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Subject: FW: Worcester Sun story
Date: October 5, 2016 at 11:24 AM
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MS

From: McLennan, Scott
Sent: Sunday, October 02, 2016 3:21 PM
To: Sireci, Michael; roger.eaw@gmail.com; Roger Nugent (nugentr@yahoo.com); Kaake, Beth
Subject: Worcester Sun story

Worcester Sun (<http://worcester.ma/2016/10/worcester-schools-flunking-pcbs-test-union-says/>)

Worcester schools flunking PCBs test, union says

 worcester.ma/2016/10/worcester-schools-flunking-pcbs-test-union-says/

By Richard Nangle 10/2/2016

Eight years after learning of the possible danger of PCBs in some of the city's public schools, in June the union representing Worcester teachers won the right to test for the cancer-causing agents in Burncoat and Doherty Memorial high schools.

While the ruling was a victory for the Educational Association of Worcester (EAW), troubling questions remain: Why did all of this take so long, and why would the city act as obstructionist to a simple test brought on by concerns of possible elevated cancer rates in one of the city's schools?

PCBs are most often found in window caulking but were also prevalent in older fluorescent lighting ballasts found at schools like Burncoat.

The Massachusetts Department of Labor Relations ruling contains many, but certainly not all, of the answers.

For while it details events as they unfolded, it is impossible to determine intent. The [86-page ruling](#) details a stalemate between the union and city, which balked at testing even after the union conducted a surreptitious test that showed elevated levels of [polychlorinated biphenyls](#) (PCBs) in caulking in four schools.

Scroll down to check out the June decision and other related documents

Back to the beginning

The idea to test the school system stems from a 2008 presentation by a member of the Harvard School of Public Health before the Environmental Health and Safety Committee of the Massachusetts Teachers Association (MTA).

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The presentation, given by Robert Herrick, suggested that PCBs in exterior caulking and light ballasts in buildings built or renovated between 1950 and 1979 could lead to elevated blood levels of PCBs in building occupants. The U.S. Environmental Protection Agency lists PCBs as "possible human carcinogens."

Then-executive secretary of the Educational Association of Worcester Michael Sireci, a longtime Mass. Teachers Association field rep, attended the presentation and was inspired to

test for PCBs in Worcester schools, some of which had been built or renovated during that time period.

The union notified the city of its intent to test, and the city responded by denying permission. From there, the issue dropped into a bureaucratic black hole with union requests for action met with opposition at every turn.

Sireci notified the city that the MTA wanted to conduct a test and the city responded through attorney Sean Sweeney with a number of conditions. Sireci agreed to the conditions and notified the city of the union's intention to test on a weekend in March 2009. That request was met with another letter from Sweeney denying permission for testing.

Sweeney's letter to Sireci read in part, "the current request for access by the MTA to Worcester public school buildings to conduct testing of window caulking is denied at this time. The request is not made in the name of the exclusive bargaining agent; it is not based upon any specific health and safety concern; it is not relevant; and it is not reasonably necessary for the EAW to carry out its responsibilities as exclusive bargaining agent. To the extent that you have specific information regarding the existence of PCB containing caulking and tangible health and safety concerns as opposed to generalized theories which you believe might have a bearing on the District's decision, I would ask that you provide me with such information so that I may review it and discuss this matter further with my client. Otherwise, I will assume no such information exists."

A new character

About a month later, Sireci was contacted by George Weymouth, who he said was not affiliated with EAW or the school department, but had worked with Herrick on research studies [[like this one published in 2004](#)]. Weymouth said he had taken caulking samples from several schools and that the results showed PCBs in higher concentration than permissible under federal law at Mill Swan Head Start, Doherty, North and Burncoat.

"The [collective] sample itself shows extremely elevated levels of PCBs," said Scott McLennan of the Massachusetts Teachers Association.

So why would the city, knowing this test exists, continue to balk?

"If you unearth this stuff it costs a lot to mitigate," McLennan said.

Sireci said he believes the city did not have money for a full remediation and instead covered over window caulking eight feet up from the ground on a number of schools buildings. It also removed all of the light ballasts, but did not test them, he said.

"The whole trick is to never measure it," Sireci said.

The city has appealed the Labor Department ruling. Mayor Joseph M. Petty, a city councilor when all of this began to unfold, said the city will comply and conduct testing if that appeal is unsuccessful.

"We have invested a lot of money and I'm willing to invest more," he said.

The city has long taken the position that testing was not necessary. Nevertheless, in a statement released last month, Worcester Public Schools reported spending \$1.2 million in the summer of 2012 for PCB remediation.

