



# THE ACT REPORT

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## ACT Wins Fight For Huntington Painters LU 813

About 150 union building and construction trades workers — and their families — are literally feeling better these days because ACT won a fight for Painters Union Local 813 in Huntington.

Fifteen members of LU 813 working at the Philip Sporn power plant at New Haven in early June were assigned to chip paint from stacks in preparation for repainting.

It wasn't long, however, before the workers discovered

those paint chips falling to the ground were being collected and placed in drums marked "Hazardous Material."

Trouble was, no one at Philip Sporn had told the painters they were working around hazardous materials.

And the danger wasn't limited to just the painters. Also affected were about 120 other union construction workers laboring on the ground underneath the shower of paint chips.

In addition, the families of all were equally endangered by the hazardous chips unknowingly carried home by the workers on their shoes and clothing.

LU 813 Business Agent Gerald McMillian said he raised the issue about his members working around hazardous materials without protective measures being taken with American Electric Power officials and the contractor, Universal Inc.

But he said he was unable to get a meaningful response.

And the 80-member local union didn't have enough resources of its own to effectively pursue the issue further.

"I just kind of hit the wall and couldn't get anywhere on my own," McMillian explained.

That's where ACT entered the picture.

When McMillian asked the ACT board of directors for

*(Continued On Page 2)*

## Fight Not Yet Over At Kmart

The Kmart fight isn't over, after all.

What earlier looked to be a major improvement in the giant discount chain's attitude toward using union workers for new construction and remodeling in West Virginia proved to be only an illusion.

Kmart officials created that illusion when in a meeting with ACT officials they encouraged union construction workers to shave their costs to enable union contractors to submit lower bids on a new store to be built at Fairlea.

Acting on that encouragement, the Charleston Building & Construction Trades Council reluctantly offered an 80 percent wage package plus other reduced costs.

*(Continued On Page 2)*



SIGNING UP for Act's Leadership Conference recently was Jaff Capron (right) of UA LU 521, while (from left) J.P. Barnett of UA LU 625, Johnny Harris of Carpenters LU 128, and Jim McCormick of Boilermaker LU 667 wait their turns. ACT Secretary Cathy Rodes watches.

## Leadership Conference Calls For Newer, Stronger Tactics

Participants of the Affiliated Construction Trades (ACT) Foundation's first leadership conference held in Charleston in September called for newer, stronger tactics in securing construction jobs for West Virginians.

"We've got to look at the big picture," State Senate Majority Leader Truman Chafin said to the 60 union construction delegates from across the state.

"Republican policies have hurt the economy across the nation and we have to do whatever we can to create jobs in West Virginia."

About 50 representatives from ACT's 23 local unions attended the conference at the Charleston House.

The conference was held to get a new sense of what direction the membership wants ACT to take after the foundation's first 10 months of operation.

ACT President Bruce Tarpley told the conference delegates ACT was formed last December to do just what Chafin urged.

"We want to help create more construction jobs for West Virginians."

The leadership conference delegates from local trade unions decided to focus on educating the public, businesses, contractors and government leaders on the benefits to the community of using union construction labor.

"We want to get more jobs

that are good jobs," said recently appointed Director Steve White. "Jobs which pay enough to support a family, that have health insurance and pension plans. "Jobs which invest in

*(Continued on Page 2)*

### INSIDE THE ACT REPORT

Here's what they said at the Leadership Conference:

- Bruce Tarpley — Page 4
  - Allen Fisher — Page 4
  - Steve White — Page 3
  - Stuart Calwell — Page 5
- Also in the ACT Report:
- Cabell Schools — Page 4
  - ACT Wins — Page 5
  - duPont permit — Page 5

## Kmart Lying, 'Buying Time'

(Continued From Page 1)

But evidently those sacrifices weren't enough for Kmart. It shattered the illusion of cooperation with union building and construction trades workers by awarding the Fairlea project to a non-union contractor.

"They said they gave it to the non-union contractor because he was the low bidder by \$400,000," ACT Director Steve White said.

"But that contractor can only offer such a bid by paying low wages and providing its workers with little or no benefits."

Added ACT President Bruce Tarpley:

"However much we want to work with Kmart, we won't do so at the expense of our members earning a decent living for themselves and their families.

