

Pulp truth

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USW Presses for More Changes to EPA Boiler Rules to Save Jobs

By Keith Romig

The USW has been working hard to make sure the Environmental Protection Agency's new boiler rules are written in a way that will help preserve jobs in the paper and other USW industries.

At last year's paper conference over 400 of the delegates signed a petition asking the EPA to write rules that make sense and do not put anyone's job at risk. In addition, the USW filed formal comments on the rule covering major source boilers (the big ones) and on the rule covering EPA's definition of what is and is not solid waste.

Your work, and that of our technical experts and legislative office, played a role in persuading the EPA to change the major source rule in a number of ways favorable to the industry and consistent with its own beliefs about safe workplaces and communities.

The rule is undergoing additional assessment and we think that the waste definition rule needs more clarifica-

tion related to two points:

One part of the definition sets criteria that establishes when a waste material can be considered a legitimate fuel, but we think the way it is written could create problems for some biomass boilers.

It also creates a new rule covering contained gases that would potentially cause many biogas fuels to be considered waste—which would also be a problem.

Our legislative team approached the EPA's solid waste office and met with its head person. EPA's air office has been responsive to the legitimate concerns that have been raised. USW is working to help the solid waste office become just as responsive, so that the entire complex of boiler rules will be affordable and practical at the same time they protect the environment.

Our credibility as an independent and rational voice in this debate is what makes us effective, and that is a credit to our staff and locals.

NLRB Says Company Can't Automatically Change Safety Program

If your employer tries to unilaterally implement a behavior-based safety program, you need to take a look at this National Labor Relations Board (NLRB) case.

Kennametal, Inc., a tool maker, announced implementation of its corporate-wide Management Based Safety (MBS) program on Feb. 2, 2010. USW Local 5518 requested to negotiate over the implementation the next day and the company refused, claiming it was not a mandatory subject of bargaining.

The company also had unilaterally initiated a new discipline policy for safety violations and injuries and had suspended one employee and terminated another for safety violations under the new policy. It argued that its new discipline policy, called Procedure for Corrective Actions for Safety Violations and Work Instructions for Corrective Actions, had no relationship to MBS.

When MBS was implemented the company stopped the union's involvement in accident investigations.

Local 5518 filed NLRB charges on July 30, 2010 and the case was tried before Administrative Law Judge Arthur

J. Amchan on Feb. 8-10, 2011.

In his April 12, 2011 decision, Amchan wrote that Kennametal violated the National Labor Relations Act for unilaterally implementing a safety program and disciplinary policy that affected workers' wages, hours and working conditions, excluded the union from accident investigations and resulted in a wrongful suspension of an employee and the termination of another.

He ordered the company to cease and desist from:

- Unilaterally altering the wages, hours and working conditions of employees through its implementation of a new discipline policy for safety violations or more strictly enforcing its discipline policy for safety violations,

- Unilaterally implementing MBS in a manner that excludes union participation in accident investigations and/or results in the imposition of discipline for an employee's failure to comply with requirements unilaterally imposed pursuant to the MBS program.

Amchan ordered Kennametal to reinstatement the terminated employee and to make that worker and the suspend-

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ed employee whole for lost earnings and benefits. The company also had to clear their records of the discipline.

The company also was ordered to reinstate an accident investigation process that involved the union and was consistent with the 2005-2010 collective bargaining agree-

ment. It also had to post a notice to employees that said it violated federal labor law and listed what the company had to do to rectify the violations.

You can read more about this case at www.usw.org/paperworkers.

More Box Plants Expected to be Shut Down

Box makers are missing the big picture. Instead of pushing for enforcement of trade laws and ways to stimulate the economy to create demand for US manufactured goods and thus, boxes, the industry is shutting down plants to remove production capacity so it can gain pricing power over its customers.

International Paper (IP) is trying to buy smaller packaging producer Temple-Inland Inc. If the deal goes through and is approved by regulators, IP would control about 40% of the North American corrugated packaging business. IP CEO John Faraci has long held the belief that the packaging market must consolidate.

Steven Chercover, a paper and forest products analyst, told Reuters: "If the economy was perhaps a little stronger, then maybe we wouldn't need this. But the economy is not strong enough to give pricing power, and I think the industry can more or less control its own destiny."

Others, like analyst Dave Hillman from the Gerson Lehrman Group, Inc., say the U.S. has twice as many box

plants as it needs. In 2006 the U.S. had 513 box plants; at the end of 2010 it had 508. Hillman says there is considerable industry talk of having only 420 by 2015.

Less than seven days after the closure of the Smurfit-Stone acquisition, Rock-Tenn announced it was closing three Smurfit corrugated box plants in Birmingham, Ala., Jonesboro, Ark., and Santa Fe Springs, Calif., by the fourth quarter.

Deutsche Bank analysts say they expect Rock-Tenn to eventually shut down 20-30 converting plants and to shutter two to three Smurfit mills. They say the lower box prices reflect a slower economy, over-supply and aggressive behavior by Smurfit in recent months. Further, they say rising input costs and falling box prices will impact converters' profit margins.

Rock-Tenn sent a WARN notice May 17 to employees that it was permanently closing the entire Milwaukee Folding Carton facility on July 17. The USW has been bargaining a severance package for the workers.

News Briefs

Packaging Corporation of America (PCA) purchased Field Packaging Group, LLC in mid May. The Bedford Park, Illinois-based company manufactures corrugated packaging products, including mini- and jumbo-sized corrugated cartons, for the food, confectionary, durable goods, furniture and metal stamping industries, among others.

MeadWestvaco announced in May that it was going to

restart the Evadale, Texas, mill's #2 paper machine for its pine pulp operation. This move will return 30 operators and eight maintenance workers to the mill. The company's investment of \$1 million for the restart is helping to balance the backend of the mill. MeadWestvaco said it will run the #2 paper machine for about three years or until it can increase the production to capacity on the #5 and #4 machines.

Tony Mazzocchi Center Weekly Digest Features Latest Safety News

Each Monday the Tony Mazzocchi Center sends a recap of the previous week's health, safety, and environment news. To get this free information, email webmaster@uswtmc.org.

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