

ACT, Others Target Rhone-Poulenc

Coalition Seeks Gas Leak Inquiry

ACT joined a coalition of community, church, government, education and environmental leaders of the Kanawha Valley in calling for an independent investigation into the May 20 chlorine gas release at Rhone-Poulenc.

In addition, the coalition

(See Related Story, Page 4)

asked for the formation of a "Good Neighbor Agreement" between Rhone-Poulenc and the citizens of the Kanawha Valley in an effort to protect and promote community health

and safety.

The coalition made the announcement at a press conference Thursday at West Virginia State College, which is located near the Rhone-Poulenc plant. More than 250 people

had to shelter in place at WVSC because of the gas leak.

Residents were initially told the leak was caused by a faulty gasket and a leaking flange. Two days later residents were told the leak was caused by

three pinholes in a hose used to transfer chlorine from barges to dock #3.

Early reports were that 38 gallons of chlorine had been released. Later it was said to be 10 gallons, then six gallons which had been released.

These conflicting reports caused citizens to question their validity, and to see the need for another investigation, possibly by the Occupational Safety and Health Administration.

However, OSHA doesn't investigate an accident unless five workers have been hospitalized or someone is killed.

The coalition suggested the investigating team be made up of a professional company specializing in work of this type, and local safety advocates.

"The Chemical Manufacturers Association has a program called 'Responsible Care' and its motto is 'Don't Trust Us - Track Us'. Well we don't trust

them and we're tracking them," said Steve White, ACT director.

"If these companies are serious about letting the public track them then they should agree to an independent investigation".

ACT Plans New Office In North

The Affiliated Construction Trades Foundation is planning on opening a branch office in Northern West Virginia.

The location has yet to be decided but Parkersburg and Clarksburg are the top contenders.

ACT will be hiring a field representative and clerical support to implement the fair contracting and industrial sector programs, similar to the duties performed by Tim Millne and Bill Thomas who work out of the Charleston office.

Anyone who is interested in the position should contact their business agent.



CALLING FOR INDEPENDENT investigation of a chlorine gas leak at Rhone-Poulenc during a press conference were State Sen. David Grubb (at podium) and environmental and labor coalition members in background.

B&R Slows Union Vote

The Brown & Root organizing campaign has not come to a stop, although company officials would like you to think so.

Brown & Root has merely chosen to delay the process.

So far, there have been National Labor Relations Board hearings on eight days - April 27 and 28, May 3, 4, 20 and 21, and June 1 and 2.

"They're dragging out the issues of who their supervisors are, and keep trying for a later date for who can vote," said Bubby Casto, Business Manager for the Charleston Building Trades.

"We had hoped to resolve all issues at those first two hearings in April, but it looks like it will be months before that will happen," he said. In the same time as many as three hundred out-of-state workers have been brought in since the election.

(Continued On Page 3)

Parkersburg Area Meetings Seek Member Involvement

ACT is beginning to hold meetings in the Parkersburg area to get the members there involved in their unions and ACT programs.

The meetings have taken place at the Pipefitters Hall, in late April and the first week of June. All ACT affiliates in the area were encouraged to participate.

The backbone of much of ACT's programs depend on good participation by members. The prevailing wage program

was discussed in length. The problem facing union members is they are not getting a fair opportunity to work on prevailing wage projects, projects they have paid for with their taxes and project they have set the standards on with their local collective bargaining agreement.

Nonunion contractors will often mis-classify workers or use "benefit fund" scams to cheat on the prevailing wage laws.

ACT's prevailing wage program looks to uncover cheaters and get the evidence needed for government agencies to enforce the laws. The key is getting union workers to salt the non-union jobs to get the necessary facts.

Also discussed were issues and problems with the Washington Bottom DuPont plant.

Recently, DuPont has threatened to kick out union contractors in order to cut costs.

(Continued On Page 3)

Inside The Act Report

Millwrights	Pg. 2
Operating Engineers	Pg. 2
Mem. Day Speech	Pg. 3
Radio Ads	Pg. 3
Freedom of Info	Pg. 4
Gazette Editorial	Pg. 4

FAIR WARNING TO UNFAIR CONTRACTORS

There's a new player in town. The Affiliated Construction Trades Foundation. ACT, for short.

And if you're a public works contractor who chips a bit here on wage rates, cuts a bit there on overtime and worker classifications, you'd best prepare for some dents in your hard hat.

You see, at ACT we specialize in just a very few things.

For example, we help contractors and awarding agencies obtain and understand

federal and state wage laws.

