

## A Call to Action: Asbestos Awareness Day!

**WisCOSH is launching a campaign to educate about the dangers of asbestos and to establish December 9th as Mesothelioma Awareness Day.**

*Jean Ainsworth is an activist on a mission. Since her husband died of mesothelioma in December 2002, she has traveled the country to raise awareness of the hazards of asbestos.*

*Ainsworth's husband, Lee Hartnek, was a Racine police officer who worked as an arson investigator—a job that exposed him to asbestos.*

*In May 2004, Ainsworth was the featured speaker at an Indoor Air Quality (IAQ) Workshop at Milwaukee Area Technical College sponsored by AFT Local 212, AFSCME Local 587, and WisCOSH.*

### By Jean Ainsworth

Since the turn of the century, the asbestos industry has known about the lethal dangers of repeated exposure to asbestos, yet it has continued with business as usual.

Since 1964, through the work of Dr. Irving Selikoff, M.D., a link between exposure to asbestos and mesothelioma has been known.

In 1989, the EPA determined that no level of asbestos was safe, and a government ban was put on the manufacture of asbestos products in the United States. This partial ban was in effect for two years.

However, in 1991, the ban was overturned on a technicality in the courts. Very few people are aware that the ban was overturned, so today a majority of our citizens think that asbestos has been banned, and that we are safe.

In fact, although asbestos has been banned in over 30 countries, asbestos has *not* been banned in the United States. Lies by the industry, and misrepresentation by the media, have kept the lethal dangers of asbestos hidden from the public.

Today in the United States, over 3000 products are still made with asbestos, with the potential of endangering all of us.

Repeated exposures increase the risk of mesothelioma, an extremely painful cancer of the lungs, esophagus, and stomach that takes 20 to 30 years to develop. Once diagnosed, most patients die within 9 to 12 months.

Each year, between 2000 to 4000 people die in the US of this disease. There is no treatment, and no cure.

The only way to eliminate this deadly disease is through prevention—by banning the import, export, and sale of asbestos.

**For more information on asbestos and mesothelioma, visit: [www.mesothelioma-news.us](http://www.mesothelioma-news.us) and [www.marf.org](http://www.marf.org).**

*(For additional articles on asbestos, see pp. 2, 4 and 5.)*

### WisCOSH Fall Conference A Call to Action on Asbestos

**Saturday, November 20  
9:00am - 1:00pm**

**8:30am** – Registration  
**9:00am** – Continental Breakfast

**9:30am** – Edwardo Williams,  
Wis. Laborers' District Council

**10:30am** – Panel Discussion:  
Steve Cagle, Laborers Union  
...and others

**11:45am** - Lunch  
**12:30pm** - Call to Action

**GCIU Union Hall  
633 S. Hawley Road  
\$20 in advance, \$25 at door  
Four tickets for \$60  
Call 414-933-2338**

## Deception at Ground Zero

**“Pollution and Deception at Ground Zero: How the Bush Administration’s Reckless Disregard of 9/11 Toxic Hazards Poses Long-Term Threats for New York City and the Nation”**  
—A Sierra Club Special Report

Many hundreds of people in New York City are sick today because of exposure to the pollution from the September 11, 2001, attack on the World Trade Center. Some suffer from shortness of breath, loss of lung capacity, chronic coughing, throat irritation or irritant-induced asthma;

some suffer from gastroesophageal reflux disease. Many are so debilitated by their physical conditions that they can no longer do their jobs, and most of them no longer enjoy life as they used to. It is possible that many more illnesses will emerge in the coming years. People worry about cancer, weakened immunity, and reproductive effects, and many experts fear that these worries may well be justified. No one knows what tomorrow will bring for this exposed population.

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# Health and Safety News...

## Ban Asbestos in America

For the past three years, Senator Patty Murray (D-WA) has led the effort in Congress to ban asbestos, increase public awareness, and improve research and treatment for patients with asbestos-related diseases. In May 2003, Murray proposed the Ban Asbestos in America Act (SB1115), which would:

- Ban asbestos in the United States
- Educate workers and the public
- Improve research and treatment

In 2003, Murray succeeded in getting the ban included in the Judiciary Committee's liability bill. This year, she renewed the call for support of her bill.

