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California Pipe Trades Protecting the Environment

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Abstract

[Excerpt] Combining traditional union political clout and job-site actions with intervention in the building and environmental permit process, the Job & Community Protection Program has already had a significant impact on preserving both union jobs and environmental quality in California. But more than that, this unusual alliance establishes the potential of union-initiated coalitions to resist the corporate and developer blackmail that has been so successful elsewhere in pitting various community interests against each other.

Keywords

California, Plumbers & Pipefitters, Northern California Pipe Trades, Job & Community Protection Program

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The idea began with a series of discussions in 1985 between Tom Hunter, then business manager for Plumbers & Pipefitters Local 467 in San Mateo, California, and Tom Adams, an attorney who was expert in environmental lawsuits.

The two Toms shared the ride to Sacramento several times in a state legislative fight against the use of PVC pipe. Hunter opposed the pipe because it threatened his members' jobs. Adams opposed it on environmental grounds. "Adams had opposed us many times in the past," Hunter explains. "I knew how good he was, and it was good to be on the same side for once. I thought maybe he could help us in other fights."

During one of those rides, Hunter and Adams generated a notion that was to become the basis for the Northern California Pipe Trades' "Job & Community Protection Program"—a coordinated effort by unions and environmentalists to merge their interests and concerns in order to exert influence on economic development in their communities.

Combining traditional union political clout and job-site actions

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with intervention in the building and environmental permit process, the Job & Community Protection Program has already had a significant impact on preserving both union jobs and environmental quality in California. But more than that, this unusual alliance establishes the potential of union-initiated coalitions to resist the corporate and developer blackmail that has been so successful elsewhere in pitting various community interests against each other.

**Job Blackmail**

Local construction unions have always participated in the building permit process. Traditionally, this participation has been in support of builders, with the primary goal being the creation of union construction jobs. Often, particularly on the construction of nuclear power plants, this put the unions at odds with environmentalists.

But beginning in the mid-1970s, developers who sought union support in the environmental and construction permit process increasingly built large parts of their projects nonunion after securing those permits. As open shop contractors took larger and larger shares of the California construction market, union contractors found it harder and harder to compete. Corporations and developers forced double-breasting on many long-time union contractors and wage concessions directly on the unions.

At about the same time, in the late 1970s, corporations and developers mounted an offensive against environmental regulation that gained a substantial foothold in the Carter administration and then gained official sanction under Ronald Reagan. With Reagan appointees gutting the enforcement procedures of the EPA, OSHA and the NLRB, corporations and developers had unprecedented opportunities to blackmail communities.

Businesses fled union contracts and effective environmental regulation by moving their operations from the Frost Belt to the Sun Belt and to Third World countries like Mexico and the Philippines. U.S. communities seeking new business were forced to bid for these runaway operations, promising corporations everything from relaxed enforcement of environmental laws and protection from union organizing to public subsidies in the form of tax breaks and industrial revenue bonds.

If a community did not agree to employer demands, it could lose prospective or existing jobs. Corporations openly engaged in job and environmental blackmail of communities desperate for new jobs.
“Job blackmail is a tactic that has been used against workers since the beginning of time,” says Richard Grossman, former executive director of Greenpeace U.S.A. “And corporations are using the same tactic against environmentalists. Environmentalists and union members share a common interest in resisting this destructive, selfish form of corporate behavior.”

In Northern California, local construction unions began to end their uncritical support of all development. After years of union-developer cooperation, a new truth had emerged. “We learned it was no coincidence,” said a UA business manager, “that developers who wanted to cut corners on union wages were the same developers that demanded the largest tax concessions and whose projects posed the greatest danger to the environment.”

“The challenge is to enforce standards that will clean up the environment and allow economic growth at the same time,” says Tom Reed, scientific consultant to the Northern California Pipe Trades.

The Job & Community Protection Program

To meet this challenge, the Northern California/Northern Nevada Pipe Trades Council formed the Job and Community Protection Program to fight job and environmental blackmail by employers. The program has three separate components:

The Project Inventory

The program monitors construction permit applications in counties with participating local unions. A computerized report is issued, alerting local union business managers to upcoming construction activity in their area. Business managers contact developers to determine their plans: Do they plan to pay a prevailing wage? What kinds of environmental and economic impacts will the development have on the community? If the answers to these questions are not adequate, the BM attempts to bargain improvements, particularly for the workers who will build it.

