Air Act. Many believe the EPA effort will not have enough flexibility to deal with the costs and effects of regulation. The Cap and Trade bill is an effort to have a negotiated approach to regulation rather than what would be mandated.

Legislation called ‘Cap and Trade’, aimed at regulating greenhouse gasses, has passed the U.S. House and is being debated by the Senate.

Mining companies are against it but electric power companies are for it, and local Trades Leaders are studying how construction workers will fare.

The topic was on the agenda at a recent State Building Trades conference where a representative from American Electric Power was asked to explain their position on the bill.

AEP, a major regional utility company operating in West Virginia, is on record supporting the American Clean Energy and Security Act of 2009, better known as the Cap and Trade bill.

Coal companies and the Chamber of Commerce have been very vocal opponents to the measure claiming West Virginia’s economy will be severely crippled.

These groups have led demonstrations calling for the defeat of the Cap and Trade measure.

But, in remarks made to delegates at the State Building Trades conference held September 23, AEP Vice President Mark Dempsey said these efforts are misguided.

“Cap and Trade is not the issue,” said Dempsey.

“The issue is whether it will be the EPA [Environmental Protection Agency] or Congress who will regulate CO2 emissions.”

Dempsey explained that a 2007 Supreme Court decision gave EPA the authority to regulate CO2 under the Clean Air Act.

Many believe the EPA effort will not have enough flexibility to deal with the costs and effects of regulation.

The Cap and Trade bill is an effort to have a negotiated approach to regulation rather than what would be mandated.

AEP’S MARK DEMPSEY explains his position on Federal Cap and Trade legislation to delegates at the WV State Building and Construction Trades Convention held in late September.

EPA OR Fed’s TO REGULATE CO2
CAP AND TRADE LEGISLATION SUPPORTED BY POWER COMPANY

TRADES WORKERS’ GUARANTEED JOBS
THREE WIND PROJECTS ADVANCE

Regulatory approval of the $308 million New Creek wind project in Grant County was just one of three separate advances made by wind power projects in the state recently.

The WV Public Service Commission gave developer AES approval to build the 66 wind turbine project on a seven mile stretch of the New Creek Ridge.

Called a wholesale generator the project will not sell directly to consumers but to large customers such as power companies and industrial users.

The project will be able to generate up to 160 megawatts of electricity and will use an existing Allegheny Power 500 kV overhead transmission line.

Darwin Snyder, President of the North Central WV Building Trades offered testimony about local skilled labor and the wages and benefits they would get working on the project.

According to company estimates more than 100 workers will be needed for the project for the better part of a year.

ACT hired an expert who used an economic model called IMPLAN to show the impact of using local workers on the economy.

His report showed that, on top of the local craft workers hired, the project would generate $45.7 million in sales and would create 265 additional jobs in WV.

Estimated property tax...
**PERDUE-MATHENEY RE-ELECTED PRESIDENT & SECRETARY-TREASURER OF WV AFL-CIO**

Kenny Perdue and Larry Matheney were easily re-elected to the positions of President and Secretary-Treasurer at the WV AFL-CIO 27th Constitutional Convention held October 7-9 in Charleston.

Perdue, a member of Sheet Metal Workers Local 33, and Matheney, a member of the United Steelworkers of America, were both elected to their posts first in 2005. This term runs through 2013.

Commenting on the focus through investments in new energy infrastructure and technology deployment,” wrote William Samuel, Director of Government Affairs for the AFL-CIO.

Samuel also promotes the use of prevailing wage protections, ‘Buy America’ requirements and protections from foreign abuse of environmental rules.

Included in the bill is $60 billion to assist in the construction of 60 power plants over a ten year period.

In addition there are incentives to help companies deploy new technology, like carbon sequestration, aimed at reducing emissions from coal fired power plants.

If the Cap and Trade bill is not passed it is believed EPA will go forward and regulate without any of the enhancements included in the bill.

The Cap and Trade approach has been used for other pollutants. In general a company is given a certain level they can emit and must reduce it over time.

Those companies who emit below their allotment can sell their unused emissions levels.

**WIND**

AES will pay to Grant County are $673,000 per year. In addition, approximately $219,000 per year in State taxes will be paid for the first 10 years, and $437,000 each year thereafter.

Another AES project called Laurel Mountain has already received approval and has recently taken bids for their general contractor to build its $256 million project. The 125 megawatt project is located in Barbour and Randolph Counties.

Bids are currently under review but a contractor has not yet been selected.

Whoever gets the contract to build the 65 turbine wind farm will use local union workers based on a memorandum of understanding worked out between AES and Treasurer of the WV State Building Trades was newly elected and took the position formerly held by his predecessor Roy Smith.

Also at the conference a number of legislative and political issues were reviewed in advance of the 2010 legislative session and elections. There are 550 affiliated local unions of the WV AFL-CIO.

“Our four Building Trades members on the executive board represent our overall membership well”, said Tillis.

“I am proud to serve.”

