

## USW Joins Community Groups to Sue Environmental Protection Agency

By Anna Fendley

The administration's delay implementing a commonsense rule to protect chemical workers and the community from industrial chemical releases and explosions prompted the USW and community allies to sue the Environmental Protection Agency (EPA).

EPA Administrator Scott Pruitt issued a delay of implementation of the Chemical Disaster Rule until February 2019, supposedly to enable him and his staff to rewrite the rule.

Many groups, including the USW and the International Association of Fire Fighters (IAFF), opposed the delay and urged the agency to make the rule effective as soon as possible because the provisions could save the lives of workers and community members.

The Chemical Disaster Rule is an update of EPA's Risk Management Program (RMP) to prevent chemical releases and explosions. The Obama Administration finalized the regulation at the end of its term.

The rule has commonsense provisions like involving workers in root cause analysis after incidents and near-misses,

increasing coordination with first responders in preparation for an incident, and providing greater information sharing with localities and the public about risks.

EPA officials in the previous administration said they updated the RMP because of incidents like the West, Texas, fertilizer explosion that killed 12 firefighters in 2013 and the catastrophic incidents at USW-represented refineries in Anacortes, Wash., and Richmond, Calif.

Last fall, a chlorosulfonic acid release occurred at the USW-represented Solvay chemical facility near Baltimore, Md. Fortunately, no one was injured. Although the chemical in question was not regulated under the RMP, Senator Ben Cardin (D-MD) sent a letter to EPA Administrator Pruitt, urging him to implement the rule immediately. Senator Cardin said that the provisions in the Chemical Disaster Rule would have been beneficial to the people of Baltimore and other places where similar releases have occurred.

Eleven state attorney generals are also using similar arguments in their lawsuits against EPA. The court scheduled oral arguments for March 16, 2018.

*(Anna Fendley handles worker health and safety legislative matters at the USW's legislative office in Washington, D.C.)*

## USW Forms Evonik Council

Evonik's acquisitions of chemical units from companies like Degussa, Air Products and J.M. Huber resulted in eight USW locals, so the International formed the USW Evonik Council last fall.

"I was surprised how many locals are now part of Evonik, so I wanted to ensure the International gives its full support to these locals through the creation of a council," said USW Vice President Carol Landry, who heads the union's chemical sector. "Having a council creates structure, and it increases solidarity and the ability of locals to determine their future together."

Local unions from seven Evonik locations, representing about 400 employees, comprise the council. They are: Local 7237-05 at Weston, Mich., Locals 727-00 and 727-01 at Calvert City, Ky., Local 134L-34 at Wallingford, Conn., Local 11-508 at Galena, Kan., Local 13-1 at Deer Park, Texas, Local 13-477 at Waggaman, La., and Local 7-807 at Mapleton, Ill.

Local 7237-5 from the Weston, Mich., plant hosted the first USW Evonik Council meeting on Sept. 20-21, 2017. As the locals shared contract information, it became apparent that Evonik had not standardized probationary periods, holidays,

union leave, overtime, and health and safety language across all of their facilities.

The locals exchanged contracts so they could conduct a thorough comparison between facility agreements. They also lent support to those engaged in future bargaining.

Health and safety was a main topic of discussion at the meeting. Many locations have Behavior Safety Technology (BST) or have plant management that wants to introduce BST.

Behavior safety programs focus on observing workers and placing responsibility on workers for incidents that happen. They ignore other factors contributing to incidents, such as inadequate design and engineering of systems, delayed maintenance and inspection, lack of or poor training, and excessive overtime.

The Evonik Council will meet Sept. 5-6, 2018 in Pittsburgh. A call letter will be sent to the locals.

Evonik is one of the world's largest producers of specialty chemicals. According to the company's webpage, it has around 3,900 employees in North America, and roughly 3,600 of whom work in the U.S.

# Organize a Workers Memorial Day Event to Remember Fallen Brothers and Sisters

One worker lost because of a workplace-related injury or illness is one too many.

According to the national AFL-CIO, 150 workers die each day because of job injuries and illnesses.

The USW has its own tally. From Aug. 13, 2016 through March 5, 2018 a total of 46 USW worker deaths were reported to the USW. This figure does not include workers killed in transit to and from the job and those who succumb to occupational disease.

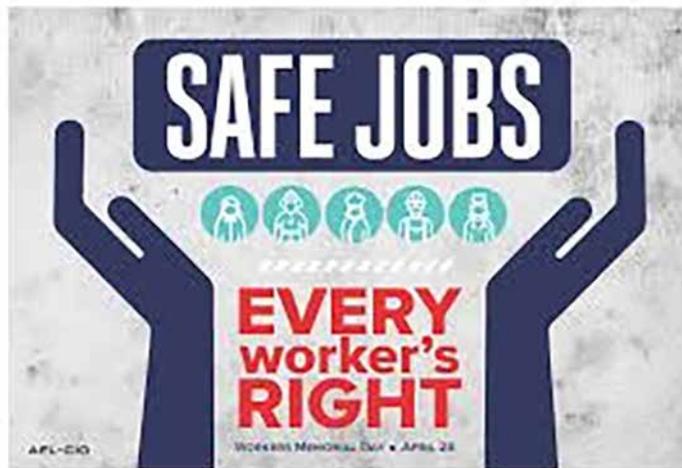
That is why every USW chemical local should commemorate Workers Memorial Day on April 28 or in the week preceding it. We must remember those who suffered and died on the job, and renew our fight for safe jobs and safe workplaces.