"We're not scabs and we're not going to work for scab wages."

### Call Kmart — Tell It To Hire Union

Help us help you in our fight to have Kmart discount stores employ union contractors to build its new stores and renovate existing ones in West Virginia.

You can do that by calling Kmart at 1-800-635-6278.

Remember, only by acting together can we expect to win.

White said Kmart only believes it will save \$400,000 on the Fairlea project.

"We're going to cost Kmart at least that much or more in sales," he said. "And it won't be just at Fairlea."

When ACT first began its fight with Kmart last spring it produced television ads attacking Kmart for using non-union contractors paying low wages and little benefits.

In addition to those TV ads, members of ACT-affiliated locals distributed flyers at shopping centers explaining union labor's position.

Within a month Kmart asked for a halt in the anti-Kmart campaign and to meet with ACT officials to talk about using union construction labor.

It was at that meeting in Troy, Michigan, that Kmart — headed by a former West Virginian — urged union construction officials to trim costs in order to become more competitive.

"They were lying to us in Michigan," said ACT Executive Director Allen Fisher, who's also president of the West Virginia Building & Construction Trades Council.

"They didn't mean a thing they were saying. We met their request and then some but it didn't mean a thing. They were just buying time."

"I suppose I should have known better, but you always

hope against hope."

Tarpley said ACT will once again launch a "Don't Shop Kmart" campaign. But he wouldn't give any details.

"I can only tell you it'll come at a time when Kmart least expects or wants such an attack," Tarpley said.

"And this time it won't end until Kmart delivers a union contract.

"That's what ACT is for."



**MORE THAN 50 REPRESENTATIVES** from the ACT Foundation's 23 local unions attended ACT's first Leadership Conference held in Charleston recently. The representatives got an insight on what the ACT has been doing and gave directions on what it should work on.

### Working Together Opened Doors

## Victory Shows ACT Power

(Continued From Page 1)

When McMillian asked the ACT board of directors for help, the board ordered samples of the paint chips collected by the workers sent off to a testing laboratory.

The testing laboratory reported back that the paint chips had high levels of lead and nickel — both highly dangerous materials.

Armed with this information, ACT Attorney Stuart Calwell wrote both American Electric Power officials and the painting contractor outlining the dangers faced by LU 813's members and demanding corrective measures be taken.

AEP officials and the contractor immediately quit evading the issue. Within days all the corrective actions Calwell had demanded were met.

The victory might seem to be a quick, simple one, but it wasn't to LU 813's McMillian. He said it represented the power of what locals working together through ACT achieved that they couldn't working alone.

"I'm tickled to death with opening doors I couldn't the thing," McMillian said of otherwise open to get my people the new protective measures protected."

being taken for his members. All costs connected to the effort were paid for out of ACT funds.

"I'm real glad ACT was there. As a business agent of a small local acting alone I wasn't getting anywhere. But with ACT I was successful in myself," McMillian said.

## ACT Wants To Promote Industry Based On Skill

(Continued From Page 1)

the community with safety, training and apprenticeship programs.

"Jobs which are good for the environment.

"ACT wants to work with contractors and the business community to promote healthy industry which is based on a living wage and a highly-skilled, quality work force."

During the conference delegates urged ACT's board of directors to step up the intensity of the foundation's activities.

And, they said, ACT should greatly increase its exposure to

both the membership and the general public.

They said neither they, the membership nor the public knew of the projects ACT had undertaken in just 10 months.

Some delegates said they came to the conference prepared to be highly critical.

But they said that after learning all ACT was doing and planning to do, they believed the real problem was simply a lack of communication with the membership.

One outgrowth of the delegates' comments is this enlarged edition of the *ACT Report*.

# ACT Must Have Plan To Be Effective

*(The following is a summation of remarks made at ACT's first Leadership Conference.)*

**By Steve White**  
**ACT Director**

In order for ACT to be effective we must have a plan. A plan that has specific goals, actions and can be monitored for results. The ACT board has been working on such a plan, the outline of which follows.

The starting point is our main goal, more work for our members. How do we achieve this? By formulating an approach in each of our three major work areas, industrial, commercial and prevailing wage. ACT will develop a program for each area that addresses the needs of our members.