Intervention in the Permit Process

If a development has serious environmental and economic problems, the program’s environmental and legal consultants intervene formally in the permit process. This intervention is based on the public hearing process established by environmental and land-use planning legislation. The development’s Environmental Impact Statement is studied and commented on, and the program’s lawyers testify in public hearings before county planning commissions, boards of supervisors and state environmental commissions. Union leaders approach politicians to ask...
for help in securing improvements in the environmental design of the project. These interventions often result in substantial improvements in both the environmental and economic impacts of a project.

**Community Organizing**

Some projects are environmentally too unsound to be built in certain places. Other projects have developers unwilling to bargain significant environmental and economic improvements. In these cases, the program helps the community organize to stop or significantly alter a project. Using newspaper ads, direct mail, and public meetings and rallies, the program alerts the community to the dangers posed by a specific development.

Union members pay for the program through a contribution to the J&CP Fund for each hour they work. In effect, union construction workers tithe their income to protect not only their own interests but those of their community as well.

**The Struggle in Shasta County**

The J&CP program has intervened in dozens of projects in California since 1985. One good example of how the program works is a 1986 battle with Allied Signal Energy Systems in Shasta County.

Allied Signal had applied for a permit to build and operate a woodwaste-fired power plant in the town of Anderson. It proposed to produce electricity by burning waste from Northern California’s large wood products industry. After reviewing the company’s request, the county planning commission voted unanimously to allow the project to be built without preparation of an Environmental Impact Report.

Tom Johnson, a UA business manager in Redding, California, became concerned about the project because he felt that Allied Signal’s anti-union and environmental record at other locations warranted a closer review of their plans.

The county had recently experienced the economic and social impact of a nonunion construction project. A smaller bio-mass power plant had been built in Birney using nonunion workers, most of whom were from out of state. Wages were so low that workers and their families lived in tents in a campground near the construction site. Few residents of Birney got the jobs they had been promised when the plant was first discussed.

The principal environmental concern was air quality. The county had a serious ozone problem produced by the burning of fuels.
Already over the California ozone standard, the Signal plant would push county air quality over the federal ozone limit and thereby threaten the loss of federal highway and development funds. Local doctors also were concerned about the effect on older people with respiratory problems, many of whom had retired to Shasta County, ironically, because of the clean environment.

The Job & Community Protection Program, in alliance with the Shasta County Building Trades, formally intervened in the permit process and forced Signal to prepare an Environmental Impact Report. The Report raised questions not only about ozone, but about particles in the air called PM-10. Local health professionals joined construction union leaders to organize citizen opposition to the plant; a labor-initiated community group, Shasta Citizens for Responsible Industry, did a mailing to all 55,000 voters in the county, receiving 7,000 memberships in response.

Although this intervention ultimately was unable to stop the plant from being built, significant improvements in the emissions control equipment came about as a result of the effort. And, though the Shasta plant was built nonunion, Allied Signal agreed to use union labor in building six other plants in California.

The J&CPP’s intervention in dozens of projects over the past two years has had an impact throughout the state. Today many developers sit with union and environmental leaders before entering the permit process, negotiating changes to protect the community’s interest. At a garbage-burning power plant in San Diego, the developer approached the building trades unions before applying for permits in order to work out the employment and environmental details of the project. The same was true at another power plant project in Washington state. In addition, eight other new power plants are being built in California with union labor and to community environmental standards.

**Up Against USS/POSCO**

California employers have not, of course, rolled over and played dead in the face of this new labor-environmental alliance. They have employed every tactic at their disposal, including lawsuits charging that the unions’ environmental interventions are a “sham” and (they’ve actually used the term) “job blackmail.” The employer counterattack has reached its peak in “the largest nonunion construction job in Northern California history”—the USS/POSCO modernization of a steel mill in Pittsburg, California.

