

...Portland Public Schools' *OTHER* lead problem?

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has hired a nonunion subcontractor, Chosen Wood Windows, to remove Franklin's historic windows one by one to be refurbished offsite and reinstalled later. When I visited the construction site, the ground below where windows had been taken out was covered with construction debris, including paint chips and piles of discarded caulking. In classrooms, paint chips littered window sills and nearby floors. I even saw paint chips and dust that appeared to have been swept into a pile and left on the floor. Tests conducted by a representative of Painters and Allied Trades District Council 5 confirmed the presence of lead in the paint chips.

Elsewhere on the construction site, a union worker told me he has repeatedly seen window removal workers chipping, scraping, and sanding paint off the windows without wearing a respirator or bunny suit to protect themselves, and without setting up plastic sheeting to protect other workers or the environment. In at least one instance, he

said he saw workers throwing debris out the window onto the ground below. All those practices are visible in smartphone videos he took and shared with the Labor Press. [See those videos, and photos of the remodel at <http://bit.ly/29Sun5O>]

I observed a worker on a bucket lift outside a second-story window sanding, scraping, and chipping off paint with a chisel, with no containment except for a plastic sheet 15 feet below. At least that worker was wearing a respirator, and had a vacuum cleaner in his lift bucket.

Could lead from the windows put workers at risk?

Ben Maynard, lead enforcement officer at the Public Health Division of the Oregon Health Authority, said Environmental Protection Agency (EPA) rules for safe handling of lead wouldn't apply at Franklin; they only apply to residential structures and child-occupied facilities like day care centers and elementary schools. [Before the renovation, there was a Head Start program at Franklin. It's not clear if there will be when the remodel is

complete.]

But Oregon-OSHA agents were interested to hear details, and after my call, began an investigation on July 25. OSHA (Occupational Safety and Health Administration) requires that if workers are manually sanding or scraping surfaces containing lead paint, they must be provided with respirators, protective clothing, hand washing facilities, clean areas for changing and storing clothing, training that covers lead health hazards, and blood tests to sample for lead. Lead-contaminated chips and dust must be taken up with a HEPA-filter-equipped vacuum.

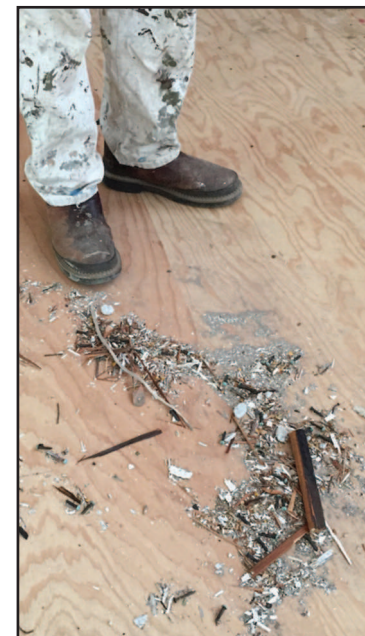
Chosen Wood Windows was investigated by Oregon-OSHA once before. The worker safety agency received a complaint in 2012 that toxic chemical fumes were causing employees to become ill while removing lead-based paints in a poorly ventilated room at Chosen's Canby, Oregon, facility, and that chemicals were being dumped into a hole in the ground. The OSHA inspection failed to confirm

those allegations, but the company was fined \$540 and cited for failing to properly train employees who work with stripper, thinner, sealer, and other chemicals; for lacking a written hazard communication program or respiratory protection program for employees; and for failure to establish a safety committee.

Chosen Wood Windows touts itself as a green company on its web site. It's also certified as a lead-based paint renovation contractor by the state of Oregon. Chosen Wood Windows owner Vern Forrest did not return calls from the Labor Press.

A spokesperson for Skanska, the general contractor, said the company would not comment because it's contractually bound to field media requests to Portland Public Schools, and because I entered the Franklin work site without permission.

David Mayne, spokesperson for Portland Public Schools bond-financed construction program, said contractors at Franklin are following all guidelines and regulations. After I sent him the photos and videos,



WHAT'S WRONG WITH THIS PICTURE? Paint chips and dust like these contain lead dust. They're supposed to be taken up by a HEPA-filter-equipped vacuum, not swept into a pile as they were above, inside Franklin High School's remodel.

Mayne said he visited the site and didn't see any improper practices.

"We're really strict about safety and compliance," Mayne said.

OSHA's investigation remains open. It can take up to 180 days to complete.

...Schrader takes aim at OT rule

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it because the Department of Labor says it's okay to exempt managers from overtime if they're paid on a salaried basis and the salary is over \$23,660 a year. That dollar amount was last updated in 2004 after being unchanged since the 1970s, and it was too low even in 2004. The Obama Administration's new rule raises it to \$47,476—more along the lines of what it was in the 1970s, adjusted for inflation—and indexes it to inflation from now on. The change is expected to affect over 4 million American workers.

Business groups howled in protest, and they found a friend in Schrader, who represents Oregon's 5th Congressional District. Together with three other members of his "Blue Dog Democrat" caucus, he introduced a bill to phase the increase in over three years and eliminate the automatic future increases for inflation.

"Since the DOL's immediate phase-in date was announced, we've heard from business owners and their employees who are worried about implementing this

increase overnight," Schrader explained in a July 17 press release announcing the bill, H.R. 5813. "Without sufficient time to plan for the increase, cuts and demotions will become inevitable, and workers will actually end up making less than they made before."

Schrader's bill was praised by the U.S. Chamber of Commerce, which said it would "soften the impact of the Department of Labor's (DOL) onerous overtime regulation."

But it got immediate push-back from the Obama Administration: "The president and I think that American workers have waited long enough for a fair day's pay for a long day's work," said Secretary of Labor Tom Perez.

The Oregon AFL-CIO blasted the bill in an email to union members: "That's not a step forward for working people, it's a step backward. And we can't afford to keep going in the wrong direction."

SCHRADER: DON'T SELL US SHORT
Oregon AFL-CIO is calling on supporters to sign an online petition to Schrader at <http://bit.ly/2arWIKF>

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