**Industrial Construction**

For example, one of the biggest challenges in the areas of industrial construction is the presence of Brown & Root. All companies are watching what has happened at Rhone Poulenc, duPont and Union Carbide. Brown & Root is looking for their next project and the duPont Washington Works facility in the Parkersburg area is high on their list.

And it won't stop there.

Industrial corporations are making the crucial decisions that will effect the lives of all construction workers in the state. We will be working on a comprehensive program designed to show the public and corporations that it doesn't make sense to hire nonunion, out-of-state contractors. Our campaign will focus not only on Brown & Root but the companies that have hired it.

A company that is after cut-rate contractors who pay substandard wages and benefits is also looking for cut-rate

safety, environmental and community standards.

We must challenge these corporations not only on worker issues but environmental and community issues as well.

We can have both good jobs and a clean environment, and ACT will fight to show that it is a false choice that corporations try to force on us when they say we must choose between a clean environment and jobs.

Brown & Root is just one issue to be addressed. We have also made a commitment to stay involved with the Apple Grove Paper & Pulp mill project. This billion dollar project will be back and we want to see it built.

However, we will work to make sure it is the cleanest and most environmentally sound mill in the world, not one that requires a loosening of environmental standards as was originally proposed.

**Commercial Work**

In the area of commercial construction we face many challenges. Our first order will be to develop a computerized database that tracks every construction project in the state. This will give us detailed information about our industry and allow us to make smarter decisions on how we can best get more work. The problem with Kmart is clear. Kmart promised to use local union contractors if we were competitive. Then they brought in their out-of-state, nonunion ringer, Phillips Construction, to do their dirty work.

Phillips has built 25 Kmart's, union and nonunion. There was never any question on how they planned to work in Fairlea. Now the challenge

has been made to union workers in West Virginia, what will we do about this?

ACT stands ready to provide the support needed to win this battle. We will put together the handbills, put the advertisements on TV and look into future Kmart projects.

Our goal is to cost Kmart the same amount of money they "think" they are saving by using Phillips.

In order to be truly effective with these kind of projects, ACT must also work on getting

local unions and members more involved in the construction process itself. That means participating in planning commission meetings, talking with construction financiers, getting involved in traffic and land use issues.

If we can influence projects at the planning and permitting stages, we will be in a much better position than waiting for the contractor to be announced.