Above all, we're experts at taking good, hard looks at contractors suspected of unfair wage practices.

All it takes to put us into action is an inquiry from a fair contractor or an employee. The source remains confidential - while we begin turning some high-intensity lights onto your operation through monitoring and other investigations.

Turns out you've tried to beat the system? We take the facts we've gathered and bring in the law

to lock you out of the industry. It's that simple.

If you're one of the good guys, we're here to help. Call us. We'll go to work. Free.

If you're not - well, fair warning.



FAIR CONTRACTING DIVISION

523 Central Avenue
Charleston, WV 25302
(304) 345-7570
FAX (304) 345-7649



This advertisement is being placed by ACT in an up-coming issue of the "West Virginia Construction" magazine.

Local 1755 Covers State

Millwrights Boast Training Program

Millwrights Local 1755 based in Parkersburg boasts a comprehensive apprentice program.

"Our apprentices are in training for five years," said Dick Ullum, business manager of LU 1755.

"They learn all phases of welding, and take up-to-date alignment classes - including blueprint and precision coupling alignment."

"Also, every facet of safety is covered, and in-grained in their training," he added.

The 400 members, with 275 active and 125 retired, are concerned with the mechanical aspect of the industrial environment.

Ullum said that one of the major problems members are facing is the decline of the industry.

"There's less on-site installation - now everything is built someplace else and then shipped to the site."

Among the issues that are most important to the millwright members is the need to see that they'll be able to sell their skills in the future, he said.

Job security, good health and welfare plans, and good pension plans are also considered very vital.

Ullum is optimistic about the job that ACT is doing for his union.

"We want ACT to give us the other side of the picture - no more picket lines, or the old way of doing things. We want to accomplish things through the Environmental Protection Agency and legislative work, like they're doing," he said.

(Continued On Page 4)

Local 132 Deciding Vote

Operators Made ACT Come Alive

The approximately 2500 members, with 1800 active and 600 to 700 retirees, of the International Union of Operating Engineers Local Union 132 are the people who finalized the creation of ACT.

"Our's was the swing vote that made ACT a reality," said Bruce Tarpley, business manager of the local, and also ACT president. "We put them over the 50 percent of statewide membership needed to cover the old solidarity agreement."

The members operate heavy machinery and are involved in heavy, highway, and pipeline construction.

Tarpley said the members expect big things from ACT.

They expect to gain a bigger share of the market; they ex-

pect the work to be monitored more fairly; they expect a more efficient use of the Building Trades Council, with ACT and the Building Trades working together; and they expect to educate the public of the benefits of unions.

"That's exactly what they're getting," he said.

"They see non-union companies drop further down on bid lists because they're having to increase costs, because they're being more closely monitored.

And they see what's happening in the chemical industry; and they can see the political network that ACT has built and its support by the Legislature and other government officials

(Continued On Page 4)

Allen Fisher At Workers Memorial Day Rally

'Employer Violations Kill Workers'

The following is an excerpt from a speech given by Allen Fisher, Secretary-Treasurer of the West Virginia State Building and Construction Trades, AFL-CIO, at a Workers Memorial Day rally on April 28.

Ten thousand workers are killed on the job every year - one every hour of every day.

The problem? An employer who willfully violates safety laws resulting in the death of a worker faces only six months in jail.

OSHA Reform Needed

In the past 10 years only one person has gone to jail for willful violations that killed a worker - and then for only 45 days.

That record is one of the reasons workers and their unions have pressed so hard for OSHA reform. Reform legislation now in Congress would give workers some legal redress as well as require measures to ensure safer work places.

The Reform Legislation also would boost coverage for con-

Parkersburg

(Continued From Page 1)

DuPont gave union members an ultimatum - to drastically cut wages and working conditions "or else".

Over 67 people attended the introductory meeting and approximately 30 were on hand for the two meetings in June.

"We got a smaller turn-out than we had hoped, but the meetings were very affective," said Bill Thomas, ACT's industrial sector representative.

"Members seem pleased and excited with what we've accomplished," he said.

"We want to get people involved and participating because a well informed, educated member is the key to winning any battle," Thomas said.

struction workers who suffer a disproportionate 18% of occupational fatalities while making up only 5.5 percent of the total work force.

There are companies that use an unsafe work place as their way to compete. These companies don't put out a better product or use the most skilled people. They don't excel by training or supervision. No, they compete by doing anything for a buck. They are cruel, cold-blooded killers who hide behind poorly written laws and the lack of enforcement of the little law there is.

For the most part, these are non-union job sites and these are non-union conditions.