"It is unconscionable that so many innocent victims ... have died because they were exposed to a product that they were told was safe," Murray asserted.

"While more than 30 other countries have banned asbestos and protected their citizens, the United States still has not. The time for Congress to ban asbestos is long overdue. Until we take the steps to ban this deadly substance, we will continue to put innocent lives at risk."

## Asbestos Bailout Bill Unfair

A federal asbestos compensation bill (SB2290), which was killed in the Senate in April, was reintroduced in July with amendments to make it more palatable to injured workers and organized labor. But the bill failed to come to a vote before the Senate recessed on October 8.

The new version of the asbestos bailout bill increased the amount of money in the fund to \$141 billion, which is \$17 billion more than the previous bill. But according to the AFL-CIO, it would take \$149 billion to pay for all of the fund's liabilities. This is the latest in a series of asbestos company bailout bills that relieve manufacturers, employers, and insurers of liability, yet fail to provide guarantees of

fair compensation or medical screening to victims of asbestos exposure.

Tell your Senators and Representatives to oppose SB2290 and similar legislation that unfairly prevents asbestos victims from recovering fair compensation.

## WisCOSH Resource Directory

Copies of the 2004 WisCOSH Resource Directory are still available. If you have not yet received a copy, or if you need more, please contact us at (414) 933-2338.

## WisCOSH Web Site News

You may have noticed that our website [www.wiscosh.org](http://www.wiscosh.org) is off line. We're in the process of moving our website to a new hosting site. Meanwhile you can continue to use [www.execpc.com/~wiscoshm/index.html](http://www.execpc.com/~wiscoshm/index.html) to keep up with what's happening at WisCOSH.

## New Interim Director

Welcome to our new interim director, **Kehinde Lemumba**, who has taken on the job until we can fill the position permanently. He has extensive experience in AODA counseling, as well as in community organizing, and comes to us from Repairers of the Breach.

Our previous director, **Frances Bartelt**, retired to Florida in August. We thank her for her years of service to WisCOSH. We also wish her well, and hope the hurricane season is finally over!

## Director of WisCOSH

Part-time, 20 hours per week  
\$15 per hour, no health insurance  
Health & safety experience required  
Bilingual Spanish/English a plus  
Union represented

Please send resumes to:  
President Irene Herron-Steeger  
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Milwaukee WI 53207

## WisCOSH Health and Safety News

Published by

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Circulation  
1500

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WisCOSH is available to answer questions about health and safety problems on the job.  
Call us at 414-933-2338.

*WisCOSH is a nonprofit 501(c)(3) organization, and donations are tax deductible.*

## Workers Memorial Day 2004

# Bush Administration Turns its Back on Workplace Safety

**“No significant OSHA standard has been issued to protect workers since Bush took office, and no significant OSHA standard is being planned.”**

By Frances Bartelt

Every April 28th since 1989, the unions of the AFL-CIO observe Workers Memorial Day as a day to remember those who have suffered and died on the job.

April 28th was chosen because it is the anniversary of the founding of OSHA in 1970. Today we are thankful for OSHA. Over the years OSHA has set standards for workplace safety, and enforces those standards. Prior to OSHA, we had no standards to protect workers.

The Bush administration, however, has turned its back on the worker and on workplace safety. Since taking office in 2001, the Bush administration has overturned or blocked dozens of workplace protections including:

**March 2001**—Bush signed legislation repealing the OSHA Ergonomics Standard.

**December 2001**—the Bush administration announced the withdrawal of 29 rules that would have protected workers from hazards at work.

**February 2004**—Bush proposed cutting OSHA’s safety training programs for workers by \$7.1 million while increasing funding for employer programs.

Each year, millions of workers are injured—like poultry workers, truck drivers, and nurses who suffer from epidemic rates of repetitive motion injuries. The Bush administration has done nothing to address important workplace hazards. No significant standard has been issued to protect workers since Bush took office, and no significant standard is being planned.

### Worker Deaths in Wisconsin

This year in Wisconsin we had 54 worker deaths. Forty-four percent of these deaths were related to motor vehicle highway accidents. Wisconsin exceeds the national average in traffic deaths.

According to NIOSH and Milwaukee OSHA Compliance Officer Patrick Ostrenga, “roadway crashes are the leading cause of occupational fatalities in the US.”

