



The ACT REPORT

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TRYING TO TELL Columbia Gas that hiring out-of-state contractor Utility Constructors Inc. of Linsville, Pa., paying substandard wages destroys the local economy were these construction trades union members demonstrating in Charleston recently. They were from Operating Engineers Local 132, Laborers Local 1353, and Welders Local 798.

Against Carbide, duPont

ACT Brings Suit To Throw Out Pollution Permits

ACT has filed suit in Kanawha Circuit Court seeking to overturn an air pollution permit recently granted by the Office of Air Quality (OAQ) of the state's Division of Environmental Protection Agency to Union Carbide's South Charleston plant.

Earlier the permit had been granted in violation of a Circuit Court order to OAQ not to do so.

"OAQ apparently did not consider itself bound by the order," ACT's new Circuit Court petition says.

In seeking to overturn issuance of the permit, ACT is appealing OAQ's denial of information ACT needs to evaluate Carbide's permit

application for a new unit which will pump 100,000 pounds of pollutants into the air annually in the manufacture of a detergent.

Carbide's request of the state agency for the increased air pollution permit comes on the heels of a year-long public relations program conducted by the corporation boasting of its reduction of air pollution in the Kanawha Valley.

ACT's court petition filed Nov. 16 in Kanawha Circuit Court details a sometimes confusing series of events which ultimately led the state agency into granting Carbide the permit a day before the giant chemical corporation actually filed all the required permit application information.

In its appeal, filed Nov. 16 in Kanawha Circuit Court, ACT suggested the state agency prepared its order granting Carbide the air pollution permit it sought a day before Carbide actually provided the state information both OAQ and ACT said was needed for proper review of the permit application.

And OAQ granted that permit in violation of an order by Kanawha Circuit Court Judge Patrick Casey to delay until ACT had an opportunity to review the new material Carbide had supplied.

Carbide earlier had told the OAQ that the information

ACT Adds Millne, Thomas To Staff

ACT Director Steve White has announced the addition of two new members to the ACT staff.

Tim Millne and Bill Thomas were hired by ACT in October.

Millne, a Certified Instructor with the WV Laborers Training Trust Fund, was hired to be a Fair Contracting Representative for ACT.

Millne is a member of Laborers Local 543.

Thomas was hired to represent union construction workers in the industrial sector.

Thomas is a member of Boilermakers Local 667 and has been a union member for 16 years.

Millne and Thomas join ACT secretary Cathy Rodes who was hired in June.

On his plans to hire more staff members, White commented that he plans to hire another secretary in early December. This will bring the total ACT staff to five members, including White.

"We're excited about the staff expansion," said White.

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ACT Muscling Way Onto State's Television Stations

After months of trying — and being refused — ACT muscled its way onto the television screens of tens of thousands of West Virginia homes beginning election night.

And ACT's commercials went on the air uncensored, or even attempts at censorship.

The occasion was the beginning of a 10-week schedule of advertising to carry into mid-January for two 30-second television spots critical of chemical industry giants Union Carbide, E.I. duPont and Rhone-Poulenc in the Kanawha Valley.

The commercials are being telecast by WCHS-TV in Charleston and WDTV, Clarksburg-Weston.

In the past only WCHS-TV would agree to telecast ads critical of Brown & Root, and then only after demanding to severely censor their content. That was before ACT came into being, however, and when an advertising schedule worth just a few thousand dollars was sought.

All three of the multinational chemical corporations

named in the two commercials in the past two years have

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Bruce Tarpley, ACT President

Why Do We Fight Giants?



Probably many of our members and many in the general public are surprised the Affiliated Construction Trades Foundation has locked horns with multi-national chemical corporations having plants located in West Virginia. The fight is over their pollution of our state's water, ground and air.

Certainly the chemical corporations are smugly convinced this is a strategy ACT has adopted to force them to create new construction jobs.

They're right. It's the duty of ACT to do all it can to create jobs for its members. That's the reason ACT exists. We know complying with existing laws limiting industrial pollution requires new construction. New construction creates new jobs. West Virginia and our members need new jobs.