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The highest levels of PCBs in a currently used school building were found at Doherty.

The sequence of events detailed in the ruling shows that, armed with the test results provided by Weymouth, Sireci informed the city that he intended to conduct another test. He and Weymouth entered the same four buildings on April 29, 2009, and Sireci sent an email to interim Superintendent Deirdre J. Loughlin that same day to inform her that he had taken the test samples. Loughlin replied in a May 4, 2009, letter:

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“You did this removal yourself without the permission of the Principals. Therefore, you trespassed on and defaced property on the outside of these buildings. You then sent samples to the Harvard School of Public Health for PCB analysis. Since these samples were taken by you, by yourself, without permission we demand that you return these samples at once as there is no one to witness the chain of evidence. We, therefore, cannot verify that you took these samples from our buildings.”

At a subsequent meeting, both sides agreed to an independent test. In the meantime, Sireci provided the city with results from the samples he had taken, which showed elevated levels of PCBs at all four schools.

Union due diligence

At that point, the union decided it was going to forge ahead without cooperation from the city. In a June 1, 2009, letter to the city Sireci wrote, “As I understand it the WPS is not ready to agree to sampling until they have a working agreement with Harvard School of Public Health. Since this testing demonstrated significant levels of PCBs, we intend to continue investigating potential health effects on our members.”

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Burncoat High School

The EAW asked staff at Burncoat and Doherty to submit blood samples for testing. Several Burncoat teachers, according to the ruling, responded that two of their colleagues had recently died of cancer and that another five had been diagnosed with cancer.

On June 8, Sweeney wrote to Sireci in part, “Be advised that the Worcester Public Schools does not regard the information provided by you as credible evidence of the presence of PCB containing caulking at any of the schools allegedly tested.”

But EAW representatives at Doherty contacted faculty and staff to say that window caulking at the school had been tested (on April 29, 2009) at 85,600 parts per million of PCB when the allowable limit was 50 ppm.

In light of that drastic difference, the union members asked for volunteers to submit blood samples.

In the meantime, Melinda J. Boone took over as the new superintendent and took the position that the test samples had been falsified.

In June 2010, Sireci took pictures that showed damaged caulking in North, Doherty and Burncoat high schools. The city maintained there was no release of the chemical.

After further inspection by Northeast Analytical Inc., via Weymouth’s samples, found elevated levels of PCBs at Doherty and other schools, Boone said she opposed testing in part because she believed “the science linking PCBs and adverse health effects in humans was questionable ...” Meanwhile, Boone sent a letter to parents stating just the opposite: that PCBs were possibly cancer-causing and that school officials were doing everything they could to look out for the well-being of the students.

The school department conducted an independent study that showed compromised caulking or light ballasts in each of the 29 schools tested. Nevertheless the city — referencing Sireci and Weymouth’s trespassing and their stance on the tests’ necessity — continued to refuse to cooperate with the EAW over actual testing.

Roger Nugent, elected EAW president earlier this year, said North was tested after the old building was demolished, as required by federal law, and PCBs were found to be in excess of allowable limit.

What's next?

As the dispute dragged, so did the process through the state Labor Department. The union filed its complaint in 2010 and a hearing was held in 2012, with the decision handed down this past June.

In her decision, Labor Department hearing officer Margaret Sullivan concluded, “the Employer contends that granting access to the EAW’s expert is unduly burdensome because the EAW wants to use that access to compel the Employer to acknowledge the authenticity of the results from those tests. If the Employer acknowledges the authenticity of those test results and if those results show a concentration of PCBs greater than 50 ppm, the EPA would require the Employer to immediately remove caulking from the school(s) where the test samples were taken. The Employer contends that such a mandatory removal could cost millions of dollars, force the closure of schools, and displace students.”

[Download \[259.86 KB\]](#)

Since the ruling, the two sides have traded responses. The next stop for the dispute is the Commonwealth Employment Relations Board after the [School Committee appealed](#) Sullivan’s ruling. The matter could also be back before the School Committee as soon as this week.

[Download \[3.49 MB\]](#)

Nugent said late last week he hopes the school board drops its appeal.

“We’re going to do what we can to find out what our options are,” School Committee member Brian O’Connell said. “We will take proactive, aggressive steps and be decisive.”

As the Worcester tug-of-war over PCBs continues, another Worcester County town has acted on the same issue with authority. Last year the town of Princeton [sued the Monsanto Co.](#) for costs related to PCB cleanup in one of its schools.

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