**Roadway crashes are the leading cause of fatal injuries, accounting for 22 percent of all worker deaths.**

The annual number of work-related roadway deaths *increased* over the decade, despite overall declines in the number and rate of occupational fatalities. Roadway safety is regulated by the Wisconsin Department of Transportation.

We learned that OSHA is addressing this issue and believes that roadway safety is a “manageable risk”. That is why on April 17, OSHA secretary John Henshaw appointed a new assistant to focus on motor vehicle safety. This is a small positive beginning step. But it is time that President Bush and members of Congress take more action to protect workers.

## Planned Reorganization of NIOSH?

*The National Institute for Occupational Safety and Health (NIOSH) is a research organization dedicated to scientific studies on a wide variety of worker health and safety issues.*

*WisCOSH receives NIOSH updates and brochures on an ongoing basis—information that is accessible to the average person. Dismantling NIOSH would be a huge blow to the cause of worker safety and health.*

—Frances Bartelt, former Director of WisCOSH

### Special Thanks to Workers Memorial Day Presenters

Larry Penn, Folk Singer

Cecilia Robertson,  
Representing Senator Feingold

Judy Huffman,  
Representing Senator Kohl

John Goldstein, President  
Milwaukee County Labor Council

David Newby, President  
Wisconsin AFL-CIO

Sheila Cochran, Secretary-Treasurer,  
Milwaukee County Labor Council

**Keynote Speaker: E. Michael McCann,**  
Milwaukee County District Attorney

**The Fight for OSHA: Neil DeClercq,**  
Professor, UW Extension School for  
Workers

**The Fight to Protect Wisconsin  
Workers: Peg Lautenschlager,**  
Wisconsin Attorney General

This article on NIOSH reorganization is from BushGreenwatch, which you can find at [www.bushgreenwatch.org](http://www.bushgreenwatch.org).

A planned reorganization of the Centers for Disease Control and Prevention (CDC) would lower the status of the National Institute for Occupational Safety and Health (NIOSH), undermining the agency’s effectiveness and limiting its authority, say opponents of the change.

Numerous employee and public health organizations as well as several former

(continued on p. 7)

# The Deadly Toll of Asbestos

**30 million**

Tons of asbestos mined throughout the world in the last century

**27.5 million**

American workers exposed to asbestos between 1940 and 1979

**10 million**

Deaths predicted from worldwide epidemic of asbestos-related disease

**3 million**

Compensation claims expected for American workers exposed to asbestos

**2 million**

Tons of asbestos still being mined and shipped around the world each year

**1 million**

American workers exposed to asbestos each year on the job

**733,000**

Public buildings in US that contain potentially dangerous asbestos material

**79,000**

Asbestos fibers per square centimeter in dust from World Trade Center

**10,000**

US deaths each year from asbestos-caused diseases

**5000**

Rescue workers in New York City with chronic respiratory problems since 9/11

**3000**

Manufactured products still on the market containing asbestos

**1000**

Tons of asbestos contained in the World Trade Center towers

**61**

US companies that declared bankruptcy to avoid asbestos liability

**0**

Number of asbestos fibers recognized as safe, according to EPA standard

*Sources: Rand Institute for Civil Justice, Environmental Health Perspectives, NYCOSH,  
Environmental Working Group Action Fund*

# Asbestos Remains Key Threat to Public Health

**Ten thousand asbestos deaths are expected annually for the next two decades, says Environmental Working Group.**

**By Amanda Gardner**  
*HealthDay Reporter*

The asbestos crisis is far from over and the United States can expect to see at least 10,000 asbestos-related deaths each year for the next two decades or so.

So says a new report released [in March 2004] by the Environmental Working Group (EWG) Action Fund in Washington, D.C. The report includes the first maps to disclose asbestos-related deaths on both the county and national levels since 1979. Los Angeles County in California and Cook County in Illinois top the list.

"After 15 years of working on these issues, I was absolutely stunned at the extent of mortality and diseases that are still caused by asbestos," EWG senior vice president Richard Wiles said at a news conference. "This rate of death appears to be increasing based on a review of federal mortality data maintained by the CDC [Centers for Disease Control and Prevention] from 1979 to 2001."