Non-Union Dangerous

Union Carbide, Dupont, and Rhone-Poulenc in the Kanawha valley have hired Brown & Root, a non-union contractor from Texas that uses unskilled and out-of-state workers, to perform new construction and maintenance work in their plants.

Brown & Root has seen 47 of it's workers die since 1980. Countless others who have worked on their projects for sub-contractors have died as well. Yet Brown & Root uses their "lost time accident" rates as an advertisement of themselves.

They pretend that the OSHA term, "lost time accident", means something about safety.

Think about how long it would take OSHA to inspect every work place in the state of West Virginia.

It would take OSHA 96 years given the number of inspectors and the number of business we have in this state for each place of business to be inspected just one time.

It's clear that in today's world public law and policy have created a much higher standard for protection of public health and

the environment than for protection of workers.

Let's compare some facts about the Environmental Protection Agency (EPA) to OSHA and see where we stand.

OSHA, EPA Facts

* OSHA has an annual budget of \$300 million, and responsibility for the safety and health of 100 million workers at 6.5 million work places. The EPA has an annual budget of \$7 billion, 23 times greater than OSHA's.

* OSHA has a staff of 2,411, compared to 17,700 for EPA.

* The maximum criminal penalty for employers who willfully violate an OSHA standard resulting in the death of a worker is six months in jail, compared to 15 years as the maximum criminal penalty for violating an environmental law.

* OSHA's average penalty for serious violations is \$753. The maximum penalty is \$7,000. And OSHA collects only 52% of the fines it imposes. The maximum for similar violations of most environmental laws is \$25,000 per day, and EPA issues an average penalty of \$51,329 per case.

Brown/Root

(Continued from Page 1)

Throughout the campaign Brown & Root has bragged about their benefit program, although this has angered most of their workforce. "This company wants to look like a union so bad I don't see why they don't quit fighting and just sign up", Casto said.

Although the hearings are being stalled, Casto is not troubled about it.

"It really doesn't affect us in a negative way," he said.

"Actually, this gives us more time to gear up for the final push - once the election day is set, we'll be better prepared."

* OSHA's standards for cancer-causing substances permit up to 1,000 times greater risk to workers than EPA's standards permit to the public.

To point out the differences in OSHA and EPA is not to call for a weakening of EPA standards but to renew the call for a reform of OSHA standards.

OSHA reform is being pushed by the AFL-CIO here and in Washington but it's not enough. Nonunion companies use workers to lower our standards.

We must fight for the living by organizing, educating and publicizing the facts to other workers and the public.

Radio Promotes Union Crafts

Parkersburg Ad Campaign Begins

ACT members who live in the Parkersburg region were recently given the opportunity to approve some radio commercials developed especially for their area. Following are the scripts for the ads aired on stations WADC and WXXK.

As residents of Parkersburg, we can be proud of the progress we've made.

This progress is due, in part, to our business leaders' long standing relationship with union construction workers.

You see, when Parkersburg businesses hire union workers, Parkersburg works.

The Affiliated Construction Trades Foundation thanks Parkersburg businesses for hiring local union workers.

It helps working men and women...

It helps Parkersburg.

When Parkersburg businesses hire local union construction workers, they get the best trained workers but they also get men and women with an interest in Parkersburg.

They worship in the churches they build.

They are cared for in the hospitals they build.

And their children learn in the schools they build.

The Affiliated Construction Trades Foundation thanks Parkersburg businesses for hiring local union workers.

It helps working men and women...

It helps Parkersburg.

Money spent close to home, stays close to home.

Parkersburg understands why.

Local union construction workers spend their paychecks right here.

They pay their taxes right here.

Non-union, imported workers, go home to spend their money and pay taxes.

The Affiliated Construction Trades Foundation thanks Parkersburg business for hiring local union workers.

It helps working men and women.

It helps Parkersburg.

Case In Circuit Court

ACT Fights DOT On Bidder Info

The West Virginia Department of Transportation has repeatedly awarded projects to contractors who are not licensed, are not in good standing with the secretary of states office, and do not have valid state vendors numbers.

A few examples include a \$27 million dollar highway job awarded to Elmo Greer & Sons from Kentucky last fall when the West Virginia Secretary of State had revoked their authority to do business in the state because of non-payment of taxes.

R.R. Dawson Bridge Company, also from Kentucky, recently received an award without a contractors license.

ACT's prevailing wage pro-

Operators

(Continued From Page 2)
that ACT has worked with."

What's more, Tarpley said his members are now beginning to realize how significant ACT's impact is.