Here are some ideas for your local to commemorate Workers Memorial Day:

- Hold a memorial breakfast.
- Organize a rally to demand safe jobs in your community.
- Hold a candlelight vigil, a memorial service or a moment of silence to remember those who died on the job and highlight job safety problems in your community.
- Fly the flag at half-staff for the day and lay a wreath at the flag pole or plant entry.
- Download Workers Memorial Day flyers in English or Spanish and hand them out at your plant using your local's CAT team, Rapid Response network or stewards network. Link to flyers: <https://aflcio.org/about-us/conferences-and-events/workers-memorial-day>
- Plant trees, release balloons.
- Set out work boots, symbolizing those who died, at your rally, memorial service or other event.
- Order Workers Memorial Day stickers from the AFL-CIO and put them on your hard hats. Here is the link: <https://aflcio.org/about-us/conferences-and-events/workers-memorial-day>

If one or more workers at your site have died because of a workplace health and safety incident (ex. explosion, fire, etc.), excessive overtime (died driving to or from work), injury or occupational illness, it is important to invite their families to your Workers Memorial Day event. Invite them to speak about their loved one; this is powerful testimony. Even if the families are unable to attend, they will appreciate being asked.

The USW has a sample list of ideas that is a complete



resource for all the steps to take when planning a Workers Memorial Day event or activity. Access it at <https://m.usw.org/get-involved/hsande/resources/workers-memorial-day/ideas.pdf>

If your local is planning an event it can be listed on the AFL-CIO's map of Workers Memorial Day activities. Go to <https://aflcio.org/about-us/conferences-and-events/workers-memorial-day>. There also is a report form that can be completed after the event.

Workers Memorial Day is also about fighting for improvements in workplace safety and letting the public know that many workplace incidents are preventable. Write letters to the editor of your local paper and submit a guest editorial.

The National Council for Occupational Safety and Health website has a section devoted to Workers Memorial Day 2018 that includes how to write a letter to the editor, sample resolutions, press release and media advisory templates, and templates for reports. It also includes ideas for events and resources for sample reports. Here is the link for the resource section: <http://coshnetwork.org/wmw-resources>

Please send photos of your event so they can be posted to the USW Chemical Workers Facebook page and used for the next edition of Chemical Solutions. Please email them to Lynne Hancock, [lhancock@usw.org](mailto:lhancock@usw.org).

Also, use your local's web and Facebook pages to commemorate Workers Memorial Day. Use #WorkersMemorialDay to post on social media.

## Sign up Today for Chemical Text Messages!

Text the word **CHEMICAL** to 47486.  
When asked, type in your company name.

# USW Evonik Members at Weston Plant Gain Substantial Wage Increases

Local 7237-05 members at Evonik Industries AG's (Evonik) Weston, Mich., facility ratified a new three-year contract with substantial wage increases on Feb. 1, 2018. The agreement covers 25 employees.

Maintenance workers will receive wage increases of 5.5 percent the first year and 2 percent the second and third years. Operators and shipping/receiving workers will receive a 4 percent increase the first year and two percent increases in the second and third years. All workers received a \$350 lump sum upon ratification.

The agreement contained a guarantee that Evonik would not randomly shift work schedules. Workers will have company health insurance like the other Evonik locations. The new contract expires Feb. 1, 2021.

## History of Underpayment

Silbond Corp., the site's previous owner, froze employee wages for five years, except for quarterly lump sum payments. Local 7237-05 unit chair Mark Navarro said the company did this to continue operations. He said that workers received small wage increases after the wage freeze ended.

When Evonik acquired Silbond in 2014, it inherited the low wage scale.

"Maintenance was severely underpaid for being a trade occupation in this area," said Local 7237 President Julia Loar. "The maintenance people the company had didn't want to stay, and the plant had trouble hiring at the current rate. The union wanted to raise wages so the maintenance workers

would stay."

Union negotiators successfully increased the starting wage by \$3 an hour. Loar said this helped three new hires and enabled Evonik to attract qualified applicants.

## Difficult Bargaining

Bargaining the wage increases and a new contract was difficult because Evonik corporate management played hardball for 90 days, Navarro and Loar said. This prompted contract extensions after the agreement expired on Oct. 20, 2017.

Members rejected the company's first offer of 3.5 percent, 1.5 percent and 1.5 percent wage increases each year. After management offered higher increases, the membership ratified the contract.

"Obtaining an 8 percent wage increase over three years isn't bad," Navarro said. "I hope this contract is a stepping stone, and I hope we get along with management better."