**Prevailing Wage**

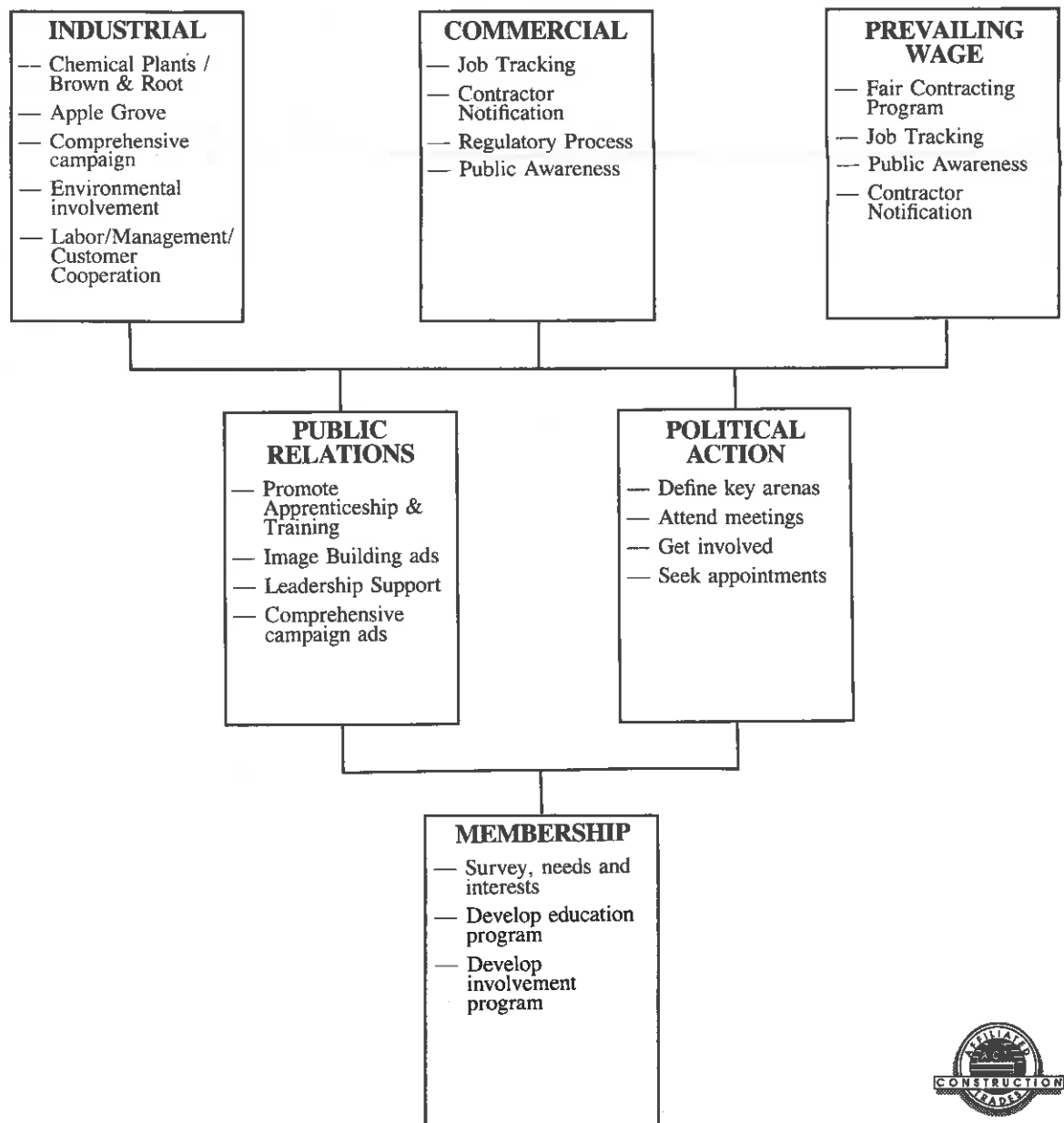
The prevailing wage pro-

gram will create a level playing field for our union contractors to bid. Right now we know that there are incorrect rates posted on jobs and that many contractors are cheating by paying workers for the wrong classification.

We have good state enforcement people. The problem is there just are not enough of them. Our program will work to document violations and mistakes and call for corrections through the Department

*(Continued On Page 6)*

## More Work For Members



ACT'S FIRST LEVEL PRIORITIES are illustrated in the graph above. Second level activities will help achieve these goals. Membership is shown as the foundation and support for ACT.



## We Must Think And Act Smarter

(The following is a condensation of remarks made by ACT President Bruce Tarpley at ACT's Leadership Conference.)

By Bruce Tarpley  
ACT President

We have come a long way with ACT.

I'm proud of our accomplishments. I'm proud of the people in this organization who have the guts and the commitment to take a stand.

But I'm here to tell you that we have a long way to go.

If we are to be ultimately successful, to reverse the decline in union strength, we must think smarter and act smarter.

ACT is a tool for us to do that. Now that we have an office and are beginning to hire staff, the Executive Board has been working on putting a program together. Our number one priority is to get more work for our members.

We will continue to work on the Kmart campaign. We will continue to work on the Cancer Creek project.

But, our biggest fight is still Brown & Root. It has developed what people might call a market niche. It has found a good formula for going after business.

It looks where unions have been strong but where conditions are tough. It convinces companies that big savings can be had at little cost. And then it sets itself up as the target with well-financed and sophisticated public relations and a political machine to help it win.

The first thing we have to do is hold the line and make sure it doesn't get into any more plants. The next is to work out a plan to get it out of one plant then all plants.

We are at a turning point for construction unions in this state. If we can't stop the non-union contractors like Brown & Root then we will be beaten.

But if we can stop it we can take on anyone. In the process, we will have developed a sophisticated and powerful machine that will be ready for the next fight.

We need to build an organization with a strong foundation. This won't happen overnight. So I urge you to be patient.

Another high priority for ACT is to get involved with a prevailing wage enforcement effort. The main purpose is to create a level playing field for our contractors to bid.