**CAP & TRADE**

CONTINUED FROM P. 1

under the Clean Air Act.

Along the same lines both the national AFL-CIO and the United Mine Workers of America have come out in support of the bill, with specific suggestions for improvements.

“Any statutory or regulatory framework to limit U.S. output of greenhouse gasses needs to be crafted to minimize the impact on existing workers while maximizing the potential for job creation:

**CONTINUED FROM P. 1**

progress is called the Pinnacle Wind Farm at new Page and is to be located in Mineral County.

Developer U.S. Windforce has submitted an application to the PSC and a series of public hearings were held in late September.

Trades members attended in support of the proposed 23 turbine project because of the long standing memorandum signed by U.S. Windforce to use local union construction workers to build their projects.

The $131 million project will have a generating capacity of 55 megawatts.

“U.S. Windforce believes in local workers so we believe in them,” said ACT’s Larry Young who was among those in attendance at the hearings. Their application could take up to a year for approval by the PSC.
Federal Court Judge John Copenhaver served a setback to construction workers when he reversed an earlier decision requiring Davis Bacon wage rates be paid on the King Coal Highway project.

His reasoning was that ACT did not have a right to file the suit.

The explanation is hard for those watching the case to take seriously since the issue of standing was brought up years ago.

Even more incredible was the fact Copenhaver took it on himself to review the issue some five years after the legal action began.

In 2004 ACT went to court to question the King Coal project because more than $100 million of tax funds were committed to a road project that never went out for public bids.

In addition ACT wanted to know why the standards of highway construction were not to be followed and why Davis-Bacon wage requirements were not included in the contract.

The site became a huge mountain top removal project that followed neither coal mining nor highway regulations or standards.

The Red Jacket portion of the King Coal Highway located in Mingo County was touted by government officials as a new model of road building in the Appalachian coal fields.

They later argued in court it was a unique one time occurrence.

Federal and state dollars would go to coal operators to subsidize their mining costs, in return the coal companies would leave road beds.

The advantage to coal companies is obvious, no mining permits, no requirement to bring a project site back to original contour, and the taxpayers pay a portion of the mining costs.

The company that got the project sold out in September of 2005 to Alpha Natural Resources, a major regional mining company.

On September 5, 2007 Copenhaver ruled the project did not have to be bid because it was unique, but that Davis-Bacon wage rates, the equivalent of local prevailing wage rates, must be paid to construction workers.

All that was needed was a final order to work out payment terms. But that order never came.

Copenhaver instead let the case sit with no action for two years even though ACT repeatedly asked for the State claims to be released back to

Continued on p. 4
LOCAL 80 HOSTS CHARITY FUNDRAISER FOR MESOTHELIOMA RESEARCH

Insulators Local 80 hosted the first annual Mesothelioma Charity Golf Tournament which raised more than $107,000 in September.

The event, held at Stone-wall Lake in Lewis County, was organized by the Central States Insulators Conference and the Central States Contractors Association.

Both organizations have joined to form a foundation for Mesothelioma research called the “Breath of Life.”

The committee, which consists of both Union and Labor representatives from the Central States organized, sought contributions from local unions, contractors, and attorneys.

“It really is a worthy cause,” said Greg Kincaid, Business Manager for Insulators Local 80. “The ultimate goal of the charity is to raise funds to help find an effective treatment and cure for Mesothelioma.”

Kincaid noted besides the efforts of Local 80, in particular of Tina Jordan, Secretary for the Local, a number of organizations played a key role in putting the event together including Prime Insulation, William “Bud” Turner; Master Mechanical Insulation, Tom Burcham; West Virginia Master Insulators Association, John Martin; Central States Conference; VP Greg Revard, International Association of Heat & Frost Insulators and Allied Workers; Advanced Industrial; Central States Insulation Association; Motley Rice LLC; Goldberg, Persky & White PC; Harvit & Schwartz LC; and Hartley & O’Brien PLLC.

The “Breath of Life” foundation will continue to raise money for research until a cure is found for this deadly disease. The mission is to make Mesothelioma a disease of the past.

KING COAL

Continued from p. 3

the State Court. However the Court never held a hearing and did not release the State claims until this recent order.

On September 30 Copenhaver issued his ruling which reversed his position on wages. He said ACT did not represent workers at the project — ignoring signed statements by workers saying they wanted such representation.

While Copenhaver’s ruling is a set back it is not all bad. It is now possible for ACT to go back to state court and pursue similar claims.

“We never wanted to be in Federal Court,” said Steve White, ACT Director. “Our case is even stronger under West Virginia law, Judge Copenhaver’s ruling is not only wrong, but he really hurt workers and the process by stopping us from going to state court for so long.”

“We can appeal to the Fourth Circuit Court of Appeals, an expensive and difficult process. We are not sure at this point,” said White. “Why he had to take so many years to make this decision is a mystery. It doesn’t take a rocket scientist to figure out coal companies benefit.”

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