous wastes into the drinking water supplies.

It is true that nearly all of the water in any municipal water system never gets consumed. Most goes down the drains of America, washes the cars, waters the lawns, laundry, and so on. What little percentage is consumed, goes through the body and only 50% of the fluoride is absorbed. So what's the problem. The fluoride that is absorbed goes to the teeth and bones. It can cause fluorosis of the teeth and crippling skeletal fluorosis as described above. There are many other mechanisms that have only recently come to light which also go to the issue of whether fluoride is safe.

The very well known research by Dr. Phyllis Mullinex has shown that fluoride causes Central Nervous System disorder in rats. The levels at which the rats were exposed were appropriate for the comparative study of fluoride's effect in humans. Dr. Mullinex was dismissed from her position as chairman of the toxicology department at Forsythe immediately after publishing her work. A subsequent law suit ended in a settlement with sealed results. Forsythe was endowed with a grant from Colgate.

Fluoride has been shown to be an equivocal cause of cancer in rats. There are several other associated disorders that have been positively linked to fluoridated water supplies. Among them are increased occurrence of hip fracture, Down's Syndrome, earlier onset of menses, delayed eruption of teeth, a reduction in IQ of approximately 10 points, and the occasional person who simply happens to be hypersensitive to fluoride because of some other medical reason resulting in an allergic type reaction, and the occasional death or multiple deaths caused by accidental over fluoridation.

And finally on the question of "safety", many have claimed that the AMA endorses or supports fluoridation. I wish to include a quote from a letter from Dr. Flanagan, Assistant Director of the American Medical Association which states in part:

“this Association endorses the principle of fluoridation of public water supplies to reduce the incidence of dental caries; it does not become involved in endorsement of the fluoridation of water supplies of specific cities.

The American Medical Association is not prepared to state that “no harm will be done to any person by water fluoridation.”

The American Medical Association has not carried out any research work, either long-term or short-term, regarding the possibility of any side effects.”

The fact is, I have found no study ever being done, not by any governmental agency, or any professional organization, such as the AMA, the ADA, the FDA, or the EPA, not the USPHS or the CDC. No agency has determined that fluoride is safe.

The Second Issue: Is it Effective?

Higher levels of fluoride have been correlated to fewer caries but when fluoride is reduced to a level at which there is a lower risk of fluorosis, the correlation no longer exists. No credible study has produced factual proof that fluoridation of a water supply at the so called “optimum” level is beneficial to dental health.

Virtually all studies comparing fluoridated and non fluoridated communities, or other fluoridated and non-fluoridated populations in subsets not necessarily limited to communities, have shown that there is no difference between the resultant dental condition. In fact, some studies have shown that the non-fluoridated populations have slightly better dental condition than do the fluoridated communities.

Some early studies which are used to support the claim that fluoridated communities have better results are not dependable. Many of the early studies were manipulated to give the false appearance of effectiveness because industry and a willing government was determined to find a solution to their “long-standing problem”. This has been documented by sworn court testimony in subsequent civil proceedings. Additionally, many credible studies have been done which show clearly that at the so called “optimum” level, there is no difference in dental condition.

Finally, there was a very recent paper published in Community Dentistry and Oral Epidemiology by Kumar and Swango, 1999, which demonstrates that the many current sources of fluoride in food products, fruit juices, and other sources today results in excessive fluorosis and concludes with the recommendation of lowering the intake of fluoride, not increasing it.

The Third Issue: Is it Right for the Town of Wilmington?

After reading hundreds of documents, I have found that much of the most condemning information has come from the EPA itself. These are by far the most troubling. No other drug, or medicine has such a wide spread application, and yet has had so little scrutiny as to its safety. To purchase sodium fluoride tablets, one is required to first obtain a prescription. Yet to fluoridate an entire community no prescription is necessary.

Sodium fluoride tablets can be purchased by prescription at a local drug store at a cost of \$6.99 per hundred (1 tablet per day for 100 days which equals \$26/year) and a dentist can prescribe tablets at a regular visit at no additional cost to the parents. If individual parents wish to supply

fluoridated water to their children, let them have that freedom of choice. The common complaint is that they forget to give the tablets to their children.

Recommendation:

Fluoride is not a nutrient as many have claimed, only being adjusted to it's "optimum" level. Fluoride is a toxin, like arsenic and lead, occurring naturally in the environment. We have come to discover that many of the elements that we commonly used were dangerous to health. We have removed lead from paint, once a primary ingredient, and from pipes and solder, as we have learned that it caused lead poisoning. We have removed asbestos from our schools and public buildings because of the remote possibility that the smallest exposure could cause asbestosis. We have done this by passing laws prohibiting the use of these elements. We should look at the many countries that have prohibited the use of fluoride in water supplies. We should look at the long list of cities in the U.S. that have changed their position and reversed their previous action to fluoridate, and have rejected its use.

As a society, we have done many things in the name of science and good health, like sulfur drugs and thalidomide, Laetrile and Fen-phen, only to find out that they were wrong and we rejected their use. There is no compelling reason to fluoridate an entire community, adults and children, with a toxic chemical at any dose, in the face of such compelling evidence against it, especially when there are alternatives available.

Therefore my recommendation to the Board of Health and the Town of Wilmington is to not go forward with the fluoridation of the municipal water supply.

Respectfully submitted,

Gregory Erickson, R.S., C.H.O

LAW REVIEW ARTICLE ON FLUORIDATION LITIGATION IN NORTH AMERICA

The Spring 1999 issue (Volume 14, No. 2) of the *Journal of Land Use and Environmental Law*, published by the Florida State University College of Law features a 53 page article titled *Highlights in North American Litigation During the Twentieth Century on Artificial Fluoridation of Public Water Supplies*. The authors are Jack R. Graham, B.A., LLB. and Dr. Pierre Morin. Graham was the lead attorney in the three cases covered in the article. Morin, former Senior Science Advisor to the Prime Minister of Quebec was co-author with Graham and Dr. Dean Burke, former head of cytology, National Cancer Institute of the epidemiology study that was largely responsible for the Congressionally mandated NTP cancer bioassay of sodium fluoride.

The article is fascinating and maddening reading. It points out that the three times when water fluoridation was thoroughly tried before impartial judges, in Pennsylvania, Illinois and Texas, *in every case, the judge found that fluoridation harms human health*. These outcomes led the American Dental Association and the U.S. Public Health Service, the chief promoters of fluoridation worldwide, to change their joint policy of welcoming trials. Unfortunately, in the three cases referenced, the rulings of the trial judge were found not governing as public policy decisions. Review courts held

that to fluoridate or not was within the province of legislative rather than judicial authority.

A great deal of coverage is given to the evidence in those trials and to *additional evidence* that has accumulated since then, all of which points unequivocally toward the wildy unbalanced risk-benefit picture for the practice of water fluoridation.

Copies of the article are available in the union office at Waterside Mall.

NATIONAL PARTNERSHIP COUNCIL NEWS

Over December 14-16, the Agency's full National Partnership Council met in Atlanta to review and act upon the work of its Executive Board, and to agree to an agenda for 2000 for that Board's work. The following paragraphs summarize the Atlanta meeting.

1999 PERSPECTIVE by Jill Clark, Labor Relations Staff In December 1998, the members of the National Partnership Council signed a revised charter which more clearly defines the duties of the Council by focusing on re-invention processes to improve delivery of the Agency's mission and working conditions of all agency employees. To assist the Council in achieving its specific priorities in 1999, an Executive Board, acting as a subcommittee for the full Council, conducts the on-going business for the Council and is authorized to make decisions on behalf of the Council. The Executive Board is comprised of an officer from each union (American Federation of Government Employees, Engineer and Scientists of California, National Association of Government Employees, National Federation of Federal Employees, National Treasury of Employees Union) that represent EPA bargaining unit employees and five senior executive level management representatives appointed by the Administrator. The Executive Board includes Alan Hollis (AFGE), Roger Yates (ESC), Ed Exum (NAGE), Mark Hemry (NFFE), Bill Hirzy (NTEU), Dr. Norine Noonan (ORD), Stephen Perkins (Region 1), Lynda Carroll (Region 6), Mike Shapiro (OSWER), Bill Sanders (OPPTS), Romy Diaz (Management Co-Chair), Will Davis (Union Co-Chair) and Jill Clark (HR Technical Advisor).

During the December 1998 meeting, the Council members developed specific projects for the Executive Board to work on during 1999. The Executive Board members met three times during the past 12 months, and worked together via conference calls as well. Both a management and a union member were assigned to each project, the two members worked together to develop the project, and each accomplished project was reviewed and approved by all members. The following projects were presented to the NPC members during the December 14, 15, and 16 meeting in Atlanta:

--Workforce Development Project (Lynda Carroll/Alan Hollis): The Workforce Development Strategy, EPA's comprehensive approach to building a stronger workforce developed by the EPA Learning Institute, began in 1999 with the Workforce Assessment Project. The Workforce Assessment Project identified the agency's short and long-term training/skill needs, including Executive Leadership Development, Mid Level Development, and Support Staff Development. To ensure equity for employees to participate in the development of these new training modules, the Executive Board developed a process in which the unions and managers would work together in partnership to create an employee selection process. Additionally, the Executive Board worked with the EPA Learning Institute to ensure that all workforce development pilots/projects throughout the offices/regions/laboratories are registered and made available for employees.

--Consistency in Labor/Management Relations (Stephen Perkins/Alan Hollis): The interest in consistent and equitable employee policies for major work conditions, such as flexiplace, hours of work, etc., is of concern to NPC members. As a first attempt to "foster" consistency, the Executive Board published guidance on overtime electronically for all employees, via both employee e-mail and the NPC Web Site.

--Contracting Out (Bill Sanders/Roger Yates/Ed Exum): The Executive Board was briefed on the 1999 FAIR Inventory prior to submission to OMB. A follow-up task is to analyze current procedures used to contract out historically governmental positions, the resultant impact on current employees, and whether certain contracted out functions should be "brought back" into the agency.

--Alternative Dispute Resolution (ADR)(Mike Shapiro/Bill Hirzy): The Council expressed interest in establishing an ADR process for EEO complaints and grievances. Accordingly, the Workplace Dispute Resolution Program Development Team has completed a framework for an EPA Headquarters Workplace Resolution Program, which will offer a mediation approach to complaints and grievances. The program is being permanently established, with the pilot period to be constrained to Headquarters until final the design is completed and the pilot is ready for distribution throughout the agency.

--Professional Ethics (Norine Noonan/Bill Hirzy/Will Davis): (see above) The Executive Board worked together to determine whether a professional code of ethics policy statement should be issued. Additionally, improved ethics training, specifically regarding professional ethics for scientists, for both supervisors and employees, was analyzed. A draft professional ethics policy statement was presented for the NPC's review. The Executive Board's goal is to have the professional ethics statement distributed to all employees electronically.

In addition to the projects discussed above, the Executive Board has acted as a "standing committee" for emergent issues regarding working conditions of bargaining unit employees. Currently, Executive Board members worked with specific managers to develop a strategy to minimize the adverse impact as well as develop recommendations to offset the hiring freeze mandated by the Administrator due to severe budget reductions. The Executive Board members provided invaluable insight and advice regarding procedures to be used for filling critical positions and which positions should not be "cut" due to the budget reductions. Because the Executive Board members had been continually informed regarding the possible budget reductions, as well as the fact that the members were already identified and represented their various regions and unions, the workgroup was able to work on the hiring freeze strategy immediately and effectively. The Executive Board members understand that improved communication between the Council members and the Executive Board members is a priority issue for year 2000. The NPC Web Page, found at <http://intranet.epa.gov/epahriis/division/lrs/npc>, will be more fully utilized for information regarding the progress of the projects assigned to the Executive Board. Additionally, the NPC members will be notified via e-mail when updated information is added on the web site. Both union as well as management Executive Board members should include updates of the Executive Board progress in their separate meetings. Hard copy communication should also be distributed regarding the actions/progress of the Executive Board. Improved communication and understanding of the NPC's mission will build support for the NPC actions among the employees. Hopefully, employees will gain trust in the NPC and will approach the NPC with their ideas of re-invention processes and improved

working conditions.