This will mean making sure that the proper rates are posted and being paid on prevailing wage jobs.

Simply put, our contractors will get more of this work if we can stop those who are abusing the system.

As we move ahead with new programs, I want to emphasize that ACT cannot be a success if we sit back and watch — we have to play a part. We must not let disagreements get the better of us and we must continue to work together. We must include more locals and crafts.

In the next few months I would like to ask each of you to do three things to promote ACT:

- Talk with your members, tell them what we are doing and give us feedback on what they want.
- Talk with other business agents and members who are not part of ACT and get them interested in the program.
- Talk with your contractors about ACT and let them know that our goal is to get them more work because getting more work for our members is our first priority.

If we do this we'll all be doing our part to make ACT the real success we want it to be.

## So Far, So Good for ACT

# Support and Input Needed

(The following are edited remarks given by ACT Executive Director Allen Fisher at ACT's first Leadership Conference.)

By Allen Fisher

ACT Executive Director

We called this conference to bring everyone up to date on what ACT has been doing and to let you know of the programs we have discussed and will be working on.

Just as importantly, we want to get your input on these programs and hear the things you need ACT to do for you.

It was three years ago when Brown & Root first came into this state. I think that can be looked at as the starting point of ACT.

I don't have to tell anyone what Brown & Root, and the companies which have hired it, are up to.

We put up a good fight against them but it just wasn't enough. But as we went through those battles it became clear we needed more resources than we had to overcome the power of large corporations like Halliburton, Rhone Poulenc, Carbide and duPont.

The idea for ACT came from the Pipe Trades, District 51, in Northern California who were fighting the same battles as we were. But they were winning.

And they were winning by using environmental laws to fight back. They were using computers to understand their industry better. They were working with contractors to bid more work and market themselves.

We decided if this could work in California, then it could work in West Virginia.

So we began going around talking with your local unions to sell the idea of ACT. At the

same time along came the Cancer Creek project.

We all know ACT got involved in the tail end of the Cancer Creek fight. But what Cancer Creek showed us was we had to try new things if we want to have a say in what goes on with that project.

Cancer Creek showed us ACT could work and it was a big boost for us. The result is what you see here today.

It's taken a long time to get here but we have come a long way. There are 22 participating local unions in ACT. We have an office, staff, and equipment. And we have an excellent executive board which has been meeting every two weeks for the past six months to get things rolling.

We all realize we need to do things differently if we are to promote the interests of our members.

There are two basic advantages that we all bring to ACT.

First, through our members' contributions we give ACT the

ability to commission studies, run advertisements and hire staff, to do things that no one local or council can afford.

Second, by committing to ACT we have a structure which can coordinate all of our actions and follow through on projects.

ACT will not and cannot replace existing organizations. It's designed to make them more effective.

The Building & Construction Trades Council will continue to do the work it has always done. But with ACT we will coordinate our activities and be more effective.

You are going to continue the work in your locals and councils that you always have. But ACT is there to put programs in place that you can participate in, have a say in, and make you more effective in doing your job.

I recommend that you continue your support of ACT, support your craft representative on the board, and participate in the many ACT programs we are working on.

And I want to thank everyone for getting us this far.

## ACT Can Learn Lesson From Tri-State Trades

The Cabell County Board of Education has decided education is a good thing.

And it didn't learn this from books.

It learned it from the carpenters, bricklayers, plumbers, laborers, plasterers, cement masons and other affiliated local unions of the Tri-State Building & Construction Trades Council.

ACT can learn from the experience.

The Tri-State Building & Construction Trades Council got involved early on with the Cabell County School consolidation.

They attended meetings on the consolidation plan. They supported the bond issue. They showed the school board the advantages of using skilled labor while building the proposed new high schools and renovating existing schools.

They created jobs for their members.

"We presented the Cabell County School Board with the success of Capitol High School. It was built almost entirely by union trades," said Steve Burton, business agent for the Tri-State Council.

(Continued On Page 6)

*Stop Environmental Cheating*

# Clean Air, Water Mean Jobs

*(The following is a summation of remarks at ACT's first Leadership Conference concerning the foundation's legal activities during its first months of operation.)*

**By Stuart Calwell**  
*ACT Attorney*

During the last six months, ACT has initiated a number of legal projects calculated to challenge environmental corner-cutting by non-union contractors.