According to EWG, almost 30 million pounds of asbestos are used in United States communities each year, and more than a million Americans are exposed to the material through their jobs. Not only are workers affected, but consumers as well, EWG reports. The material can cause various forms of cancer, including lung cancer.

Richard Lemen, the retired deputy director of the National Institute for Occupational Safety and Health, said at the same news conference: "We are in the midst of a public health crisis, a crisis that many people felt had gone away many, many years ago with the enactment of occupational and environmental laws to reduce exposure to asbestos in this country."

While there has been a definite reduction in its use, asbestos can still be found in many consumer products, Lemen added.

"You can still buy asbestos-containing brakes for automobiles. Hundreds of thousands of tons of asbestos are still in place in buildings, in sewer systems and water systems," he said. "Some 20 countries around the world have banned all uses of asbestos. The United States is not one of those countries."

Like EWG, NIOSH is seeing an upward trend for mortality, spokesman Fred Blosser said. "We do see an increase in the number of deaths over the past 30 years that are linked with asbestos," Blosser added.

"Is asbestos still an occupational hazard for people in the workplace? The answer is yes," Blosser said. "This report highlights the fact that employers, employees and occupational health professionals still need to be vigilant about the potential for asbestos to cause people to become sick or to die."

***"Is asbestos still an occupational hazard for people in the workplace? The answer is yes."***

At the press conference, EWG spokespeople criticized a bill currently before the U.S. Senate. The Fairness in Asbestos Injury Resolution Act of 2003 would place restrictions on asbestos claims. According to Wiles, the bill would set up a national trust for asbestos victims. While that in itself sounds like a good idea, the fund is under-financed, would "sunset" after 27 years (meaning people who got sick after that time would be out of luck) and would prohibit lawsuits against asbestos manufacturers.

"This is driven by the notion that there is a wave of bankruptcies in America causing economic havoc that needs to be stopped and that is caused by rampant asbestos litigation," Wiles said. In fact, companies who are technically called bankrupt are continuing to operate from a very favorable position.

"Our basic view is that it's possible that a trust fund could be part of a solution to this massive public health crisis of people

dying and being injured by asbestos exposure," Wiles said. "But the current bill does not meet the basic requirements that every single person who is harmed by asbestos is to be fully taken care of and that we need to have an effort on a national scale to find those people."

He added, "Asbestos must be banned in all of its uses so that we can put an end to this tragedy that is afflicting people silently. If we don't ban it now, the tragedy will continue into the future."

***"Asbestos must be banned ... so that we can put an end to this tragedy..."***

A spokeswoman for the Senate Judiciary Committee said the committee had not yet issued a response to the EWG report. She referred instead to remarks Sen. Orrin Hatch (R.-Utah) made in which he stated, "This is an absolutely vital issue for this country's civil justice system and most importantly, to our economy. We now have the opportunity to correct what has become a gross injustice against asbestos victims.... Scores of companies with almost no connection to the problem have had to file for bankruptcy...."

The EWG report contested the severity of these bankruptcies. It also included postings of company documents showing that businesses and insurance companies worked together to keep the dangers of asbestos out of the public domain starting from more than 50 years ago. One 1949 Exxon memo linked asbestos to lung cancer, the report said.

Asbestos needs to be banned, EWG said, but, even if that happens, "we're going to still have disease for many, many decades," Lemen said.

"That's not counting hundreds of thousands who may not die but whose lives will be severely compromised and will incur significant costs," Wiles added.

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**To view the EWG asbestos report, go to <http://www.ewg.org/reports/asbestos>.**

# Pollution and Deception at Ground Zero

*(continued from p. 1)*

If our federal government had responded to the crisis of the terrorist attack with proper concern for people's health, many of the exposures that caused these illnesses could have been prevented.

In August 2003, the Inspector General for the federal Environmental Protection Agency (EPA) released a disturbing 165-page report documenting the fact that the White House Council on Environmental Quality blocked health risk information that EPA sought to release to the public following the September 11, 2001, attack. That, however, is only part of the story.

## ***"EPA failed to investigate and disclose toxic hazards properly."***

This report picks up where the EPA Inspector General's report left off. It shows how the federal government – EPA and other key federal agencies – failed to take important actions after the attack to prevent more exposures to contaminants.