An added value of the newly established Executive Board is a spirit of comradery and focus of vision for the members-- Each member is dedicated to re-invention processes to support the mission of EPA and improved working conditions for all employees. The first year of the Executive Board has resulted in improved partnership and communication between management and labor, a better understanding of the interests of both management and labor, and the knowledge that progress toward meeting our shared interests will only be made by working together. The Executive Board members are looking forward to working together to accomplish the Council's new projects for the year 2000!

EPA LABOR/MANAGEMENT PARTNERSHIP STRATEGIC PLAN The major outcome of the Atlanta meeting that bears on 2000 actions of the NPC was agreement to develop an EPA strategic plan for labor-management relations. The General Counsel of the Federal Labor Relations Authority, Joseph Swerdzewski presented a day-long seminar-workshop in collaborative labor-management relations (LMR).

"Collaboration" in this context means that labor and management truly implement the intent of Executive Order 12871 on Labor-Management Partnership. It is characterized by unions and management consulting with each other at the earliest possible time when either party contemplates a change affecting our worklife. Collaboration is one end of the labor-management continuum, "Compliance", being the other end.

"Compliance" means the traditional style of LMR, in which management fully develops a proposal, then offers the union an opportunity to bargain afterward. Compliance is very time consuming and costly in terms of other resources as well. Generally adversarial relationships are part of the compliance mode of LMR.

As one element of the strategic plan, the unions and EPA management are developing specific guidance on how they will deal with each other when two critical types of issues arise. These are: the means, methods and technology of doing work, and the numbers, types and grades of employees assigned to particular work units. These are known arcanelly as "(b)(1)" issues. A separate set of guidance for how the parties will deal with each other on all other matters involving our worklife through pre-decisional involvement (PDI) is also under development. Bill Hirzy, Ed Exum (Region 4, Athens, GA - N.A.G.E.) and Paul Sacker (Region 2, NY - A.F.G.E.) are the union representatives working on these issues with management representatives Steve Perkins, ARA Region 1, Lynda Carroll, ARA Region 6, Mike Shapiro, DAA/OSWER and Bill Sanders, OD/OPPT.

The NPC Executive Board meets on March 14 to refine and hopefully approve the products of the so-called (b)(1) and PDI work groups and the draft strategic plan. Then the full NPC meets on March 28 and 29 to give final approval to the work and to write a report to the White House.

The White House report was mandated in a meeting last October among representatives of the President and Vice-President and national Federal union leaders. That meeting was held because unions were infuriated over the lack of progress in many Federal workplaces toward implementing E.O. 12871 - EPA being one of these workplaces. After the meeting, the President issued an order requiring all agencies to report on April 14, 2000 on the status of and progress toward implementing E.O. 12871 - dated October 1, 1993.

The unions hope that they will be able to sign on to a report that does not make EPA look too terrible, but have vowed not to sign on to a white-wash. An alternative report may issue from the unions if a white-wash is the only alternative.

JUSTICE FOR JANITORS NEWS

NTEU JOINS WITH JANITORS' UNION IN FIGHT FOR JUSTICE Last December, just before Christmas, our janitors got an unexpected present from their employer, United States Service Industries (USSI). It was notice that their hours were to be cut as of the first of the year, and forget about the health insurance and sick leave that were to have kicked in in January as well. NTEU Chapter 280 heard about this outrage, contacted the on-site janitors' leadership as well as leadership of Local 82, Service Employees International Union and offered to help. We were asked to get the word out to EPA employees and to join in a delegation to WSM owner Charles Bresler's office, which we did. We also contacted EPA management about the issue and joined in two informational picket actions over the lunch hour. EPA management has but limited ability to influence the situation, since janitorial services are part of our lease arrangement with Mr. Bresler and we do not contract directly with USSI for them ourselves. EPA has put Mr. Bresler on notice that we expect him to make sure our janitorial services are not adversely affected by the cut in hours or other cuts USSI has made. NTEU 280 remains a liaison between the 50 or so EPA employees who responded to our call to help our janitors and their union. About a hundred EPA employees have signed a petition or left messages to USSI management about the injustice of the situation. SEIU Local 82 has taken USSI to court over several violations, and as more news breaks in this matter, we will keep you informed.

E-Mail to Al Gore Thus Far Ignored by the "Health Care" Candidate A January e-mail to Vice President Al Gore discussing how USSI screwed janitors who clean EPA's Waterside Mall space out of health insurance coverage and sick days has thus far been ignored. On February 1, 2000 Mr. Welch received an auto-response promising a full letter, but to date no answer has been received.



The Hatch Act



The Hatch Act, passed in 1939, governs political activity by Federal employees. It underwent substantial reform in 1993 when Congress passed changes to allow Federal employees the opportunity to participate more fully in the political process.

Hatch Act Do's and Dont's

Employees MAY:

- ✓ Register and vote as they choose;
- ✓ Assist in voter registration drives;
- ✓ Express opinions about all candidates and issues, privately and publicly;
- ✓ Run for election to a nonpartisan office;
- ✓ Contribute money to political organizations or attend political fund raising functions;
- ✓ Sign petitions, including nominating petitions;
- ✓ Wear political badges, buttons, or display stickers on private automobiles, if they are off duty and not wearing uniform or official insignia;
- ✓ Run for office within party organizations and affiliated groups;
- ✓ Attend political conventions, rallies, and meetings as an elected representative of a partisan organization;
- ✓ Take an active part in political management of campaigns;
- ✓ Solicit contributions to the political action committee of the organization to which another employee belongs, provided that the contributor is not a subordinate employee;
- ✓ Spouses and other members of an employee's family may engage in all forms of partisan political activities.

Employees MAY NOT:

- ✗ Be candidates for public office in partisan elections;
- ✗ Use their official position to influence or coerce colleagues and election results;
- ✗ Wear political buttons in government buildings;
- ✗ Collect, solicit, receive, handle, disburse, or account for contributions from the general public;
- ✗ Wear a government uniform or government insignia while engaged in political activities;
- ✗ Sell tickets to political fund-raising functions to the general public.

Summary of Hatch Act Reforms

- **Running for partisan office continues to be prohibited.** However, an employee may run as an independent candidate even in a partisan election (that is, an election where others are running as Republicans or Democrats). An employee may also run for and hold an internal party office.
 - **Soliciting, collecting, and receiving political contributions continues to be prohibited unless both the donor and the collector are members of the same Federal labor organization or employee organization (any nonprofit group composed of Federal employees) and (1) the person solicited is not a subordinate employee, and (2) the contribution is for a multi-candidate political committee of the Federal labor organization or employee organization.**
 - **Examples of permitted fundraising activity include:**
 - ✓ **Speaking at a political fundraiser, so long as there is no express solicitation of funds**
 - ✓ **Allowing one's name to appear on an invitation to a political fundraiser, so long as there is no suggestion that the employee is explicitly soliciting funds and so long as the employee's official title is not used**
 - ✓ **Organizing mail or phone solicitations and assisting in mailings, so long as the employee is not on duty and does not solicit personally**
 - ✓ **Serving as officer or chair of a fundraising committee, so long as the employee does not solicit personally**
 - ✓ **Making political contributions**
 - ✓ **Helping to organize a fundraiser (but not hosting a fundraiser in one's own home)**
 - ✓ **Soliciting, accepting, and receiving voluntary services except from subordinates or persons or organizations which are "prohibited sources" under the ethics rules**
 - **An employee may not engage in political activity (including wearing a button) while on duty, or in a government office, or while using a government vehicle, or while using a private vehicle on official business.**
 - **An employee may not use official authority to influence an election.**
-

CONTACT: Tony Beyer at 541-3047 in 113A Administration Building

FO404E3

-Dwight

I'm a Reagan Republican.

No, I'm the real Reagan Republican

No, it's me, I'm the real Reagan Republican

Hold it, hold it. It's the myth of Reagan not the man they compare themselves to.

That one there is really a Goldwater type Conservative, but Barry was unpopular.

The dumb one really is a Reagan clone.

Not like his father....

Why do they keep saying that?

Wasn't Reagan a dumb President, a puppet of rich special interests who tripled the National Debt with tax cuts for the rich, and an unprecedented arms race with the Soviets?

Wasn't it Reagan's Administration which sold arms to terrorists and got an entire generation of youth hooked on cocaine?

And the third one is just to prove that there are a few black Republicans.

I'm getting nauseous, let's change the station.

OK.

Wasn't it Reagan who set back environmental protection a decade, sold off natural resource rights on federal lands at 50% of market value?

Wasn't it Reagan who pitted rich against poor and middle-class, white against black, Christian against non-Christian?

Why would they want to admit to stuff like that?

I'm the real Clinton Democrat.

No, I'm the real Clinton Democrat.

Look, see what they started!



May 2000

Volume 16, Number 2

Chapter 280 Executive Board

Dwight Welch, President
Jim Murphy, Executive Vice-President
Rosezella Canty-Letsome, Chief Steward
Bill Hirzy, Senior Vice President
Arthur Chiu, Vice-President
Bill Garetz, Vice-President
Freshteh Toghrol, Vice-President
Linda Martin, Vice-President
Richard Nalesnik, Vice-President
Julie Simpson, Secretary
Bernie Schneider, Treasurer

"Fishbowl" Editorial Board

Bill Hirzy, Editor
Dwight Welch
Bill Garetz
Rosezella Canty-Letsome
Jim Murphy
Julie Simpson

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 Chapter 280. We do not publish anonymously submitted articles, but when requested, may conceal the author's name.

SPECIAL ELECTION ISSUE

(Look for the Regular May Issue Shortly)



National Treasury Employees Union Chapter 280

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Officer Candidate Statements for 2000 Elections

Statement of Jim Murphy, Candidate for President

There once was a Member of the United States House of Representatives who liked to remind the voters in his District that --
"There are three things you can depend on: God, the Sears Roebuck Company, and [here the Congressman would insert his own name]."

If I were to make a similar stump speech, the three dependable things would be "God, Sears, and the National Treasury Employees Union." I feel privileged to be associated with the NTEU, which is sometimes described as "a Washington law firm masquerading as a labor union," and to enjoy the trust of the members of Chapter 280. Thank you for your nomination. I will devote myself to keeping your trust.

You can be a great help to me by keeping the officers informed of developments in your office and recruiting new members to serve as various kinds of Stewards and as members of awards boards and local partnership councils. You and I are the Union. Isn't it grand!

DWIGHT WELCH - CANDIDATE FOR EXECUTIVE V.P.

During the coming term, I intend to continue on the anti-preselection initiative that I have begun as President with help from Richard Nalesnik and Linda Martin. I intend to fully assist Chief Steward Rosezella Canty-Letsome in resolving complaints. To resolve these complaints, I will employ interest based bargaining. If that fails, uncooperative managers will learn my manner of no-holds barred, aggressive advocacy. In the coming year I intend to assist EPA Victims of Racial Discrimination. I fully recognize that even white males can be the object of discrimination. Combined with the above, I will work for an EPA where job selections and promotions are made on the basis of MERIT ONLY, not cronyism. I intend to invest most of my partnership efforts in the one-on-one relationships which I have and will establish with individual managers. Having no visible support from Administrator Browner, Partnership Councils have been short on effectiveness. If we get a new Administrator next year, I will reconsider the utility of Partnership Councils. Being freed of the responsibilities of being President, as Executive Vice President, I will work towards making the newsletter a monthly occurrence. During this term, I hope to assist Bill Hirzy in ending the practice of dumping toxic industrial waste into the drinking water supply. The health and IQ of our children and grandchildren depend upon it.