The question, of course, is what does this have to do with ACT's primary goal of creating more quality union construction jobs and a better way of life for its members?

The answer is simple, and two-fold.

- A great number of jobs are created which only highly-skilled union workers can provide when corporations are required to undertake the construction necessary to meet the nation's environmental standards.

- Union construction workers, their families and the entire community benefit from the clean, safe environment that results.

But of course the corporate chief executives know all this. And they know that meeting environmental standards will cost them money. Their profits will be less.

Which is why more and more of our work is being awarded to the non-union "low bidder." Central to that "low bid" is that it allows for environmental cheating which not only requires less skilled (read that non-union) construction workers, but also threatens the health and safety of us all.

The goal is to avoid spending the construction dollars necessary to comply with existing anti-pollution laws.

Until the formation of ACT no one in West Virginia had the resources to force these corporations to follow the law. And no one had the money or power to bring these issues to the attention of the Legislature.

But ACT does. And what follows are some of the projects funded by ACT to fight environmental cheating:

**Rhone-Poulenc**

ACT is monitoring Rhone-Poulenc's environmental consent decree entered by United States District Judge John Copenhaver in January, 1992.

Preliminary results indicate Rhone-Poulenc is not in compliance and has missed several reporting dates. Rhone-Poulenc is fighting ACT's efforts to get more information. Litigation will, in all likelihood, result. Brown and Root's connection to these violations at Rhone-Poulenc is suspected.

**E.I. duPont**

An extensive review by ACT's environmental consulting firm has been undertaken of duPont's environmental permit applications.

This review has revealed several errors.

The state office of environmental protection, based on ACT's protest has refused to issue the permit to duPont. The permit must now be re-advertised for public comment.

ACT intends to litigate any action on the permit that does not comply with the law and sound environmental protection concepts.

In connection with duPont's efforts to "re-do" its environmental permits, Brown and Root has been hired by the corporation to do "construction work". As a result, duPont construction employees have been displaced. Union contract work has also been displaced.

*(Continued On Page 6)*



TALKING OVER ACT'S FUTURE at the recent Leadership Conference in Charleston are (from left) Leroy Hunter of Bricklayers LU 15 in Fairmont, ACT Director Steve White, and Allen Fisher, ACT's executive director.

## ACT Wins Need Legislative Okay

The ACT Foundation might well find itself fighting on three fronts to protect the environment during the next legislative session in February. ACT was successful in urging the State Air Pollution Control Commission to spell-out more specifically what

industry reports it's putting into the air we breath.

Until now there were no regulations on what could be released to the public.

And ACT also won a victory with the state Water Resources board when the board issued detailed regulations covering the amount of dioxin industry can release into the Mountain State's groundwater system.

Previously there had been no restrictions whatsoever.

While the regulations of both Air Pollution Control Commission and the Water Resources Board have already been adopted by those bodies, they still must be approved by the Legislature.

Still hanging fire from the 1992 session, of course, is the Cancer Creek Bill proposal to permit industries to increase the dumping of dioxin in West Virginia streams by up to eight times the present allowable level.

In all probability the industry representatives who fought against these new regulations at the regulatory board level will carry their fight to the legislature when it takes up in full session in February.

## ACT Forces Water Resources Board To Take 2nd Look At duPont Permit

ACT has forced the Water Resources Division of the state Department of Natural Resources to take a second, more close look at a request by the E.I. duPont chemical company to amend its water pollution control permit for duPont's Belle Works.

Because of the results of an ACT-commissioned study the division has agreed publish the permit again and to hold an additional public comment period to address several serious issues raised by the ACT study.

The ACT-financed study cited duPont's application with two significant failures. They were:

- Provisions to violate current water quality standards.

- Allowing the discharge of several chemicals into Kanawha River and Simmons Creek while only sampling water quality once per year.

duPont's permit for the Belle facility, which must be renewed, was evaluated by Carpenter Environmental Associates (CEA) for ACT.

"This clearly shows duPont's lack of concern for the well-being of the people in the Kanawha Valley," said ACT President Bruce Tarpley.