Union solidarity from the Evonik Council helped. Council members wore support stickers. Local 7237-05 members placed car signs on their dashboards and windows to show solidarity to plant management. The local also used text messages to keep members abreast of negotiation developments.

"These actions made an impact during negotiations," Loar said.

She hopes the plant will expand.

"At least Evonik plans on future investments at the site and this gives us hope for the next round of bargaining," Loar said.

## USW Proposal Spotlights Excessive 3M CEO Compensation

3M CEO Inge Thulin's compensation in 2017 was \$20.5 million—324 times the median 3M employee compensation of \$63,338.

To address this large discrepancy, the USW 3M Council is sponsoring its first shareholders resolution at the company's annual stockholder meeting on May 8, 2018 in Indianapolis, Ind.

The resolution is Proposal #5, "Setting Target Amounts for CEO Compensation," and requests "that the Compensation Committee of the Board of Directors take into consideration the pay grades and/or salary ranges of all classifications of company employees when setting target amounts for CEO compensation."

This would be in addition to the peer group benchmarks (what other CEOs make) that the company uses to determine CEO compensation.

The 3M board of directors is mostly composed of former CEOs. Unsurprisingly, the board disagrees with the USW proposal. It claims that including the USW proposal would involve "significant time, cost and resource burden."

However, the Security and Exchange Commission requires companies to reveal CEO pay ratios, so the USW proposal is no different from what 3M is required to do.

If you have stock in 3M, please consider voting "FOR" proposal #5. Voting instructions are available at [www.investors.3m.com](http://www.investors.3m.com).

# SAVE THE DATE

### USW BASF Council:

Aug. 7-8, 2018; Geismers, Louisiana

### USW Evonik Council:

Sept. 5-6, 2018; Pittsburgh, Pa.

### DowDuPont North American Labor

Council: Oct. 8-12, 2018; Pittsburgh, Pa.

### USW Solvay Council:

Oct. 23-24, 2018; University Park, Illinois

# Members Approve Two Contracts at Evonik Kentucky Plant

Local 8-727 members from two different bargaining units at the Evonik facility in Calvert City, Ky., ratified agreements that contained wage increases and other provisions favorable toward workers. These included union-developed health and safety language and protective contract language regarding the company's Total Productive Maintenance (TPM) business strategy.

Unit 727-00 bargainers met with Evonik for five days over two weeks. The three-year agreement reached on Feb. 20, 2018 contained a \$2,000 ratification bonus and an immediate wage increase of 2.5%. Wages increase 2.75 percent in each of the second and third years. The contract expires Feb. 14, 2021.

The new agreement enables newly-hired bargaining unit employees to qualify for vacation time sooner, shortens the time a worker is in a job progression and provides extra pay for workers in case they are laid off or the plant closes. Also, lead operators will be added to the existing weekend duty rotation with nonunion staff on a six-month trial basis.

This unit was the Air Products plant that Evonik purchased in 2016. Evonik acquired the specialty and coating additives business for Air Products. It is also called the Performance Materials Division.

## Former Degussa Unit

Unit 727-01 was a spin-off from a joint venture between Air Products and Degussa AG in 1987. In 2007, Degussa AG became Evonik.

Bargaining started Feb. 22, 2018 and ended March 1, 2018 when members in unit 727-01 ratified a three-year agreement that included wage increases of 2.5 percent the first year and 2.75 percent the second and third years.

Evonik agreed to pay overtime outside a person's regular shift without that person having to work at least 40 hours in a week. The company also agreed to create a role for one worker to address safety and operational issues through January 2019 for operators and maintenance employees.

The agreement removes forced overtime from the attendance policy, and gives employees the right to return to their department in 12 months if they are moved to another department and a new job or the person's old job becomes open.

## Safety at Evonik

Both units have strong contract language on the Safety at Evonik program and the company's Total Productive Maintenance (TPM) business strategy.

In a Letter of Understanding (LOU) on Safety at Evonik, the company acknowledged that it was not a "blame the worker" type program and that there would be no formal observation of workers. Safety would take precedence over production, and employee participation would not be restricted in health and safety activities.

TPM is about employee involvement in maintaining and improving the integrity of a company's production (machines, equipment and processes) and quality systems. It involves union participation on a steering committee and non-traditional roles for operators and maintenance. The first TPM coordinator will be from the bargaining unit and help management implement it. Training in the program begins in 2018 for all employees.

The LOU on TPM said that the program will improve the workplace by giving workers a greater say, making their job more rewarding, enhancing their knowledge and capabilities, and creating a collaborative partnership between workers and management. It also said that Evonik does not intend to lay off bargaining unit workers as a result of TPM or discipline them for using their "best judgment."

Evonik's USW-represented Deer Park, Texas, plant already operates under the TPM program.

The next Evonik contract expires October 15, 2018 for a six-person laboratory technician unit in Connecticut, Local Union 134L-34.

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3M

FAIR CONTRACT