ROSEZELLA CANTY-LETSOME-----CHIEF STEWARD

I have served as your Chief Steward since December 10, 1997. During this time we have increased the number of active stewards who are involved in membership recruiting and other non-representational needs. Under my watch as Chief Steward, we have aggressively represented grievants with meritorious issues and have been successful in resolving most grievances in favor of the grievants.

During this past year as Chief Steward I have attempted to use the "Partnership" process in all my representational activities. I have aggressively pursued the proper implementation of Flexiplace for members of our bargaining unit. I have continued to be actively involved with issues surrounding the ADR process, disability related issues, and violence in the workplace issues at Headquarters.

My focus for the future of NTEU Chapter 280 is as always to recruit more members to get involved with the daily affairs of the Union; to train more stewards for the Steward Corps ; to make local partnership councils work; and to build the union's strength by creating and promoting a local chapter operation which seeks to improve the quality of our members' lives. I am committed to building a support network which serves the needs of our most vulnerable members.

The opportunity to serve as your Chief Steward has been a most challenging and rewarding experience. I look forward to serving you for another term. I hope that I can count on your continued support.

Bernard A. Schneider, Ph.D., Senior Plant Physiologist Candidate for: NTEU Chapter 280 Treasurer

Statement: I have six years of teaching and research and I have been a scientist with the EPA since 1972. I have served this Local since 1991 as a Vice-President for three years and I have been serving as the Treasurer for the past five years. The Treasurer's position is very important to the success of our Union. All expenses, accounts, and investments must be accurately maintained by the Treasurer as well as dues statements and completing the annual Department of Labor Financial Reporting Forms. While Treasurer, audits of our records have accounted for every penny in our union accounts. This year also will be very challenging for the Union Treasurer as we will complete our organizational transition, however, I have the experience essential for this challenge. This year I would like to continue standardizing the record keeping for the Union and set up a training module for all Union Treasurer forms, and for future Treasurers. I would like to have your vote, so I can continue in this capacity. I have also served our Union in the capacity for OPP Divisional moves, and reorganization as well as the Union representative to the HED implementation teams, and team leader for revisions of employee performance standards. I also highly recommend that you vote for Dr. Freshteh Toghrol for the post of Vice President.

Vice Presidential Candidate Statements for 2000 Elections

ARTHUR CHIU - CANDIDATE FOR VICE PRESIDENT: NTEU, Local Chapter 280
Ph.D. - Biochemistry, MD - Pathologist, 16 years at EPA as a toxicologist/pathologist.

I have served three years as a vice president, and I enjoy working with my colleagues in the executive board. I serve on the Union's health and safety committee. The EPA headquarter ventilation problems & indoor air pollution demand continuous vigilance. Two labor unions and the Office of Administration & Resource Management in EPA schedule weekly inspection of all the office buildings of the headquarter. We identify problems in work stations (e.g. asbestos, dust mites, bird mites, rats and roaches) and take corrective measures to improve and monitor those conditions. My interests in public health & training in medicine have been invaluable to me in doing this job. I ask you to support & vote for me. As a union representative, I have attended the Scientific Productivity & Environmental Equity Workgroup of the ORD Human Resource Council. We realize our concern of scientific integrity and cautioned against premature disclosures of scientific data without adequate QA. We work on "equity in traveling budgets among laboratory workers." We pointed out the difficulty for researchers to work in cubicle environment & the need for improvement. Recognizing interests of the workers, ORD management held a workshop recently in DC for the implementation of flexiplace for headquarter professional employees. As a member of an ethnic minority, I have learned from my personal experience of the need for improving our working conditions and to demand equity for all in this organization. If elected, I promise I will continue to work for the improvement in this area whenever and wherever opportunity arises. With your support to vote for me as the Vice President, let us strive to improve our workplace.

Bill Garetz for Vice President

This is a synopsis of what's in my 2 page campaign flyer sent to each member by U.S. Mail.

My Background: B.S. & M.S. in Operations Research from the University of California (Berkeley), Phi Beta Kappa. I have worked for EPA since June 1972: mostly in the Office of Policy, Planning and Evaluation (OPPE), but since October 1999 in the new Office of Environmental Information (OEI). I have been a member of first NFFE Local 2050 and now NTEU Chapter 280 since shortly after it was established in 1984. I have been a Vice President of NFFE Local 2050 and NTEU Chapter 280 since 1996 and have been an active steward since November 1997 (not 1998 as my flyer says!).

My Accomplish-ments in the Last Year Include: (1) I've been the principal player in extending our union's presence to certain Offices from which it was to all intents and purposes previously absent, and in dramatically expanding its presence in certain other Offices in which NTEU already had a presence, but that presence was a limited one. These Offices are: the new Office of Policy and Reinvention (OPR), the new Office of Environmental Information (OEI), the Office of Atmospheric Programs (OAP) in OAR and the Office of Wastewater Management (OWM) in OW. (2) I have been a key player in the establishment of the new program that allows for mediation of workplace disputes at EPA Headquarters. (3) I prevented the involuntary transfer of 6 employees from the Office of Pollution Prevention and Toxics (OPPT) to the Office of Environmental Information (OEI) to support the TRI Program, which is now in OEI. The AFGE steward and I, working in close partnership, greatly improved the terms under which 52 employees working in the Climate Change Program were transferred from the Office of Policy and Reinvention (OPR) to the Office of Atmospheric Programs (OAP) in the Office of Air and Radiation (OAR). (5) I have worked hard, in each of the four Offices in which I have been serving as an NTEU steward, to do so in close partnership with my AFGE counterpart in that Office. The result in each case has been to establish a relationship of mutual trust and support, in which the AFGE steward and I back each other up, in many cases operating as a two-person team to address common problems. As a consequence, there has been greatly improved service to employees in both of the bargaining units in each of these Offices. -- I'd very much like to have the opportunity to continue to serve you in these same and other ways over the coming three years.

Bill Hirzy - Candidate for Vice-President Once again I ask for your vote to return me to office as a Vice-President of our union. It is a source of great pride to me to have served the union, its members and the EPA professional bargaining unit in various offices since its inception. At my age one reluctantly begins thinking about epitaphs: "A Union Man" would do nicely for me. Its been a joy working with the present Executive Board; it is diverse in many ways, but of one mind in serving the members and the bargaining unit in a spirit of collegiality. Jim Goodyear is a good man too - I wish we had 7 V.P. openings on the Board. Last year's biggest accomplishment was getting the Principles of Scientific Integrity through the National Partnership Council. This year will see testing these Principles, and I'd like very much to lead that effort. We're currently working in several related areas in the NPC, primarily working out how to bargain means, methods and technology of doing work and numbers types and grades of employees assigned to work units. Assuming we have a new Administration willing to continue along this path, this type of bargaining under a set of ethical Principles could be revolutionary. Right now we're testing this approach in OPP as scientific work on malathion reaches a climax, and there is good and bad news. Good news: we're still talking and getting dissenting opinion aired and on record. Bad news: there is still monkey business going on, with apparent political influences torquing the risk analysis and related science policy on cholinesterase inhibition. Stay tuned. **Bio:** B.S. (Honors) Chemistry Univ. Missouri '58; Ph.D. Organic Chemistry '62 same school; 19 years R&D and environ. mgmt. plasticizers and flame retardants Monsanto. Active in political & environmental affairs in Missouri. Adjunct chemistry faculty UMSL, St.L Community College '63-'81. Sr. Scientist EPA '81 - date. 3 terms as union Pres. Adjunct Prof. of Chemistry American Univ. '95 - date. Publications & patents in monomer/polymer chemistry, risk analysis, labor relations, poetry. Climbed Old Rag Mountain this month with my '96 vintage knees; 2000 ft. up, 2000 ft. down, over the rock field. Give that a try when you get to be 63.

LINDA MARTIN - CANDIDATE FOR VICE PRESIDENT

I have worked at EPA for approximately eight years, performing work primarily encompassing economic and regulatory issues in the Office of Solid Waste (OSW). From March of 1998 to June of 1999, I served as an economist with the Office of the Chief Financial Officer (OCFO), Office of Planning, Analysis, and Accountability (OPAA.) After experiencing both personal and professional injustices while in OCFO, I filed my first grievance. It was then that I became involved with NTEU. As the result of NTEU's interventions, I was granted my requested relief and was reassigned to OSW.

For the past year, I have served as a Vice President for NTEU, Chapter 280. During my tenure as a rookie Vice President, I have helped raise awareness of on-going, long-time health and safety concerns for staff who are scheduled to remain at Waterside Mall for the next two to three years as the result of the Agency relinquishing the Wilson Building; initiated discussions with senior Agency management on pre-selection in promotion decisions; updated the NTEU membership list to improve dissemination of union information and increase member awareness of their rights; and, assisted the treasurer in refunding dues money to former members of the defunct Environmental Employees Collectively Organized (EECO.) In addition, I currently serve as the NTEU representative on the OSW Awards Board, OSWER Workspace Advisory Group, and OSWER Workforce Advisory Board (WAB) which serves as an oversight committee and provides recommendations to the OSWER Diversity Action Plan Workgroup. I intend to continue to be a source of new ideas for the Union. One specific area on which I intend to focus is improved communications between management and staff to gain clarity and understanding of Agency and office priorities, and to promote a more open, communicative, and innovative work environment. As a mother of two young children, an overall focus of mine will be upon the advancement of a family-friendly work environment for all EPA employees.

I hold a Bachelor of Business Administration in economics and marketing, and a Master of Arts in Urban and Regional Planning, both from the University of Iowa. I currently hold an economist position with OSW's Economics, Methods, and Risk Analysis Division (EMRAD.) I feel that being in one of EPA's larger, under-represented offices is an advantage, as it is my intention to increase Union involvement and membership in the smaller offices, as well as in offices such as OSWER with large numbers of professionals who have yet to join. Finally, I would like to express my support for the existing NTEU Executive Board. During our one year together, we have made progress toward improving management-staff relations through increased awareness of and more widespread involvement in Agency issues affecting professional staff members.

JIM GOODYEAR for Vice-President: Jim has worked for EPA since 1987. He has been a Steward since 1994 and has been a Vice-President (1998-1999). He negotiated for his division on reorganization, space allocation, indoor air quality, ergonomic chair distribution, the purchase of new ergonomic furniture and the structure of teams. He filed comments on the "self-certification" of toxicity studies, thus stopping chemical companies from declaring all their studies "valid" without review.

"I negotiated with my division's management to provide offices with sufficient working space. This agreement should be expanded so that more of EPA's professionals have adequate accommodations. This means that we should have offices, not cubicles, whenever possible.

I am on the Constitution Committee that is creating a new constitution that will be simpler and reduce Union politics, but still provide significant input for the bargaining unit members.

I recently found that some of the new pass/fail Performance agreements written by management are improper. They do not put enough elements in the category "Additional." A failure in any element will be the same as a failure in a major one. Some elements resemble the old five-part system's "Outstanding." This means, "do an outstanding job or you fail." They have not used the "Assumptions" block enough so that, even if we aren't given the tools to do our job, we are still responsible for doing the job. Take a look at your agreement! Remember even one "Unacceptable" makes the entire appraisal "Unacceptable." The Union should immediately negotiate so that even people who have already signed their agreements can have a change made."