"For that matter, it shows duPont's lack of concern for

even the environment itself. But ACT will be the watchdog and we won't allow duPont to get away with what they're trying to do. "If ACT hadn't commissioned this study, the state probably would've approved their permit. This wouldn't have benefitted anyone but a multi-billion dollar so-called corporate citizen who should have more concern for the community."

duPont also applied to release ammonia in the Kanawha River at levels which violate the state's water quality standard.

The ammonia released by duPont alone would raise the level of more than 20 percent above the acceptable level.

*Contact ACT For Study Copy*



**GETTING INVOLVED** at the ACT Leadership Conference were (in top photo, from left) Dave McComas, BM of Labors LU 543 and Steve Burton, Tri-State Building & Trades president, talk with Senate Majority Leader Truman Chafin. Below Charlie Finkenbinder (left) of the North Central WV BCTC and Leroy Hunter of Bricklayers LU 15 discuss issues.



## Tri-State Council Involvement Pays Off In School Board Project

(Continued From Page 4)

The school board committed to a requirement that to pre-qualify to bid on the construction job, the contractor had to participate in the apprenticeship program.

"Schools are about training and so is the apprentice program," Burton continued.

"They liked our idea and welcomed us as a supporter of the bond issue."

The Tri-State Council spent about \$5,000 on advertising, direct mail and flyers in support of the school bond.

The \$45 million construction bond passed by Cabell County is the largest school bond ever

passed in West Virginia. Added to that is \$5.8 million grant from the State School Building Authority, which totals more than \$50 million.

This represents about 300 construction jobs for local workers. The first contracts have all been awarded to union contractors.

"We have to inform the powers-that-be that we have highly-skilled workers who have undergone apprenticeship training and constantly upgrade their skills through journeyman upgrading," Burton said.

"And we can't just be vocal, we have to be visible. We

have to participate in community projects, become a better partner in our community. That's what we've tried to do."

Added ACT Director Steve White, "Getting involved in the construction process before the project was even bid really paid off. ACT can use this success story as an example of how we can do the same thing."

"The Tri-State Building & Construction Trades needs to stay involved," he said. "This is a great idea, and we don't need to lose sight of our goals."

"Other building trades throughout the state and affiliated local unions need to get involved in similar projects."

(Continued From Page 3) of Labor.

On the second level of the plan are the vehicles which

will drive our campaigns — public relations and political action.

We must educate the public

about how thoroughly union construction workers are trained. We must also promote the benefits to the community of providing our workers with health insurance and pension plans, supporting drug testing programs and encouraging labor management cooperation efforts.

We will continue our newsletter on a monthly basis. We will put together an overall public relations campaign.

We must become politically active in terms of making sure our members register and vote and contributing to candidates who support our issues.

Just as importantly, we must get involved in the politics of the construction process itself, such as planning commissions, permitting boards, and other state and local agencies that regulate the industry.

But the foundation of these programs is the ACT membership. Our members must become involved and stay involved.

If we are to be successful with these plans, we must have a program that reaches out to members, asks for their help, trains them when needed and rewards them for their efforts.

We need your input. Then we need your support, patience and participation to move ACT forward.

## Stop Environmental Cheating

(Continued From Page 5)

### Union Carbide

Union Carbide recently hired Brown and Root to begin construction on a new process plant at its South Charleston facility.

Carbide has applied for environmental permits. Construction cannot begin until the corporation receives approval of these permits.

ACT's lawyers have learned that Union Carbide has applied for the wrong permit — one that would not require Carbide to spend as much money obtaining. Litigation is being instituted to force Carbide to comply with the law. No Brown and Root construction will begin until Carbide complies with the law.

### Legislative Activities

Preparations are being made for the 1993 session of the West Virginia Legislature on issues of concern to ACT members.

ACT's environmental consultants are preparing several scientific studies to be used in the upcoming session of the legislature to fight the passage of laws that would weaken the environmental protection requirements and therefore destroy construction jobs and poison our state.

### Power House Projects

ACT has completed reviewing several power house projects and found them to be environmentally sound. ACT is presently promoting these projects in an effort to create union jobs.

### Continued Support

These projects are but a few of the technical and expensive projects ACT has underway.

The continued support of the membership is needed. More importantly, now members are needed to carry on the fight.

### Affiliated Construction Trades

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