It demonstrates why the federal government's failures cannot be excused by ignorance or surprise, or by blaming workers who didn't wear protective masks.

It documents how independent researchers found a group of toxic pollutants that cause cancer and other genetic effects, while EPA wrongly claimed that it did not detect the presence of these pollutants at all.

It exposes the fact that a survey of federal employees, in a building several blocks from Ground Zero, showed that they were suffering health effects, yet the federal government did not disclose its own survey results to the public.

This report explains how the federal administration's reckless disregard for the toxic hazards generated by the attack had disastrous consequences for many people who served on the front line of terror response and lower Manhattan's recovery.

Most Americans are not fully aware of the wide range of workers and community people who have been afflicted by Ground Zero pollution; this report describes these people, their unmet needs and the continuing risks that threaten them.

Finally, this report alerts the public to a danger that should be of national concern: This report finds that the Bush administration's new emergency planning documents – from the Department of Homeland Security and the Occupational Safety and Health Administration – make some of the administration's worst 9/11 response failures into standard operating procedure for national emergencies.

In other words, the prolonged harm that resulted from lack of proper action at Ground Zero could happen again, in New York City or in another location in the United States.

People following news stories about the Ground Zero pollution may wonder whether federal agencies realized at the time that health warnings were needed, or whether those who got sick were just recalcitrant individuals who failed to follow safety directions. This report answers those questions [and finds]:

– The Ground Zero health risk cover-up did not result from a poorly informed government.

– EPA failed to investigate and disclose toxic hazards properly.

– The federal government failed to change its safety assurances even after it became clear that people were getting ill.

– Many Ground Zero workers did not have proper protection, especially in the early weeks.

– OSHA refused to enforce worker safety standards at Ground Zero.

**The complete Sierra Club report "Pollution and Deception at Ground Zero," which was prepared with the assistance of NYCOSH, can be found at [www.sierraclub.org/groundzero](http://www.sierraclub.org/groundzero).**

## **Report Recommendations**

The Bush administration must restore trust in its agencies charged with protecting health and safety and take action to mitigate the consequences of its own failure to provide proper warnings about the health hazards from Ground Zero. In particular, it must do the following:

– **Take action now to prevent more harm from its failure to ensure proper cleanup of the WTC dust.** A new cleanup must address both residential and non-residential buildings, and should include firehouses and emergency vehicles and equipment where needed.

– **Fund long-term medical monitoring, treatment and assistance** as needed to the people who suffer or are at risk from adverse health effects due to exposure to WTC pollution.

– **Issue a retraction of its safety assurances;** disclose and censure the top official involved in altering agency press statements to suppress 9/11 health warnings, to send a clear message that failing to warn the public truthfully about health hazards is unacceptable.

– **Work with Ground Zero-affected communities, labor unions and environmental health advocacy groups** to develop effective national policies and practices that promote truthfulness in the communication of health hazards and effective response actions.

– **Abandon its plans to eliminate enforcement of federal safety standards for response workers** ...without providing strong policies to prevent issuance of false assurances of safety – actions that would transform its missteps at Ground Zero into dangerous disaster policy for the rest of the nation.

# Bush Administration Moves to Downgrade NIOSH

*(continued from p. 3)*

high-level government officials from both sides of the political aisle are objecting to the proposed shift. A flurry of letters urging reconsideration of the move were recently sent to U.S. Department Health and Human Services (DHHS) Secretary Tommy Thompson and to CDC Director Dr. Julie Gerberding.

“We urge you to suspend the CDC reorganization as it affects NIOSH,” concludes one letter to Thompson, signed by five former government officials, including Eula Bingham, Gerard Scannell and Joe Dear, each a former Assistant Secretary of Labor for Occupational Safety and Health. [1]

The change would downgrade NIOSH from an independent Center, which reports directly to Gerberding, to one of several agencies in a newly formed cluster known as the Coordinating Center for Environmental Health, Injury Prevention and Occupational Health. Under the new plan, the Director of NIOSH would report to the head of the Coordinating Center—a switch that critics say would likely mean less budgetary clout for the agency, as well as a reduced emphasis on the importance of worker safety and health. [2]

Pushing NIOSH down the chain of command within CDC would “markedly diminish its effectiveness” in bringing “science-based considerations to the rulemaking process,” the letter to Thompson states. “It was not the intent of Congress for the head of OSHA to communicate with someone five levels down in the DHHS bureaucracy.” [3]

Other organizations concerned about the move are the United Auto Workers, American Industrial Hygiene Association, and American Society of Safety Engineers.