RE-ELECT RICHARD P. NALESNIK NTEU CHAPTER 280 VICE-PRESIDENT

As an Environmental Scientist with the U.S. Environmental Protection Agency, Office of Research and Development, National Center for Environmental Research, and a Vice-President of NTEU, I believe it is critical to assure the highest professional standards and ethics, to protect the Quality of Science in the public interest.

During my career, I have held several positions demanding the highest professional standards, notwithstanding political and special interest pressures. Currently I direct, organize and conduct Scientific and Technical Merit Peer Reviews on competitively proposed Environmental Research Grants and Projects funded in Partnership with the National Science Foundation, the National Aeronautics and Space Administration, and the National Oceanic and Atmospheric Agency. I also administer the Science and Technology Achievements Awards Program in cooperation with the Science Advisory Board. Earlier, I provided Program Management support for the U.S. EPA's Superfund Innovative Technology Evaluation Research, Development and Demonstration Program. This interagency experience and Government-Wide perspective has given me unique insight to what it takes to be effective in the pursuit of quality science.

This year, as your Vice President, I have:

- Challenged Invasion of Privacy from indiscriminate financial disclosure
- Executed a grievance charging pre-selective favoritism and discrimination
- Suggested improvements to Our Collective Bargaining Agreement for the upcoming EPA negotiations
- Undertaken a work force analysis effort to protect positions and grades from unscrupulous ceilings and management-imposed job freeze actions
- Won a grievance to raise a performance evaluation
- Won a security clearance restoration
- Filed EEOC discrimination and retaliation complaints
- Agreed to serve on the ORD Awards Committee

Our professionals must be respected for who they are and appreciated for their accomplishments and contributions. Our working environments must be conducive to the pursuit of the truth; they must be free from fear of management reprisals and inferred acts of intimidation. I very much appreciate your re-election vote, to continue to rebuild the trust and dignity we professionals deserve. Thank you for your support.

Freshteh Toghrol, Ph. D., Candidate for Vice President

A Senior Scientist in the Biopesticides and Pollution Prevention Division (BPPD), Office of Pesticide Programs(OPP). I have over 10 years of research and teaching experience at the undergraduate and graduate levels. I joined the EPA in 1988 and in addition to my full time scientific duties, I have faithfully served as a Vice President for seven years. The following are some of my union activities:

- 1. Negotiated and signed an agreement with OPP management creating "Senior Scientist" slots at the GS-14 and GS-15 levels. These slots are currently being implemented in every scientific branch of OPP, and 36 of them have already been filled. This achievement is unique because unlike other Senior Scientist positions at the EPA, these Senior Scientist slots are permanent, and will remain in existence even after the employee leaves the Agency. This agreement also provides for additional Senior Scientist slots for new branches created in the future.**
- 2. I worked with two other officers to successfully negotiate and sign the Flexiplace Agreement with the Agency. Flexiplace has been fully implemented at OPP. According to the OPP Office Director, management reports indicate that all employees who have requested flexiplace have received approval for it.**
- 3. I served on the OPPTS Staff Preference Selection and Placement Process Committee, which in 1997 enabled employees to choose their Branch Chiefs, and again in 2000 enabled EFED/OPP employees to choose their Branch Chiefs.**
- 4. I was instrumental in obtaining the metro transit subsidy for the Agency, and signed the transit subsidy agreement, which has been fully implemented.**
- 5. I negotiated with OPP management for a fitness center with showers, a lounge, and automated transit subsidy dispensers for Crystal Mall 2. These facilities are fully operational on the third floor of Crystal Mall 2.**

I have always been outspoken in support of our bargaining members' rights. I would like to continue serving as Vice President and ask for your vote to be able to do that. If elected I will work hard to achieve a better environmentally sound office space for all EPA employees.



Murphy, James J.
7403

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 2000

Volume 16, Number 3

Chapter 280 Executive Board

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Jim Murphy, Executive Vice-President
Rosezella Canty-Letsome, Chief Steward
Bill Hirzy, Senior Vice President

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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 Chapter 280. We do not publish anonymously submitted articles, but when requested, may conceal the author's name.

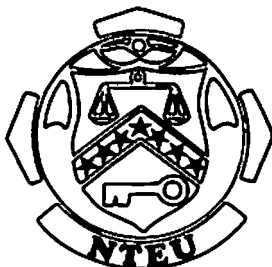
May Highlights

NTEU President Testifies On Behalf of EPA Budget

Smashing Iron-Gate NAACP Joins Struggle at EPA-HQ

Anti-Preselection Initiative

Science Ethics



National Treasury Employees Union Chapter 280

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FROM THE PRESIDENT

SPECIAL NOTICE TO RETIRING MILITARY VETERANS Those of you who may be veterans may remember that you had the opportunity to pay into the Civil Service Retirement System (CSRS) for your years of military service. This, they told us, would increase your CSRS benefits when you retire. NTEU Chapter 280 has now learned that you must produce a receipt or other evidence of payment in order to collect these benefits. Here's hoping you kept good records.

ANTI-PRESELECTION INITIATIVE Federal law and regulation require that promotions and the filling of vacancies be conducted in a fair and objective manner, relying on objective criteria such as education, experience, accomplishments, and maybe even plain old hard work. Preselection is a term used to define the illegal practice of choosing ones friends or other favored individuals to fill these vacancies, while ignoring or bypassing superior qualifications of others. Preselection is against the law. But as almost everyone who has been at EPA for any length of time knows, preselection is the norm and not the exception.

This is to formally announce implementation of my anti-preselection initiative. Although these are the waning days of this presidency, I have full confidence that this initiative will continue and, indeed, gain momentum as time passes. The initiative was passed by a unanimous vote of the Executive Board, and, with the exception of the less competent of management's "favored children," enjoys almost universal support among staff. Male, female, white, and those of color all favor objective qualifications as the only selection factors. Most minorities don't want special treatment, all they want is fair treatment. Fairness is a basic human value.

Are people at EPA HQ promoted on the basis of merit? Aside from a few pockets of fairness within the Agency, most employees would respond, "No." Even white males complain of discrimination. As most government wide surveys show, cronyism blows away both sexism and racism as the premier complaint of unfairness. With a 90% plus concurrence about the problem and its cause, one would think the days of the EPA plantation would be "gone with the wind." But old ways die hard, as a management elite continues to promote large numbers of compliant, non-threatening subordinates. Those whose purpose at work is largely to promote their career and get ahead, while those who work hard expecting to be recognized often rot in place.

We have already fired our opening salvos. Starting with the worst first, a preselection grievance against the Office of Research and Development (ORD) has been filed by V.P. Richard Nalesnik and me. ORD management represents the epitome of the old-line/hard-line white-male middle aged elitists. A softer approach has also been initiated in the Office of Solid Waste and Emergency Response. In this office, V.P. Linda Martin and I have initiated a request to meet and discuss with Deputy Assistant Administrator Michael Shapiro. Mr. Shapiro, who has already earned a good measure of respect within Union and employee ranks, has agreed to meet with us to discuss this issue. Preselection is also a major issue presented in a memo to Deputy Administrator W. Michael McCabe. Thus far the D.A. has yet to respond. (See below.)

(LATE BREAKING NEWS) By the time Dr. Nalesnik and I met with ORD's Jack Puzack in

the face to face meeting for the above ORD Union grievance, several elements of relief requested had already been implemented, viz., the jobs at issue were announced with an increased response time authorized, and they are now open EPA-wide rather than ORD-wide. Mr. Puzak seemed, as were we, more interested in problem solving than in confrontation.

SMASHING "IRON-GATE" - by Dwight Welch and Marsha Coleman-Adebayo A couple of years ago, our sister HQ Union, AFGE Local 3331, undertook a bold and creative approach to fighting discrimination at EPA. They published a list, the inspiration of Patsy Stewart which she dubbed "Iron-Gate", a who's who of racial discrimination at EPA HQ. The controversial list caused quite a stir. While I might take exception with a few names on this list (for instance Rich Lemley is one of the most equal opportunity managers I know at EPA), the rest was pure "dy-no-mite." Those engaging in discriminatory practices were named for everyone to see.

The Browner Administration's response to alleged inequities have been to hold a number of "cultural diversity" town meetings. As reported previously in this newsletter, these meetings have been unmitigated disasters. Both Union and Civil Rights leaders on campus have been largely kept on the outside of processes for change. The worst of these disasters, held last summer at Arena Stage, is still the subject of intense criticism. While some have commented that the Union leaders should have been up on the stage, along with senior management, I thank my good fortune, in this specific instance, that I was once again ignored by Browner and company. However, the fact that I was denied access to a microphone to ask questions, still sticks in my craw.

Currently in Never-Never-Land, also known as the Office of the Administrator, a most unfortunate Mr. Ray Spears has been placed in between our out-of-touch Administrator and angry employees. Mr. Spears would be better off protecting the World Bank and IMF from protestors. Many Civil Rights leaders (as well as Union leaders) openly question whether we are better off under the Clinton/Gore and Browner EPA, than the (real) George Bush and Bill Reilly EPA. In fairness to the current Administration, I believe we are somewhat better off (in some ways, a little bit), but that expectations were much higher for this Administration than previous ones and reality has fallen far short of these expectations. While Ms. Browner's media stardom has been a positive force in protecting EPA from mean spirited budget cutters on the Hill, many wish she would pay more attention to her most vital resource—EPA employees.

As Spring progresses to Summer, it is not only the air temperature that is rising. EPA African-American Civil Rights leaders' patience is at an end. Feeling that they are cut out of the process and that their specific issues have been diluted in a general "cultural diversity" soup, general complaint seems to be blossoming into specific action. These activists have formed an EPA Victims of Racial Discrimination (EPAVRD) group and are putting their money where their mouth is. The group is affiliating with the NAACP. This is not a free ride; admission is \$500 and the activists have ponied up. This summer is predicted to be a warm one.

There is no accountability or liability for breaking the law at EPA. Racist managers face no

consequence for discrimination. The Browner Administration has not halted the historic practices of racism at the Agency. The EPA operates as a 21st Century plantation, replete with Masters and Black Overseers. The NAACP Federal Task Force on Discrimination has indicated that the track record of federal agencies defending the rights of employees is virtually inoperative. These agencies actively defend racist managers by frustrating, delaying and rejecting the just complaints of victims. In fact, the track record of the Office of Administrator is one of benign neglect and failure to remove unqualified individuals and racist managers. It seems that the Office provides a protective shield for these racist practices. Because of the unjustified, unethical and unnecessary pressure inflicted upon many qualified African-American and decent white employees, numerous premature illnesses and deaths have occurred.

The NAACP has long complained about environmental racism. It is obvious to the NAACP Federal Task Force on Discrimination that those in charge of EPA, by their racist employment practices, are major contributors to environmental racism, in poor and especially African-American neighborhoods. The NAACP Federal Task Force has stated that unless the Browner Administration does "the right thing" it will publicize the Agency's racist policies and treatment of its employees, both nationally and internationally.

The EPAVRD meetings have been attended by AFGE Local 3331 officers and by Jim Murphy and me for Chapter 280. Activists from other agencies have also been in attendance. The Iron-Gate is rusting. And like the Berlin Wall before it, it is going to come down.