Yet cleaning up the environment does more than create jobs. It also creates a better, healthier community, as Tennessee U.S. Sen. Albert Gore, the Democratic vice president-elect, and an expert on the environment, has so clearly pointed out. That's why environmental protection laws were adopted.

Of course ACT would be suspect if it were asking the chemical companies to do more than they're already required by law to do. We're not. We didn't make those laws. We didn't advocate their adoption. We haven't asked they be made tougher. We just want existing laws enforced. Both our members and the communities in which they live will benefit if they are.

Now consider the chemical industry's position. It wants to make money. It should make money. But industry should make money responsibly, lawfully. It should make money while also providing the legally required healthy environment for the communities in which it is located.

It isn't. We're told it isn't by independent studies in which we've invested to determine whether the chemical industry is complying with existing anti-pollution laws, whether it is fully disclosing pollution information existing law requires. Those studies were conducted by a highly reputable, independent testing laboratory, not a "sweetheart" laboratory.

By investing in these studies ACT did what underfunded state agencies should have been doing but can't. They don't have the money. ACT members, banding together for a common purpose, do. But because state agencies don't, in the past industry has gotten away with providing slipshod, half-measure environmental safeguards, at best.

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25 Construction Trades, Environmentalists Meet

About 25 union construction trades activists, environmentalists and ACT officials came together recently seeking common ground in their confrontations with giant industrial corporations.

The meeting was part of ACT Director Steve White's on-going effort to bring about an understanding of the links building and construction trade unions have with the environmental movement as both groups seek community improvements.

The day-long seminar was conducted by Chris Bedford at Carpenters Local Union 1207 in Charleston. Bedford also is developing a 15-minute ACT television documentary.

Among those participating were representatives of Communities Concerned About Corporations from six states, leaders in West Virginia's environmental community and several ACT officials in addition to White.

Others represented the Interfaith Center for Corporate Responsibility, OCAW members in Texas, West Virginia Citizen Action Group members, Texas-based Surviving Families of Petro-Chemical Disasters, Bophal Action Research Center in New York City, Michigan-based Citizens United For The Environment, the Commission on Religion in Appalachia, and ACT and non-ACT union officials.

The group focused on common threads which inevitably bind them together. These include the ability of a skilled, union workforce enabling industry to provide a safe, environmentally clean community.

By comparison, seminar

participants agreed untrained, non-union construction workers greatly increase the likelihood of industrial accidents and pollution endangering communities, especially in the chemical industry.

among the allies identified were other unions and environmentalists, progressive church leaders, the poor, trial lawyers, health care advocates, some politicians and residents of environmentally endangered



FINDING SIMILARITIES IN PURPOSE was the discussion among (from left) Norm Steenstra of the West Virginia Environmental Council, Wanda Sharp of Surviving Families of Petro-Chemical Disasters, C.T. Roberts of Houston, Texas, and Texas OCAW member Sonny Sanders.



DEFINING COMMON GOALS AND ENEMIES was how Chris Bedford (right) outlined the purpose of a meeting among environmentalists and ACT officials. Listening to Bedford is ACT Director Steve White.

Midway through the day the group broke up into four clusters to individually identify who were likely allies and opponents.

When they reconvened, goals.

ACT Goes On Television**Board OKs \$75,000 Buy**

(Continued From Page 1) replaced highly-skilled West Virginia union construction workers they previously employed in the Kanawha Valley with low-skilled, low-paid non-union workers of Brown & Root of Texas.

In addition, Carbide and duPont are seeking changes in state regulations enabling them to increase the chemical pollutants they're now dumping into our air and water.

and Carbide for endangering public health by wanting to increase stream and air pollution.

At the heart of both commercials is a remark made recently by a U.S. Environmental Protection Agency official that the Kanawha Valley is "...the fourth most likely place in the nation for a major chemical disaster."

David Speights of Washington, D.C., made the statement last Oct. 6 at a meeting of public of industry and community response organizations during a discussion with EPA officials concerning emergency responses to chemical emergencies.