A factsheet on the reorganization, compiled by Sharon Morris, a former member of the Board of Scientific Counselors for NIOSH, points out that while NIOSH is the largest center within CDC, the CDC’s mission and focus

already fail to include much about worker safety and health.

“The new CDC focus on health promotion during various life stages omits working, where we spend about 1/3 of our waking hours,” writes Morris. Further lowering the agency’s status, she concludes, will “make it considerably more difficult for NIOSH to fulfill its mission.” [4]

## Wisconsin Coalition for Legalization

**According to OSHA, immigrant workers have the highest fatality rates.**

Several reasons account for this fact, including undocumented status, workers’ unfamiliarity with the English language, lack of health and safety training in Spanish, and exploitation by business owners who cut corners when it comes to immigrant labor.

Current immigration policies leave millions of immigrants in the shadows because they lack legal documentation. As part of the Know Your OSHA Rights Grant, WisCOSH has networked with two local immigrant rights groups: Esperanza Unida and Voces de la Frontera.

Milwaukee currently has a coalition of local groups working on Principles for Comprehensive Immigration Reform. Our meeting last May was a beginning effort to jumpstart the group.

The Wisconsin Legalization Coalition is made up of over 44 union and church groups. Attending our July meeting at WisCOSH were: Faith Community for Worker Justice, Racine Dominicans, LCLAA, HIRE, Community Union, Milwaukee County Labor Council, Esperanza Unida, Voces de la Frontera, and IAMAW Lodge 66.

Sources:

[1] Letter to US HHS Secretary Tommy Thompson, Jul. 8, 2004. [2] American Association of Occupational Health Nurses, Inc., (AAOHN) letter to CDC Director Dr. Julie Gerberding. [2] [3] US HHS letter, op. cit. [4] CDC Reorganization Downgrades NIOSH fact sheet, compiled by Sharon Morris.

The group’s task at hand is to track current immigration laws in Congress. Currently there are five Senate bills and four House bills. The Coalition supports only those bills that restore the integrity, equity, and effectiveness in the U.S. immigration system.

On the federal level, the Coalition is supporting SB1545 DREAM Act, which permits immigrant students, who have grown up in the U.S. and who have graduated from high school, to apply for legal status. It allows them to attend college and pay in-state tuition. This bill has 47 co-sponsors in the Senate, including Senator Feingold and Senator Kohl.

The Coalition sponsored both a Support the DREAM Act call-in week and a coalition member sign-on letter addressed to President Bush and Senator Bill Frist. The bill’s supporters believe it has a reasonable chance of passing, since Senator Hatch and Senator Durbin are willing to bridge the bitter partisan division plaguing the current Senate.

In a recent victory, University of Wisconsin Board of Regents passed a resolution supporting a change in Wisconsin law that expands in-state tuition for undocumented students seeking to enter the UW system.

# Your Community. Your Choice.

WisCOSH's membership in Community Shares of Greater Milwaukee provides us with critical funding.

1) **Give through Community Shares at your workplace.** If you work in a public sector office (school or government), you will find our organization under the "Community Shares" heading in your fall pledge brochure. If you work in a private industry or business that runs a United Way campaign, you can find our organization listed under Community Shares in United Way's Donor Choice brochure.

2) **Tell others at work about the advantages of giving through Community Shares.** They can support WisCOSH in any dollar amount through Community Shares. The dollars from their donation are not tied to a specific program, so WisCOSH is able to use them wherever they are needed most.

3) **If you work in a private business or industry that does NOT have an employee giving campaign,** please call Community Shares at 414-342-0883 or email them at [outreach@milwaukeeshares.org](mailto:outreach@milwaukeeshares.org).



ACHOICE is now Community Shares of Greater Milwaukee. The new name better defines our role as a family of nonprofit organizations that shares workplace-giving dollars to help others. It is Milwaukee's only workplace giving federation with an emphasis on Social Change, Economic Justice, and Environmental Awareness. Call us at 414-342-0883.

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