PARTNERSHIP REPORT TO OMB & OPM In a Presidentially directed April 16, 2000 report on Agency Partnership progress, EPA management gave themselves a B plus, but most EPA Union evaluations were more like C minus. Among the major complaints by our Chapter, failure of Carol Browner to meet not only with local Union leadership, but even snubbing then NTEU National President Robert Tobias. Unions were concerned about the lack of local partnership councils, the continued activity of illegal HRCs, lack of pre-decisional involvement, lack of bargaining on numbers, types and grades of employees assigned to work units, failure to put any teeth into the scientific integrity policy, as well as their failure to engage on substantial issues such as the poisoning of America's children with toxic waste via the nation's drinking water. Bill Hirzy took the lead and did most of the work on this report. For a more complete account, see his article below.

ORD WASTING MONEY IN AN ERA OF TIGHT BUDGETS Anyone who is half-way paying attention should know by now that Human Resource Councils are illegal. Employee input on working conditions is the exclusive domain of the Unions. The Unions and management acting in Partnership Councils are supposed to be accomplishing this task. None the less, illegal HRCs continue. Unions are offered token representation on them. The way it is supposed to work is that the Unions, not management, appoint ALL bargaining unit employees to committees dealing with working conditions.

The worst of the HRCs is the ORD HRC. They send me all their correspondence, but I don't

participate. While the dialogue frequently discusses subjects like cultural diversity, ORD remains a white-middle-aged-male bastion. Seldom has so much been spent to accomplish so little. Particularly annoying is the fact that during the cold months the ORD HRC meets in warm places like Las Vegas, and in the warm months they meet in cool places like Duluth. This summer's Duluth meeting will include a river cruise dinner. Is this a social club or a workgroup?

CONSTITUTIONAL AMENDMENT PASSES The recent vote on the NTEU Chapter 280 Constitutional Amendment to increase the term of office from one to three years passed by a margin of 83.1% to 16.9%. This amendment will be in effect in the next term of office.

COLLECTIVE BARGAINING AGREEMENT NEGOTIATIONS CLOSE AT HAND If you have an idea for a provision you would like to see included in the Chapter 280 Collective Bargaining Agreement, please contact Julie Simpson at 260-7873. One item already high on the list is employee interest in the so-called "10-4" compressed work week in which one works four 10-hour days per week. Chief Steward Rosezella Canty-Letsome and I would also like to see some clarification in the grievance procedure language. The Labor Relations staff often uses vagaries in the language to deny employees certain procedural rights.

AN OPEN MEMO TO EPA DEPUTY ADMINISTRATOR McCABE The following is a response to an all-employee memo from EPA Deputy Administrator W. Michael McCabe urging employees to be unafraid of "blowing the whistle," that no retaliation will result. (Say what?)

MEMORANDUM

April 10, 2000

SUBJECT: Whistle-Blower Rights E-mail - Old Wounds Fester Thru Inattention

FROM: Dwight A. Welch, President NTEU Chapter 280

TO: W. Michael McCabe, Acting Deputy Administrator U.S. EPA

Let me first introduce myself, I am an EPA professional (Biologist) who has been with the Agency for 24 years at EPA HQ. I am the current President of NTEU Chapter 280 and have been a senior officer of this Union for 11 years. I am known by working senior managers to be the "reasonable one", however, I am equally known for not mincing words. I began my Union career as a retaliated-against EPA Whistle-Blower. As you may or may not be aware, the previous EPA Inspector General, Mr. John Martin, was notorious for not only NOT assisting EPA Whistle-Blowers, but engaging in active retaliation against them. The list is far too long to reproduce here, and even includes EPA OIG employees who have been retaliated against by Mr. Martin for simply doing the right thing - their job. When Ms. Browner first assumed the role of EPA Administrator, I utilized every opportunity to complain to her about Mr. Martin and his Brown Shirt tactics. This was most difficult in that Ms. Browner has met with our Union for a total of 20 minutes in her entire two terms, contrasted with a number of meetings with our Union by her predecessor, Mr. William K. Reilly, under a hostile Administration. Ms. Browner even refused to meet with our National Union President (at the time), Mr. Robert Tobias.

When Mr. Martin finally left EPA, Mr. Richard Emory, a former whistle-blower, Division Director in the Office of Enforcement, and EPA Criminal Enforcement staff attorney, received endorsements from each of EPA's major national unions, a number of EPA locals, as well as a number of Congressmen and Senators. But the Clinton/Browner Administrations ignored the voices of experience and appointed someone else, Ms. Nikki Tinsley as EPA's IG.

Unlike Mr. Martin, Ms. Tinsley has not been engaged in an active course of retaliation, but, she has not been very responsive either. She has ignored a number of my requests to meet, including a meeting of introduction, as well as requests to meet on issues. With all due respect, it will take more than a Mom and apple pie e-mail from you to inspire employee confidence in the IG system in general and the EPA OIG in particular.

I request a meeting among you and our Executive Board to get acquainted. Most of us are old hands who know what the problems are. We represent a broad cross-section of EPA employees, diversity-wise, and are part of the creme of our professions including Ph D scientists, JDs, an LLM, an M.D., and a former Deputy Regional Administrator. Here are some issues we would like to discuss:

1. Preselection - Although it is against the law, preselection is so common-place as to represent the norm. Preselection is an insidious cancer that has transformed EPA from a first-class to a third-class Agency. It is my intention to launch an all out offensive against this illegal practice.
2. Discrimination - Although Ms. Browner seems to be well intentioned in this area, racial and ethnic discrimination continues to be a large and ongoing problem at EPA. The Office of Civil Rights continues to be an agent against those with legitimate complaints. Senior management and OCR continue to undercut the Union's role as the legitimate representative of racial and ethnic minorities.
3. Whistle-Blower Protection - While whistle-blowers are no longer actively retaliated against, they do seem to be ignored and brushed aside.
4. Failure to accommodate disabled employees - From shuttle-bus drivers who don't have a chair lift key to those whose health was compromised by toxic indoor air at EPA, this remains an important and unresolved issue. Despite the fact that most HQ employees are now at the new building complex, management has yet to set up a clean space for our chemically injured employees.
5. The existence of illegal Human Resource Councils - Despite White-House pronouncements of Partnership, illegal HRCs continue to flourish and waste taxpayer money. The most egregious HRC is that in ORD. In an era of budget cutbacks, ORD seems to have money to throw away on fun trips for an extensive list of ORD-HRC members, yet it is one of the most unproductive of any such groups in the Agency. Problems such as preselection and discrimination are probably the worst in ORD than in any other office, while senior management there continues to flaunt their

excesses, and thumb their noses at the Unions. If ever there was an issue on which to "blow the whistle", ORD is a prime candidate.

6. Children's health and the continued use of the nation's drinking water as a toxic waste dump - Despite extensive scientific evidence to indicate that the introduction of hydrofluosilicic acid, a toxic waste product of industry, has little or no efficacy in preventing tooth decay, but does cause adverse effects, especially to children, the elderly, and those with compromised health, EPA continues to support the poisoning of our populace.

7. Management's heavy handed compromise of the employee's rights to a fair hearing on legitimate complaints, while at the same time it displays relative impotence in disciplining truly non-productive or counter-productive employees.

8. The conflict of interest inherent in the Office of General Counsel's taking charge of the Alternative Dispute Resolution Process. We feel that the only gains realized are higher grades for a few OGC employees. OGC staffers are supposed to be management's representatives in cases against the Agency, and they are hardly in a position to be objective in running the ADR program. The Unions have been denied effective input on key aspects this process ever since the pilot program was agreed to last year, nor have they had access to needed training.

The Browner Administration can continue to dwell in Never-Never-Land or come to grips with what is really happening in this Agency. I would be more than happy to report to our bargaining unit that the results of this requested meeting show the latter to be the case.

In closing, I would like to report that Mr. Romulo Diaz and Mr. James Aidala have been good partners with the Unions.

MORE NEWS

REPORT TO THE PRESIDENT ON PARTNERSHIP - by Bill Hirzy In October 1993, President Clinton issued Executive Order 12871 mandating "partnership" as the new labor-management paradigm for Federal Executive Branch agencies. It was the dawn of a new day, greeted with cautious optimism by union leaders who recognized the Order as partial payment by the President for unions not raising too much hell about the planned 250,000 FTE cut in Federal employment roles. By 1998 if not earlier, it was clear that the 300,000 person cut in federal employment was real, but that "partnership" between federal unions and agency management was, with a few exceptions, largely a chimera. Complaints to the White House culminated in a meeting among Vice President Gore, other Executive Branch officials and national union leaders in October 1999. The meeting resulted in a re-statement of President Clinton's commitment to the partnership paradigm and another Order. The October 1999 Order directed federal agencies to report (through OPM and OMB) no later than April 14, 2000 on progress in each agency toward fulfilling the mandates of E.O. 12871.

The key mandate of E.O. 12871 for unions was its directive to agency heads to bargain over the

so-called permissive subjects of negotiation spelled out in § 7106(b)(1) of the Civil Service Reform Act, viz., numbers, types and grades of employees assigned to any work unit or tour of duty, and means, methods and technologies for performing work. It was union displeasure over the nearly universal failure of agencies to bargain over these matters that prompted the October 1999 White House meeting.

In the last issue of this newsletter, we reported on progress in partnership operations at EPA, emphasizing headquarters issues. In that report we cited progress toward developing a strategic plan for labor-management relations at EPA and toward completing the report to the President.

The strategic plan was not completed on time for submission with the April 14 report (and remains under further development at this writing), largely over the on-going dispute between EPA management and unions on a process for bargaining the so-called permissive subjects mentioned above. The report to the President, through OMB and OPM, however, was completed.

As mentioned in the last issue, the unions were not inclined to sign on to a white-wash report, and, in the event, we did not. The full "official" EPA report is available from the union office, and it presents - as far as it goes - a reasonably accurate picture of the flawed but improving state of partnership at EPA. Various unions, including Chapter 280, felt that a fuller report on the state of partnership should be given, whether or not it ever reaches the Oval Office or any place other than a circular file at OMB and OPM. The union's full report is also available from the union office.

One of the major items Chapter 280 wanted to bring to the White House's attention was the nearly complete failure of EPA to engage the unions on mission-related work, as E.O. 12871 mandated. The union's report cited several matters, including carpet emissions risk control, use of the country's drinking water systems as a disposal medium for waste from the fertilizer industry, and professional ethics as things over which the union attempted to engage EPA. Only in the ethics field has any progress been made. We pointed out the adverse consequences for the public of EPA's failure to control risks from carpet emissions. We did credit EPA management with engaging on quality of work life issues, such as the Alternative Work Space program and the staff self-placement processes used in various reorganizations.

The union hopes that we have in 2001 an Administration willing to keep working toward fulfilling the promise of true partnership, as this Administration, however belatedly and however inconsistently from Office to Office, seems now to be doing.

ALTERNATIVE DISPUTE RESOLUTION PILOT The Headquarters pilot program for alternative dispute resolution is having a rocky start. Two cases have come before mediators, and the mediators - from the Federal government's Shared Neutrals Program - have gotten high marks from the employee-claimants whose cases were undertaken. But feedback on other aspect of the program indicate that all is not well. The manager-respondents in the cases have hardly said a word during mediation, the sessions being dominated by Office of General Counsel attorneys

representing management's side of the issues. Employee-claimants are asking whether EPA will budget money for employees to hire legal counsel to put them on an equal footing with the manager-respondents and OGC. This is *not* what ADR is supposed to be about - just one more adversarial process dominated by lawyers. OGC did not consult with the unions about hiring a contractor to do the training necessary for a successful program, or about what training should be conducted first. OGC unilaterally decided who to hire and that training EPA mediators was first priority. This, in spite of the agreement reached during development of the program that training of ALL the parties who would make or break the program should be conducted early. So instead of training the OGC lawyer(s) who were supposed to be merely a resource for management during ADR (and not management's spokesmen) this training never happened. No training was provided for other management case intake people in the AA's Offices, nor for union stewards who also are to do intake work for the program.