ACT finally made it on television after its board approved a minimum \$75,000 budget for a two-station buy—a significant amount in West Virginia television.

Armed with that budget ACT's media consultants, Knight Phillips Associates of Charleston, approached WCHS-TV in Charleston and proposed a \$26,000 10-week schedule and agreement to increase that amount to \$50,000, at a minimum, during the coming year.

WCHS-TV officials also were told ACT wouldn't accept censorship.

Four days later WCHS-TV agreed to ACT's proposal.

Initially Clarksburg's WBOY-TV Clarksburg was offered a \$25,000 annual contract, but that station hesitated and then declined. So Knight Phillips offered the same amount to WBOY's competition, WDTV of Clarksburg-Weston. WDTV quickly agreed.

ACT's commercials on both stations will continue to be telecast through Jan. 9.

What ACT's TV Ads Have To Say

The script for the ACT television commercial concerning the replacement of union construction workers at Union Carbide and duPont plants in the Kanawha Valley reads like this:

"Kanawha Valley chemical plants have never had a major disaster. For years those plants hired highly skilled, well paid union construction workers.

"Recently Union Carbide, duPont and Rhone-Poulenc replaced those jobs with the low-paid, non-union jobs of Brown and Root of Texas. Now a federal official says the Kanawha Valley is the fourth most likely place in the nation for a major chemical disaster.

"The difference? It's cheaper for them. Dangerous for you."

Over a deep, male voice building and construction trade union members are shown working. Then, as they're replaced by Brown & Root, fade from view.

The second ad is critical of Carbide and duPont for endangering public health by attempting to increase air and water pollution. That script reads:

"Wild West Virginia. But not always wonderful.

"Federal officials say the Kanawha Valley is the 4th most likely place in the nation for a major chemical disaster. Yet Union Carbide wants to put more chemicals into the air we breathe than it does now.

"And duPont wants to dump more pollutants in the Kanawha River than the law allows.

"It's cheaper for them . . . But not us.

"Tell Carbide and duPont to be good neighbors.

"It's your air, your water, your right."

The video for this commercial, over the same deep male voice, includes fall mountain scenes as well as intense industrial pollution in the Kanawha Valley.

Steve White, ACT Director**First Plan,
Now Act!**

First the plan.

Now we *act* on it.

The main goal of our program is to get more work for our members and it is fair to judge ACT on how it progresses towards that goal. But before you ask for a list of projects ACT has turned around, let's take a good look at the problems we face. The strength of trade unions have fallen steadily for years. Our membership numbers are dropping and our ability to have control in our industry has all but disappeared.

We know picket lines rarely work and our threats often carry little weight. ACT is committed to trying new ideas and tactics which have shown promise in other parts of the country. ACT is also committed to long term solutions—not just a quick show of force—which will lead to strengthening our unions.

What will make ACT different from past efforts? I believe there are four basic ingredients that will lead to success—resources, leadership, planning and membership.

First, ACT must have enough money to be a player. Money gives us access to the media, consultants, and staff. If we don't have enough money to get into the game, we will just be bystanders.

Second, the members of 22 building trades locals have joined together to form ACT. All across the country the building trades are plagued with the same problems, but all too often local leadership finds it easier to fight amongst themselves. Your leadership has chosen to take a different direction, to work together and focus on problems we all face while looking for common solutions. This is real leadership and it is what's needed if we are to succeed in today's environment.

Third, we will develop a plan that can measure our success or failure. We believe in accountability and believe we must produce real results to call this effort a success. A general outline for our plan was in the last issue of the *ACT Report*. Specific goals will be highlighted in the next *ACT Report*.

Fourth, and most importantly, we will be looking for ways to involve the membership in playing an active role of getting back the work we have lost. ACT can hire the experts, but it is the membership which is the strength of any union.

I want to update you on the progress we have made so far, and we have made great progress. We have:

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Carbide Gets Permit Before Giving State All Data

(Continued From Page 1) ACT sought was protected under state law allowing the refusal to disclose information entitled to trade secret protection.