"It used to be when we went to our monthly sector meetings, which take place all over the state, all we would hear were complaints - now we hear 'what's next?'," he said.

"Members are becoming more interested and more enthusiastic."

Millwrights

(Continued From Page 2)

"ACT has the time and resources to focus on these issues. In the past, the organizations that our union has been affiliated with have not had the time nor resources to fight on these levels.

ACT will open up different avenues on which to fight the corporate people on their own level, and will create a level playing field for us to compete on."

gram has begun to fight back by taking the Department of Transportation to court in an effort to get key documents state bidders must fill out.

In a surprise move three contractors have asked to join the state in fighting ACT's lawsuit.

The Department of Transportation has denied ACT's request for three contractor pre-qualification statements.

Pre-qualification statements are required by the state to insure that contractors who are bidding work have the financial resources and track record to successfully perform work.

"We've seen a blank pre-qualification statement, and we know it has space for the contractor's license, the vendor number, the type of corporation, the company's track record, other business they're involved in, who own's the company, and other information of this nature," said Tim Millne, ACT's fair contracting representative.

"That's the kind of information we want."

ACT went to court over the matter on Friday, May 7, asking the court to intervene.

Lawyers for Elmo Greer & Sons, Inc. of Kentucky, Kanawha Stone of Charleston, and Corman Construction of Annapolis, Md. made an unexpected appearance, asking to be involved in the suit.

On the bid date for a project the apparent low bidder is announced. The awarding agency then must determine if the bidder is responsible and capable to perform the work.

The low bid in itself is not a guarantee of an award.

Contractors who repeatedly violate the law, are late in completing their projects or do poor quality work cannot be allowed to bid and get state and federal contracts.

Federal laws allow for de-

barment.

West Virginia doesn't have debarment laws but state agencies have the right to decline a bid from a contractor.

Access to information is a crucial part of ACT's program. Information is key to making decisions that affect the jobs of construction workers. ACT's

Rhone-Poulenc Inquiry

Gazette Editorial Backs ACT View

An editorial appeared in the *Charleston Gazette* on June 9 concerning the coalition's request of Rhone-Poulenc for an investigation into the May 20 Chlorine leak.

The following are excerpts from the *Gazette's* editorial:

Safety is more important in some industries than others. In the chemical industry, where a single leak can kill thousands, it must be paramount.

That's why any leak, no less one that forces an entire town to hole up for two hours, must be thoroughly investigated.

The Institute leak, which put three Rhone-Poulenc employees in the hospital, wasn't serious enough by OSHA [Occupational Safety and Health Administration] standards to investigate.

Those standards should be changed. Someone shouldn't have to die before OSHA becomes involved.

A coalition of environmental, community and labor activists is trying to convince Rhone-Poulenc to support an independent inquiry into the leak.

The coalition also wants the company to sign a "good neighbor" agreement that would al-

low community participation in plant safety inspections. The entire Kanawha Valley would benefit if all the major chemical plants agreed to such a policy.

The community has an obvious stake in the safe operation of these facilities. The ability to get involved in independent safety inspections would help put a lot of people's minds at ease.

Chemical plants can kill, as residents of Bhopal, India, found in 1984. OSHA needs to take its responsibility to ensure safety more seriously. And chemical companies need to work with the communities where they locate these plants.

fair contracting program relies on the Freedom of Information Act, a state and federal law that guarantees access to public documents.

"If they were publicly held companies, their balance sheets would have to be shown anyway," Millne said.

"It doesn't hurt the competitiveness of union companies that are publicly held, such as Perini and Turner Construction.

"What's the sense of paying a new gas tax when out-of-state contractors are getting all of the work and their bringing in out-of-state workers?"

"We are fighting back, and the place to start is getting the right information."

ACT Forces Carbide Data Disclosure

ACT is also fighting the Freedom of Information issue on other fronts.

ACT had been trying to get permit information on Union Carbide's Triton Surfactant Unit, but was denied access.

"So we took them to court and were able to force them into an access agreement," said Stuart Calwell, ACT attorney.

The agreement allowing ACT to see the permit was the first such one in state history. Never before had anyone been allowed access to the complete permit of this size.

"We had to agree that we wouldn't reveal anything that wasn't strictly related to the permit," Calwell said.

"But that was okay, we won the case and got what we wanted."

ACT Foundation
523 Central Avenue
Charleston, WV 25302
(304) 345-7570

Non-Profit
U.S. Postage
PAID
Permit No. 88
Chas., WV 25301