Late word is that this is going to be changed; that a proper sequence of training will be started. There is no immediate need for EPA mediators, because mediators are available - as was the case for the first two cases - from the Federal Shared Neutrals Program. In fact some in NTEU have serious questions over whether in such a small shop as EPA Headquarters, it is appropriate to use EPA employees to mediate EPA cases.

The union is firmly committed to making the ADR program a success, but the right sequence of training and keeping OGC under control will be vital to making that happen. We remain cautiously optimistic, but watchful.

SCIENTIFIC ETHICS PART I - MALATHION An early test of EPA's commitment to its Principles of Scientific Integrity has come in the Office of Pesticide Programs. In earlier issues of this newsletter we have reported on the apparent interference of politics with science in the matter of malathion, "A Big Ticket Pesticide", in the words of an OPPTS senior science advisor.

The union has been working with Dr. Brian Dementi, the Agency's acknowledged expert toxicologist on this Big Ticket Pesticide, and John Carley, representing Office Director Marcia Mulkey, trying to reconcile the scientist's take on the toxicology with management's need to get a risk assessment on it published. Closely related to the Big Ticket Pesticide itself is the question of an Agency policy regarding cholinesterase inhibition (the toxic mechanism by which this pesticide and its organophosphate congeners acts on insects), and Dr. Dementi and OPP have not seen eye to eye on this issue either.

The latest developments on the risk assessment and cholinesterase inhibition policy call EPA's commitment to scientific integrity into question. Here's the story in necessarily condensed form (for more detail call Bill Hirzy).

Cholinesterase Controversy A draft cholinesterase policy was presented to the FIFRA Science Advisory Panel (SAP) in July 1997. It included a comprehensive review of the literature on cholinesterase inhibition (ChEI), about which the SAP was asked, "Does the review include the major concepts and citations from the literature and present an overall objective analysis

consistent with the proposed (ChEI) policy?" The report on the SAP meeting stated that, "...the review was judged (by the SAP) to comprise an excellent survey of relevant data, and the Panel was quite satisfied by the review." The SAP also gave a clear and unequivocal endorsement of the overall ChEI policy as it was presented in this draft.

When a Congressional Committee investigating the Gulf War Syndrome requested information on ChEI from EPA, the critical literature review section was excised from the draft ChEI policy statement sent up to the Hill, and the union stepped in on ethics/censorship grounds, and we negotiated a resolution of the issue. See issues of *Inside the Fishbowl* of 1998. The result of the union's intervention was that the literature review was placed back into the draft policy document before it went out for public comment in November 1998. Congress also got to see it.

When the draft ChEI policy next surfaced, however, in August 1999, important assertions that had been endorsed by the SAP had been overturned completely, yet accompanying documents implied that the new, distorted version had in fact passed muster with the SAP - a blatant falsehood, and the union filed a grievance. Meetings were held in October, November and December, 1999 attempting to reconcile the scientific disputes and to work out a mechanism for ensuring that the public would have access to Dr. Dementi's views, even if EPA's policy call were to be contrary to his (and the SAP's) views on certain aspects of the ChEI policy.

Some progress has been made regarding the issue of preserving and publishing dissenting views on the policy, but an ominous development occurred in early May, 2000. The important literature review section - vital for understanding the context in which the ChEI policy applies and the scientific rationale for its validity - has once again been stricken from the ChEI policy document. This signals a management reversal regarding an important, overarching pesticides policy matter as far as openness and commitment to the EPA Principles of Scientific Integrity.

In addition, one of the science committees in OPP working on The Big Ticket Pesticide earlier recommended applying the 10-fold safety factor to residue limits on the product mandated by the Food Quality Protection Act. When the registrant (and perhaps politicians) complained, the science committee crawfished and struck down its recommendation. An ethical quagmire is apparent. There is more.

Carcinogenicity Controversy At issue in particular are five lesions of the liver in female rats, originally diagnosed by the Study Pathologist as carcinomas. Four of these were confirmed as carcinomas by the Reviewing Pathologist, the fifth diagnosed by him as an adenoma (a non-malignant lesion). OPP sent a copy of the draft risk assessment on malathion to the registrant, Cheminova A/S, "For Error Review Only" in February, 2000. The registrant convened (as it has a right to do) a "Pathology Working Group" (PWG) to review these lesions. The registrant picked the pathologists to conduct the review, which was held on March 15, 2000. The registrant called OPP to ask if the Office wanted to have an observer present. No one in the OPP management chain thought it was worth the trouble to pick up the telephone and ask Dr. Dementi, the lead toxicologist on the Big Ticket Pesticide, whether he thought it would be a good idea for him to be at the PWG review session. Dr. Dementi only even found out about the

existence of the PWG *on the very day the review was conducted!* So he never had a chance to ask questions of the group, to nominate academic pathologists for the work who were completely independent, satisfy himself about diagnostic criteria to be used in the review, etc. In an earlier PWG review of mouse tumors in 1997, both Dr. Dementi and his supervisor attended as OPP observers, which was a valuable experience for them and the Pesticide Programs Office.

Three guesses about the outcome of the March 2000 industry-dominated PWG review. All the female rat liver lesions were downgraded to non-malignant status - adenomas.

There then followed a rushed review by an OPP science committee of the PWG work and other carcinogenicity data, in spite of a plea from Dr. Dementi to permit him time to review and comment on the report of the PWG. This committee then voted to reverse its earlier Probable Human Carcinogen call on The Big Ticket Pesticide. The risk assessment just released now says there is "suggestive evidence of carcinogenicity, but the evidence is not sufficient to assess human carcinogenic potential."

There will be more on this subject in future issues of *Inside the Fishbowl*.

SCIENTIFIC ETHICS PART II - FLUORIDE, THE PROTECTED POLLUTANT In May, 1999 the House Committee on Science asked Administrator Browner a number of questions about fluoride. The answers were, in general, a fine case study in evasion. For example, one question was: "What is the margin of safety for persons receiving kidney dialysis treatment...*who consume drinking water* containing 4 mg/L of fluoride (the level EPA says is not anticipated to result in any adverse health effect, with an adequate margin of safety)?" EPA's answer: "Fluoridated water is not used for kidney dialysis."

Given the quality (or lack thereof) of EPA's answers to the May 1999 round of questions, and the "Iron-Gate" solidarity of Federal Executive Branch bodies in protecting this pollutant, the House Subcommittee on Energy and Environment has sent around another set of questions, saying that if more forthcoming answers are not received this time, a Congressional hearing will be the next step. Questions also went to the Food and Drug Administration, the Centers for Disease Control and Prevention, the National Academy of Sciences, and the National Sanitation Foundation, Inc. For a complete set of these questions, most of which bear directly on scientific integrity matters, call Bill Hirzy at 260-4683. Here is one example question posed to EPA, the Centers for Disease Control and Prevention and the National Academy of Science:

"Fluoride is well recognized as a general enzyme poison (arising from its powerful hydrogen-bonding propensity that disrupts protein [and DNA/RNA] structures) and it displays high acute toxicity (ca. 5 mg/kg as threshold lethal dose), ranking as an acute toxicant lying between lead and arsenic. A host of chronic toxic effects of lead and arsenic are acknowledged by EPA (e.g., hematopoietic effects, cardiovascular effects, neurologic effects, carcinogenicity, etc.). The EPA view of fluoride toxicity appears to be that ingested fluoride strengthens teeth, or will kill, or will inflict skeletal fluorosis, but it has no other chronic toxic effects as its neighbors lead and arsenic do. How does EPA explain this unique toxicological behavior of fluoride, especially in light of its

known effect on enzymes?"

In a related matter, hydrofluosilicic acid and its sodium salt, the chemicals used in fluoridating more than 90% of fluoridated water supplies in the U.S. are produced directly from the waste gas scrubber streams of the super phosphate fertilizer manufacturing industry, and neither has been tested for chronic toxicity. In fact, there are virtually no toxicology data of any kind for these materials, at least 500,000 tons of which are deliberately added to the Nation's drinking water every year. One of the most disturbing aspects of this deliberate exposure of the American people is that for every 1.0 mg of fluoride ion produced by hydrolysis of the acid H_2SiF_6 , ca. 0.53 mg of microscopic silica - a mutagen/carcinogen - is also produced.

The union has asked that H_2SiF_6 and its sodium salt be tested. Jim Murphy and Bill Hirzy recommended testing in 1998 to the Risk Assessment Division of OPPT, citing three animal studies on neurotoxicity and two human studies on I.Q. deficits, but got no response. Bill Hirzy again nominated these materials to the Voluntary Children's Health Chemical Testing Program at a stakeholders meeting on April 26, 2000. The House Subcommittee on Energy and Environment has included a question to Administrator Browner on the status of the Murphy/Hirzy recommendation to test these substances.

JUSTICE FOR JANITORS - YES! In the last issue, we reported on the abuse dealt to the people who keep our offices clean by their employer, USSI and on NTEU 280's actions in solidarity with their union, SEIU Local 82. We are happy to report that through concerted union action, on the street and in the courtroom, our janitorial staff has triumphed over their oppressors. They have achieved restoration of their work hours and the full benefit package that USSI was trying to deny them.

The NTEU Chapter 280 members and other EPA employees who joined in picket lines, worked on petitions, and took other actions supporting these workers can take pride in having stood with them and not on the sidelines.. That's what working class solidarity is about, and this workers' victory is what results from solidarity. EPA workers should take this not-so-small lesson to heart. In unity there is strength for all our battles.

UNION ACTIVITY ON HUMAN CAPITAL STRATEGY One issue we hear a lot about in the union office is the question of opportunities to move into GS-14, 15 and SES-type jobs at EPA. What we often hear from management when we take on an employee's delayed or denied promotion is, "But we're up against the 14/15 ceiling." Union Vice President Richard Nalesnik has taken on the task of generating some solid data on this issue. Richard and Vice President Linda Martin are working with OCFO and OARM to find out how many filled and vacant professional positions at EPA headquarters exist at the 14, 15, SES, SL and ST (the latter two formerly known as "super-grade positions) levels. We seek justice for EPA professionals who want and deserve grade levels commensurate with their jobs, and who should not be stuck in-grade because of unsubstantiated claims by managers of "But we're up against a ceiling."

Along the same lines, Bill Hirzy, along with the other members of the National Partnership

Council Executive Committee, is attending the Agency Human Resource Council meeting in Chicago May 23 and 24 working on the Agency's Human Capital strategy. This strategy is aimed at the broad issue of recruiting, developing and retaining the best possible workforce of EPA. Look for a report of the meeting in the next issue of *Inside the Fishbowl*.

ARBITRATION ON DENIED PROMOTION DRAWS NEAR On the same subject as above, arbitration will occur soon on a promotion grievance dating back to the OPPT reorganization of 1995. A scientist had been recommended by his Branch Chief and Division Director for promotion to the 14 level, just before the change to a permanent Office Director from an Acting one. The promotion got lost in the shuffle, then denied because of technical details of the reorganization. The union got involved a couple of years later, and the situation has been brewing since then as management has made a number of promises and proposals that the union and the employee took in good faith. The situation came to a head last Fall, and we look forward to a final resolution soon.

UNION AIDS EMPLOYEE'S ESCAPE FROM ABUSIVE MANAGER An employee came to the union about two weeks ago with a horror story of working for a political appointee who should never have been put in a supervisory job of any kind. Without going into detail, the union counseled the employee and lobbied with influential upper management - which conducted an investigation substantiating the employees' complaints. The employee is now on the way out of the abusive manager's clutches and into a proper, peaceful and productive work environment. We hope to see only the backside of the abusive one going out the door.