But OAQ division Chief Dale Farley told Carbide that just because it said something was "confidential" didn't necessarily make it so.

To clarify the question, Farley outlined four specific criteria which he said the state would use to determine whether Carbide's refusal met the requirements of trade secret protection.

Yet despite Farley's specifications, Carbide South Charleston Plant Manager S.W. Drake still initially re-

fused to provide the new information.

For the most part Drake, in a letter to Farley, simply reasserted Carbide's allegation that the details sought "...would divulge trade secret information."

So once more Farley wrote Drake, saying:

"...I outlined substantive criteria that I would use in determining whether the disputed information is protected. The criteria were not addressed in your correspondence.

"Your conclusional statements that the information is protected is insufficient for me to make a determination under the statute."

That letter from Farley to Drake was written Sept. 30. Yet Carbide still didn't respond until Oct. 15—and by then evidently it had already

been awarded the permit it was seeking.

According to ACT's circuit court petition seeking to overturn OAQ's action granting Carbide the permit this is the final sequence of events that led up to the issuance of the permit:

"On Oct. 14... OAQ's engineer supervising the permit review prepared a response granting UCC&P (Carbide's official name) its requested permit."

"The permit was mailed to UCC&P. The permit is dated Oct. 14, and Oct. 15 is handwritten over the typed date. It is impossible to determine by reviewing the document exactly when the permit was released.

"On Oct. 14 ACT's attorney inquired via telephone as to the status of the permit and was unable to determine the

status of the permit.

"On Oct. 15, Union Carbide supplied its response to the criteria it was asked to address (in Farley's Sept. 30) letter to Drake).

"On the same day, the OAQ announced its intention to release the permit."

Also on that same day ACT, upon learning the permit was about to be issued, asked OAQ to delay acting on it until ACT had an opportunity to review the new information Carbide had provided.

When OAQ refused, ACT quickly went into Kanawha Circuit Court and asked Judge Casey for a writ of prohibition to compel OAQ to delay issuing the permit until ACT had time to review Carbide's new application information.

Casey issued order the following day, Oct. 16, but OAQ hadn't acknowledged it.

Sequence Of Events Up To ACT Lawsuit

Following is the sequence of events which led to the Affiliated Construction Trades Foundation filing suit in Kanawha Circuit Court seeking to overturn a new air pollution control permit recently granted by the Office Of Air Quality of the state Division of Environmental Protection:

- June 26 — Carbide files permit application for permission to construct a "Low Profiles Additives Unit" at its South Charleston plant.
- June 26 — ACT asks OAQ for a copy of Carbide's permit application in order to make public comment. OAQ supplies that portion of the application which Carbide had not declared "confidential."
- July 22 — OAQ chief tells ACT he will seek justification of confidential claims for parts of permit ACT specifies.
- July 29 — ACT's environmental consultant identifies needed information.
- Sept. 4 — OAQ asks Carbide to justify confidentiality for ACT requested information.
- Sept. 22 — Carbide responded that all information except emissions data is "confidentiality" protected. It supplies no additional information.
- Sept. 30 — OAQ tells Carbide its response is inadequate to make a determination concerning protected information.
- Oct. 4 — ACT tells OAQ the "new" information supplied by Carbide is inadequate and asks for additional time to receive it.
- Oct. 14 — OAQ prepares a response for granting Carbide its requested permit. The permit is mailed this date to Carbide. The permit is dated Oct. 14 with Oct. 15 handwritten over the typed date.
- Oct. 15 — Carbide supplies a new response to the information ACT earlier sought. OAQ announces its "intention" to release the permit; ACT seeks hold until it has opportunity to review material. OAQ refuses; Judge Patrick Casey grants ACT petition to stay issuance of the permit.
- Nov. 15 — ACT files suit in Kanawha Circuit Court seeking to overturn the permit until it has time to review Carbide's new "confidentiality" information.

Your Stock's Vote Rights Can Help All

Do you own stocks of large corporations doing business in the state? Especially those like Union Carbide and duPont which have hired Brown & Root of Texas to replace skilled union construction workers?