U.S. Steel (USS), now a division of USX Corp., announced plans in 1986 to spend $350 million to modernize its Pittsburg plant in
partnership with the Pohang Iron & Steel Co. (POSCO) of South Korea. Like many USS plants, the Pittsburg facility is in need of substantial modernization if it is to remain competitive in today's international steel market. Under the proposed plan, unfinished steel from POSCO's Kwangyang Plant will be imported to be rolled into sheetmetal at Pittsburg. In South Korea, POSCO steel sells for $320 a ton, more than $300 less than the same product costs to produce in the vaunted Japanese mills. In the Pittsburg deal, POSCO gained a substantial foothold in the U.S. market, and USS secured raw steel at a price that would allow it to make large, some say "unholy," profits.

USS/POSCO awarded the modernization construction contract to a subsidiary of BE&K Inc. of Alabama. BE&K's president, Ted C. Kennedy, is one of the founders of the anti-union Associated Builders and Contractors (ABC), and another BE&K subsidiary is currently providing strike-breakers to the International Paper Co. The three actors on the employer side—USX, POSCO and BE&K—are perhaps the three hardest-line, most vicious anti-union corporations in the world.

On average, the wages being paid on the USS/POSCO job are $7-$15 an hour under union rates in the area. To help its union contractors, UA Local 159 in Martinez offered to work for 80% of their regular wages, but to no avail. "There was no way we could compete with the nonunion bid," says 159 BM Dennis Gifford. Greg Freee, secretary-treasurer of the Contra Costa County Building Trades, charged that more than three-quarters of the workers on the job were from out of the area, and that since they had no health insurance from their employer, these "out-of-state scabs" were draining local public health resources.

The USS/POSCO project has become the target of two separate coalitions of building trades unions—one, a coalition of unions commonly known as "the Heavy Highway Group" (Laborers, Carpenters, Operating Engineers), and the other, including all the mechanical trades (Plumbers & Pipefitters, Electrical Workers, Sheet Metal Workers, Boilermakers). The USS/POSCO/BE&K team has had some success in attempting to play all the unions in the Pittsburg drama against one another. Steelworkers, for example, have been told that the construction unions' campaign against the companies could jeopardize the modernization project and threaten their jobs. And, there are internal divisions between the two building trades groups.

Led by the Northern California Pipe Trades, the mechanical trades have used the Job & Community Protection Program against USS/POSCO. Initially, the unions joined with Contra Costa
environmental groups to support a county toxics ordinance that would require special permits for any facility that produced, stored or disposed of toxic substances. The law was passed, but the county ruled that the USS/POSCO project was exempt because its building application was filed before the law was passed; the J&CPP is appealing this ruling. Currently, the coalition is seeking to force USS/POSCO to obtain Air Quality Permits from both the state and federal governments for the air pollution that the increased ship traffic from Korea will produce in California ports.

As Phase I of the three-phase construction project nears its halfway point, there is evidence that USS/POSCO is feeling the pressure. Phase I’s mechanical portion was about to begin in midsummer, and a small union contractor with a dozen union pipe-fitters was on the job—something BE&K ordinarily detests. And some unionists see signs that Phases II and III may go union.

Conclusion

In a time of increased international competition, with communities desperately seeking new jobs, how can workers and citizens assert their community’s interest in economic development?

Since 1969, laws at all levels of government have established the right of citizens to have a voice through public hearings in how economic development affects their community’s natural environment. But there are no laws similarly protecting the community’s economic interests. Under current statutes, any economic development that does not unacceptably damage the natural environment is defined as in the community interest. Jobs, any kind of jobs, are welcomed by most communities.

But how much do these jobs pay? Can young workers own homes and raise families with the wages paid? Can older workers expect a reasonable pension? What kinds of health benefits will workers have? What kinds of local businesses will the development support? Workers and citizens should have a right to determine the answers to these questions—perhaps by requiring Economic Impact Statements of all new development. If unions were to advocate such a process, as a means of protecting wages and standards, they’d find plenty of community allies, including environmentalists. The Northern California Pipe Trades’ Job & Community Protection Program has shown the way.