LATE BREAKING NEWS--UNEQUAL JUSTICE FOR BLACK EMPLOYEES? The story immediately preceding this one concerns a white female employee who is a member of NTEU Chapter 280. A very similar case, involving many of the same abusive managers and their cronies, is now percolating through channels. There ARE some major differences. This latter case involves a black, female secretary and she is a member of AFGE Local 3331. We expect totally different treatment. We will be reporting on this next month. See the next installation of "SMASHING IRON-GATE".

VICTORS NOT VICTIMS--SMASHING IRON-GATE True Stories from the Trenches - by Dwight Welch For at least two decades I have been preaching the following gospel--finally more and more employees are waking up to its message. If you are a school kid on the playground and the class bully demands a quarter from you, what do you do? He's a lot bigger than you and you are in trouble. Do you give him the quarter or do you fight for yourself? I say, even though you know you are going to get beaten up, you must stand up for yourself. Even though you lose the fight, you are going to get in at least a couple of punches, and the next time the bully needs a quarter, he'll take it from someone who won't fight back. If enough victims stand up for themselves and fight back, they will soon become victors since the bully will be out of business.

"Victors Not Victims" will be a regular feature of mine until some positive action is taken to permanently change the plantation mentality present here at EPA Headquarters. By positive

change I mean that Carol Browner should appoint actual EPA Civil Rights Leaders and victims to any workgroups involved in cultural diversity, rather than management appointed yes-people who tell Ms. Browner only what she wants to hear. If you have a story to tell give me a call at 260-2261. A signed affidavit is needed, but I will withhold your name if you request. You don't need to be black or even a minority. Many decent white employees also suffer indignities and discrimination.

The Cleaning Lady?

Anita V. Nickens—a standup person; for me, her reputation preceded her. She is a Union steward in our sister Union. I had heard many a positive story about Anita's competency and skills, many months before I even met her, which was just recently. Vice President Bill Garetz had worked with her on a number of issues, and at nearly every Executive Board meeting during that period, the board received positive feedback about her. Bill describes her as conscientious, thorough, clear-headed, understands process, and as someone who carefully researches issues before engaging in discussion. She also has a reputation with employees for being caring, responsible, and as a rep who will get back with you on your concern. Someone I'd be delighted to have on our team.

In May of 1993, EPA sponsored the first Environmental Conference on Indian Land in Cherokee, NC. For those of you who have not been to Cherokee, it is a glitzy tourist stop surrounded by what can best be described as an impoverished Native American ghetto.

Anyway, as a new Upward Mobility appointee, Ms. Nickens was assigned to work with a non-supervisory GS-14 on the conference. She was the only African-American person in the entourage. Ms. Nickens assignment was to staff the information function for arriving EPA employees, supplying them with information about lodging, places to eat, supplying handouts, etc. In an effort to save taxpayer money, Ms. Nickens and her four coworkers agreed to share a lodge reducing the lodging expense to 50% of what it would have normally been.

EPA Administrator Carol Browner was scheduled to be the keynote speaker at the closing ceremony. But alas, some of the Indian Nations caught wind of this ceremony and planned to picket Ms. Browner's lodging site. Ms. Browner, who handles controversy about as well as a cat handles being tossed into a farm pond, planned to avoid confrontation by hiding out at Ms. Nickens' lodge until it was time for the closing ceremony. This is when Ms. Nickens received a troubling call from her manager. The manager was asking her to clean the toilet/restroom where Ms. Browner would be hiding out, because Ms. Browner was very particular about such things. Anita initially bristled at this request; after all, she was there to be an information specialist not a janitor or clean up lady. Finally, however, she complied with the request. A reporter caught wind of the story, but faithful to EPA and somewhat embarrassed by her manager's stereotypical attitudes, Ms. Nickens kept mum. Others should have practiced such good manners.

For when Ms. Nickens returned to EPA, much to her embarrassment, she discovered that this offensive tale had been disseminated throughout her office. She filed a wrongful job action suit

against her manager which ultimately went nowhere. From there the retaliations began as Ms. Nickens' annual ratings slid from "Exceeds Expectations" to "Satisfactory" to "Minimally Satisfactory." She was given no meaningful tasks for a period of two years. Anita was being set up for firing. Ms. Nickens escaped their treachery by becoming a full time steward, but such legal protections are often ignored by management. Anita, while a full time steward, was later hit with an illegal AWOL despite her being out on authorized sick leave. Ms. Nickens' charges against this illegal, retaliation again were disregarded by the forces of oppression. (So much for your promises, Mr. McCabe, of no retaliation against exercise of protected activities.) Ms. Nickens has now engaged an attorney and this saga is left unfinished.

What hearty laughs, I would imagine, certain people had in spreading this vicious, stereotypical story which sounded like something out of a B-grade 1950's sitcom. But he or she who laughs last, laughs best and my money is on Anita. Ms. Browner is undoubtedly oblivious to the travails of Anita Nickens and undoubtedly would have not sanctioned such racist behavior. "Oblivious" is the key word. Ms. Browner, perhaps you will hear it now.

SMASHING IRON-GATE: THE RALLY

See the following page for the poster on the NAACP FEDERAL SECTOR TASK FORCE rally. At this rally, EPA sisters and brothers will be introduced as the next Agency to join in the task force. Mark this date on your calender and plan to attend.

NTEU NATION PREZ TESTIFIES IN FAVOR OF EPA BUDGET

See next 4 pages after poster for complete statement. Not a member yet?

NTEU PRESIDENT SEEKS MORE PAY FOR FEDS

Colleen M. Kelley, the National President of the National Treasury Employees Union, testified before the Senate Committee on Governmental Affairs on May 2 about ways to retain the best federal employees. She told the Senators that she thought that full implementation of the existing Federal Employees Pay Comparability Act (FEPCA) would do more to address recruitment and retention in the federal government than all the remaining incentive programs combined. President Kelley also spoke in favor of affordable health insurance, stable retirement benefits, flexiplace, telecommuting, child-care facilities, and family-friendly programs (which she said paid for themselves several times over). She noted that the government faces stiff competition in hiring the best people, and criticized inadequate funding of federal agencies in a time of budget surpluses.



NAACP FEDERAL SECTOR TASK FORCE

P.O. Box 2165

Rockville, MD 20847-2165

301-622-3633

May, 2000

CIVIL RIGHTS RALLY & PUBLIC HEARING

TO PROTECT YOUR JOB & ECONOMIC SECURITY

What **Federal Sector Employment Discrimination Hearing & Rally**

When: **Thursday, June 8, 2000, from 5:00 to 9:00 P.M.**

Where: **Israel Baptist Church, 1251 Saratoga Avenue, N.E.
Washington, D.C. 20018-1025 (From New York Avenue, go
To Brentwood Road Three blocks north of the D.C. Main Post Office
0.3 miles from BET headquarters)**

Issues **The following is a synopsis of the issues and concerns to be
discussed at the Rally & Public Hearing:**

Denial of Deserved Promotions

The Good Old Boy Network and Its Impact on Racial Minorities

The Failure of the Federal Sector EEO Program

Pay Banding & Outsourcing of Work/Jobs

Excessive Unfair Disciplinary Action

Unjustified Low Performance Ratings

Sex, Disability, Race, Sexual Orientation & Age Discrimination

Zero Punishment For Practicing Racism

Retaliation & Reprisals Against Employees For Filing Grievance(s)

The Task Force looks forward to your participation in this hearing/rally. This is evening where the Attorneys can give their opinions and facts to the public. The program presenters are experts in the field of Federal Sector Discrimination.

**Leroy W. Warren, Jr., Chairman
NAACP Federal Sector Task Force**



**Statement of Colleen M. Kelley
President
National Treasury Employees Union**

**Subcommittee on Veterans Affairs, Housing and Urban Development,
and Independent Agencies
Committee on Appropriations
U.S. House of Representatives**

April 12, 2000

Chairman Walsh, Ranking Member Mollohan, and distinguished Members of the Subcommittee, my name is Colleen Kelley, and I am the National President of the National Treasury Employees Union. The NTEU represents more than 155,000 federal employees, including those who work at the Environmental Protection Agency. I appreciate this opportunity to present testimony to you today on behalf of the men and women who help ensure our waterways are swimmable and fishable, our drinking water is free of harmful toxins, our air is breathable, and any polluted lands are made clean again. The actions of this subcommittee directly affect their lives and the livelihoods of every American.

Whether it's cleaning up already contaminated lands and waterways, or taking pro-active measures to prevent future pollution or contamination, EPA employees are working to reduce the risks to the American public and our environment. If we are to continue our nation's progress in reducing pollution and cleaning up the environment, then we need to ensure that EPA has the staffing and resources it needs to effectively carry out its mission.

As we stand here today in the Spring of 2000, the dawn of the 21st century, we need to ask ourselves what the state of the environment of this great nation will be at the dawn of the next century. Are we going to put the brakes on environmental progress? Are we going to accept that we have reached the pinnacle of scientific innovation and that there is no more to learn about how we can best go about cleaning up after environmental mistakes of the past and preventing similar mistakes in the future?

I think we can all agree that we owe it to future generations of Americans to leave them with a clean environment. We are all stewards of the earth, and of our natural resources, and as such, we should continue to foster science-based innovation and public policy that protects the public health and our environment. One of the best ways we can go about this is by supporting a strong budget for the EPA. The scientists and analysts at the EPA are the ones who have years of expertise in these critical areas, and they are the ones who are in the best position to foster environmental progress.

I am pleased that the President has requested an 11% increase in funding for the EPA's core operating programs for Fiscal Year 2001. President Clinton's proposed Fiscal Year 2001 budget of \$7.3 billion for the United States Environmental Protection Agency and \$2.2 billion for the Better America Bonds program will go a long way in supporting EPA's essential operations to provide cleaner air, fresher water, safer food and sound science. The budget will support increased staffing in these areas so that we can continue to make progress in protecting the public health and the environment for all Americans and their communities.

We cannot expect the EPA to continue to protect the public health without the staffing and resources necessary to do the job. We need to increase funding for core EPA environmental programs such as researching and setting environmental standards, ensuring enforcement and compliance of our environmental laws, and providing assistance to our states and municipalities. I believe that the EPA budget request for Fiscal Year 2001 is a good first step, but I believe that the level of funding requested by the EPA should be viewed as a floor, not a ceiling. As the number and complexity of threats to our environment and to human health continue to increase, it is critical that the Congress provide additional funding for staffing at the EPA. While I believe that funding should be used to make technological improvements in EPA programs as well, and I applaud this subcommittee's commitment to this area, I am sure you will agree with me that technology alone cannot possibly address the demands the agency now faces.

The budget proposal before you will allow EPA employees to continue working with states and localities to develop proposals to restore wetlands and to clean up our polluted rivers and lakes. The budget will support EPA efforts underway with industry and municipalities to modernize our drinking water systems. It supports ongoing research into children's vulnerabilities to exposure to lead and other harmful toxins. The budget will help ensure our food supply is safe by providing funds to develop alternatives to harmful pesticides. And the budget provides funds to clean up our Superfund and brownfield sites and restore these abandoned industrial sites to productive economic use. These are only a sampling of the many programs administered and implemented by the dedicated men and women who work at the EPA. These programs, as well as countless others within EPA need additional staffing to address the increasing demands of protecting and improving the health of the American public.