How you vote your stocks at shareholder meetings can help you and all other members of ACT's local unions.

If you're interested in your shareholder rights and how they can help you, let us know what corporation stocks you own. They can be your ticket to bringing up issues affecting the future job opportunities of union construction workers.

Call the ACT office at (304) 345-7570, or write to the ACT office at 523 Central Ave., Charleston, 25302.

Health Care Carpenters' Concern

Beginning with this edition, The Act Report will regularly highlight one or more of the local unions participating in the Affiliated Construction Trades Foundation.

Carpenters' Local 899 is one of four locals unions of carpenters which belong to the Affiliated Construction Trades Foundation.

The 240-member strong union is based in Parkersburg. Business Manager Earl Johnson estimates 65 percent of the members work industrial jobs.

Johnson believes the members are most interested in new, long-term construction jobs with maintenance work coming in second.

Rising health care costs are the biggest concern among

members.

Also involved in running Local 899 are Victor Echard, President; Ronald Dawkins, Vice President; Roger Johnson, Recording Secretary; Gene Johnson, Financial Sec-

White

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- Gained valuable credibility before regulatory boards because we have the resources to bring the facts to light.

- Launched a number of advertising efforts, including TV advertisements and newspaper ads. Advertisements that the TV companies previously refused to air.

- Begun a computerized job tracking system to gather more information about our industry.

- Adopted a fair contracting program to focus on prevail-

retary; and Bevin Seaman, Treasurer.

Currently, Local 899 has 13 apprentices. Johnson, a member of the district apprenticeship committee for his local, feels "very strongly

ing wage work.

- Initiated a 15-minute video project intended to explain ACT and get more locals unions in the state to participate.

And, finally, we are making a foundation which ACT will build upon. We need time to solve the problems we face, problems that can't be solved overnight.

If you have ideas, suggestions, or criticisms let us know. Ask what ACT is doing for you, but be prepared for a long answer.

about the idea of apprentices.

"Apprentices are very important to the success of building trades," he added.

Johnson believes the apprenticeship program is one of the reasons the local has not lost members as other locals have. He said the total number of members has "stayed about the same for the past five, maybe 10 years."

Other reasons Johnson gives for his local's strong membership include good benefits and "dedication to the beliefs of the union."

ACT Adds

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"Tim and Bill are valuable additions to the organization. They both bring new ideas and years of experience with them," White added.

He concluded, "In the last few months, ACT's plan of action has involved a program for more work in the areas of industry and prevailing wage construction.

"Now we are implementing this plan by hiring Tim and Bill."

ACT Members Work For You

Program For Membership Involvement

Will you help ACT in any of the following areas? If so fill out the form below and mail it to ...

Membership Involvement
Affiliated Construction Trades
523 Central Avenue
Charleston, WV 25302

I want to help ACT in the following manner (check one or more boxes):

- | | |
|--|--|
| <input type="checkbox"/> Letter Writing to | <input type="checkbox"/> Attend Meetings |
| <input type="checkbox"/> Newspapers | <input type="checkbox"/> Planning |
| <input type="checkbox"/> Politicians | <input type="checkbox"/> Permit hearings |
| <input type="checkbox"/> Corporations | <input type="checkbox"/> Community |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |
- Contact non-union construction workers

NAME _____

ADDRESS _____

CITY _____

STATE _____ ZIPCODE _____

LOCAL UNION _____

HOME PHONE _____

Tri-State Council Is Fighting Ashland Kroger Construction

ACT and other union members and their families living in the Ashland, Kentucky area are asked to be aware that the Tri-State Building & Construction Trades Council is waging a battle with the Kroger Company in Ashland.

Kroger is using a non-union construction company to remodel an existing building in Ashland for its new Kroger supermarket.

Recently Tri-State has been running full-page newspaper ads in the Ashland area pointing out the outside, non-union contractor Kroger doesn't contribute to the Ashland community while local union construction workers do.

The Tri-State Council asks grocery shoppers in the Ashland area to "Please consider this next time you shop, and until Kroger rejoins the Ashland community . . . Don't Shop Kroger."