NTEU supports the budget request of \$68 million targeted at protecting the health of our children. The EPA has some of the best-trained and most experienced scientists in the world researching and conducting sophisticated tests to determine the effects of lead and other toxins on children. They are working to develop new standards and new techniques to better protect children and our most vulnerable members of society from environmental dangers. Among other things, the budget supports ongoing research efforts into the effects of air pollution on children with asthma. It targets \$75 million for the implementation of the Food Quality Protection Act, which sets food safety standards designed specifically to protect our children. And the budget continues research efforts directed toward finding alternatives to those pesticides most harmful to our children.

The budget provides \$784 million for President Clinton's Clean Water Action Plan. This funding will allow the EPA to continue to work with other federal agencies, states, and local communities to improve environmental protections for our lakes, rivers, and waterways throughout this country. EPA scientists are constantly working to develop new techniques to make our waterways clean enough for drinking, fishing, and swimming. The funds administered by EPA employees will help reduce polluted runoff into our waterways, and will provide grants to enable water districts to find more cost effective and efficient ways to deliver even cleaner drinking water to our residents. The American public rightfully expects that their drinking water will be clean and the fish they eat from our lakes and bays will not be contaminated. They depend on this subcommittee and the Congress to give EPA employees the tools they need to establish strict water quality standards and to ensure that these standards are being met.

The President's budget provides \$1.45 billion for the Superfund program to continue the cleanup of the nation's most polluted toxic waste sites. Hundreds of Superfund sites nationwide have been cleaned up since the program's inception. Thanks to the work of EPA analysts and lawyers, polluters have been forced to pay for their neglect of our environment, and communities have been able to develop more cost effective means to clean up the sites. The budget also invests \$92 million in cleaning up our slightly less contaminated, but still highly toxic, brownfield sites. The new budget proposal will continue EPA's progress in helping our communities clean up these lands, put them back into productive economic use, and create more jobs where we most need them.

The EPA has also taken successful actions to provide cleaner, healthier air for all Americans including setting the toughest standards ever for reducing harmful air pollution. Often times, these actions have come under fire by certain industry groups, but because the EPA actions have always been backed up by extensive research and sound science, the EPA has been able to prevail in courts and prevail in public media battles. The result has been reduced air pollution, increased pollution prevention efforts, and a decrease in the number of pollution-related illnesses and deaths. Under the 2001 budget, the President is requesting \$215 million to continue to support partnerships with states, tribal governments and local communities to collectively work to improve air quality across the nation. In addition, the President has requested \$85 million for the Clean Air Partnership Fund, which will help strengthen these partnerships, help foster local innovation and investment, and bring the most creative and most successful ideas for cleaning the air to communities where they are most needed. NTEU supports these EPA initiatives.

Finally, we are also very supportive of the President's budget request of \$30 million for the Information Integration Initiative. This initiative will expand the public's right-to-know through the development of an information network with the states to ensure that key environmental information will be made public in a timely manner through the internet and other means. This will help localities improve their decision-making, will reduce the burden of paperwork on the regulated community and the states, and will guarantee the taxpaying public reliable, high quality information about what threats to the environment exist in their communities, and what steps are being taken to address these threats. NTEU believes that not only do the American people demand to have this

critical information at their fingertips, they also demand that their tax dollars are being spent to continue to expand the science base at the EPA so that we can better mitigate and prevent these environmental threats.

The work performed by the men and women at the EPA is often taken for granted. Yet thanks to persistent science-based work by EPA employees, we are reducing air pollution, improving the quality of our drinking water systems, and allowing Americans to live longer and healthier lives. EPA employees are working with states and local communities to build on initiatives that get results and shelve those that have failed. And EPA scientists, analysts, lawyers, and others who have dedicated their lives to serving the public at the EPA continue to work to find the most cost effective and most efficient solutions to addressing our country's greatest environmental threats. And while we should continue to support technological advances in reducing pollution and cleaning up our environment, technology alone cannot clean up every lake, every Superfund site, or every particle of toxic matter in our air. Technology needs to be supported by sound science and by sound public policy. Science-based regulations need to be implemented, overseen, and enforced by knowledgeable scientists. We know that there are always better ways of doing things – more cost effective and innovative ways – and it's up to this subcommittee and the entire Congress to continue to foster this scientific innovation. Now is the time to build on our science base and expand it so that we can be assured that the planet we leave to our next generation is cleaner and in better shape than the one we inherited from earlier generations.

I would like to thank the Subcommittee again for the opportunity for our Union to present its views on the budget for Fiscal Year 2001. As you continue your subcommittee's deliberations, I hope you will give special consideration to EPA's dedicated workforce, a team of public servants who have committed themselves to cleaning up our environment and protecting the health of the American people.



**Statement of Colleen M. Kelley
President
National Treasury Employees Union**

**Subcommittee on Veterans Affairs, Housing and Urban Development,
and Independent Agencies
Committee on Appropriations
U.S. House of Representatives**

April 12, 2000

Chairman Walsh, Ranking Member Mollohan, and distinguished Members of the Subcommittee, my name is Colleen Kelley, and I am the National President of the National Treasury Employees Union. The NTEU represents more than 155,000 federal employees, including those who work at the Environmental Protection Agency. I appreciate this opportunity to present testimony to you today on behalf of the men and women who help ensure our waterways are swimmable and fishable, our drinking water is free of harmful toxins, our air is breathable, and any polluted lands are made clean again. The actions of this subcommittee directly affect their lives and the livelihoods of every American.

Whether it's cleaning up already contaminated lands and waterways, or taking pro-active measures to prevent future pollution or contamination, EPA employees are working to reduce the risks to the American public and our environment. If we are to continue our nation's progress in reducing pollution and cleaning up the environment, then we need to ensure that EPA has the staffing and resources it needs to effectively carry out its mission.

As we stand here today in the Spring of 2000, the dawn of the 21st century, we need to ask ourselves what the state of the environment of this great nation will be at the dawn of the next century. Are we going to put the brakes on environmental progress? Are we going to accept that we have reached the pinnacle of scientific innovation and that there is no more to learn about how we can best go about cleaning up after environmental mistakes of the past and preventing similar mistakes in the future?

I think we can all agree that we owe it to future generations of Americans to leave them with a clean environment. We are all stewards of the earth, and of our natural resources, and as such, we should continue to foster science-based innovation and public policy that protects the public health and our environment. One of the best ways we can go about this is by supporting a strong budget for the EPA. The scientists and analysts at the EPA are the ones who have years of expertise in these critical areas, and they are the ones who are in the best position to foster environmental progress.

The budget provides \$784 million for President Clinton's Clean Water Action Plan. This funding will allow the EPA to continue to work with other federal agencies, states, and local communities to improve environmental protections for our lakes, rivers, and waterways throughout this country. EPA scientists are constantly working to develop new techniques to make our waterways clean enough for drinking, fishing, and swimming. The funds administered by EPA employees will help reduce polluted runoff into our waterways, and will provide grants to enable water districts to find more cost effective and efficient ways to deliver even cleaner drinking water to our residents. The American public rightfully expects that their drinking water will be clean and the fish they eat from our lakes and bays will not be contaminated. They depend on this subcommittee and the Congress to give EPA employees the tools they need to establish strict water quality standards and to ensure that these standards are being met.

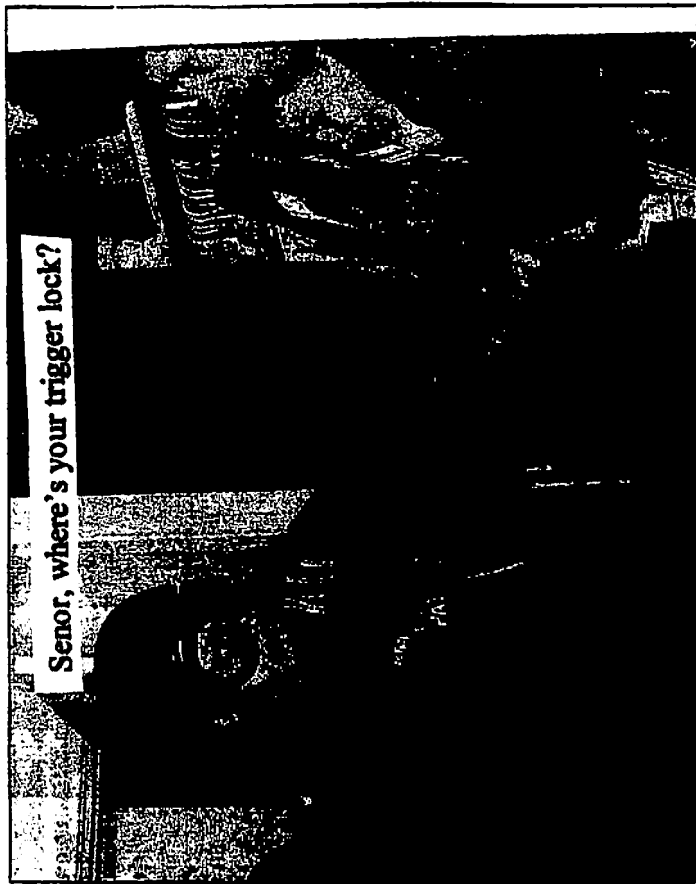
The President's budget provides \$1.45 billion for the Superfund program to continue the cleanup of the nation's most polluted toxic waste sites. Hundreds of Superfund sites nationwide have been cleaned up since the program's inception. Thanks to the work of EPA analysts and lawyers, polluters have been forced to pay for their neglect of our environment, and communities have been able to develop more cost effective means to clean up the sites. The budget also invests \$92 million in cleaning up our slightly less contaminated, but still highly toxic, brownfield sites. The new budget proposal will continue EPA's progress in helping our communities clean up these lands, put them back into productive economic use, and create more jobs where we most need them.

The EPA has also taken successful actions to provide cleaner, healthier air for all Americans including setting the toughest standards ever for reducing harmful air pollution. Often times, these actions have come under fire by certain industry groups, but because the EPA actions have always been backed up by extensive research and sound science, the EPA has been able to prevail in courts and prevail in public media battles. The result has been reduced air pollution, increased pollution prevention efforts, and a decrease in the number of pollution-related illnesses and deaths. Under the 2001 budget, the President is requesting \$215 million to continue to support partnerships with states, tribal governments and local communities to collectively work to improve air quality across the nation. In addition, the President has requested \$85 million for the Clean Air Partnership Fund, which will help strengthen these partnerships, help foster local innovation and investment, and bring the most creative and most successful ideas for cleaning the air to communities where they are most needed. NTEU supports these EPA initiatives.

Finally, we are also very supportive of the President's budget request of \$30 million for the Information Integration Initiative. This initiative will expand the public's right-to-know through the development of an information network with the states to ensure that key environmental information will be made public in a timely manner through the internet and other means. This will help localities improve their decision-making, will reduce the burden of paperwork on the regulated community and the states, and will guarantee the taxpaying public reliable, high quality information about what threats to the environment exist in their communities, and what steps are being taken to address these threats. NTEU believes that not only do the American people demand to have this

ROACHES

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CLINTON ADMINISTRATION GUN CONTROL POLICY

What message does
this send to kids?

Handwritten: "Send a message"

Got a problem,
solve it with guns.

Handwritten: "Send a message"

Meanwhile, at a local gun shop:

"Yes, I'd like to buy this model."

"We have to do a background check on you."

"OK"

"Are you a government agent: INS, ATF, FBI, CIA, SWAT, miscellaneous Gov't thug?"

"No."

"Are you a criminal: drug lord, smuggler, gang-banger, drive-by shooter, miscellaneous criminal thug?"

"Nope, I'm just a regular citizen."

"Sorry, you fail your background check."