ACT Wins Cancer Creek Fight, Year-Long 'Study' Is Scheduled

ACT won again in the legislative battle over the "Cancer Creek Bill."

After weeks of negotiations with Governor Gaston Caperton, the administration reached an agreement with ACT officials to retain the state's present water pollution regulations for at least one year.

During that year, according to the agreement, Caperton will appoint a special study committee to investigate the state's water pollution regulations. The committee is expected to report the results of its findings to next year's legislative session.

ACT President Bruce Tarpley praised the agreement.

"For the first time the building and construction trade unions will be sitting down at the table down with the representatives of a number of major industries," Tarpley said. "They're the people who provide the work for our members."

"That's never happened before. We will demand full participation at that table for our members."

Meeting with Caperton and administration officials during the legislative session to hammer out the agreement were ACT Executive Director Allen Fisher, Director Steve White, ACT Attorney Stuart Calwell and Steve Burton, Tri-State Building & Construction Trades Council business manager.

"Without ACT having fought the battle it did there's no doubt whatsoever that weakened water pollution regulations would not be state law and up to eight times more cancer-causing industrial chemicals would be dumped into our water streams," Burton said.

"No one else had even taken up the fight. And while the state's environmental community did join ACT in the fight, no one else but ACT had the financial resources to conduct it."

Added Fisher:

"That's what true union solidarity can achieve and did achieve. For the first time in a long time the building and construction trades were a major player at the table."

"Caperton, other state officials and the Legislature came to learn this."

More than a year ago West Virginia's Water Resources Board proposed loosening the state's water pollution regulations to permit industry to dump increased amounts of cancer-causing chemicals in state streams.

The state's proposal was aimed at loosening standards to

ACT OFFICIALS WELCOMED nearly 100 guests, including Delegates and Senators from all over the state, to their second annual Legislative Reception held at the Holiday Inn Charleston House on March 10. Above are (from left) ACT's Bill Thomas, State Sen. Don McNaughton and ACT President Bruce Tarpley.

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Winning Is Fun!

By Bruce Tarpley

ACT President

The day Governor Gaston Caperton agreed to put on hold for a year the West Virginia Water Resources Board's plans to lower the state's water pollution regulations, the Affiliated Construction Trades Foundation proved it works.

No matter how you slice it, no matter what pretty words others might package the "compromise" to study what we have called "The Cancer Creek Bill," ACT won the fight. Hands down!

We did that for the second year in a row and faced with every possible effort by Caperton and some powerful, key legislators to pass Cancer Creek, we won.

That's no small accomplishment by the membership of ACT. This is especially true when you consider that at the outset of the 1993 legislative session almost no one seriously thought ACT had a chance of stopping passage of the Cancer Creek Bill. Except ACT, of course.

As an example of how much so many underrated us, we know for certain that the publisher of The Charleston Gazette, the state's largest newspaper, ruled at the beginning of the session that Cancer Creek would not be a major issue during the session. In fact, if you regularly read the Gazette's stories you notice it didn't even like to call it the "Cancer Creek Bill."

But it did, anyway.

Which only goes to prove, I suppose, that newspaper publishers aren't always right. But then, we knew that all along.

Winning is fun. And it's been a while since the building and construction trades in West Virginia have truly won. Won on their own, too. We certainly had help from others, of course: the state AFL-CIO and its president, Joe Powell, plus the Citizens Action Group and the state's environmental movement. But unquestionably without the strength of ACT's membership, both in financial resources and membership numbers, there wouldn't even have been a serious fight over Cancer Creek.

The fact that we were successful in labeling it the "Cancer Creek Bill" in the public mind is also proof why we'll win again if anyone tries to bring it up again during the next legislative session.

ACT and its local building trade unions are now a major player on West Virginia's power scene.

Now that really feels good.

And it's fun, too.

Laborers, Ironworkers Are Major ACT Assets

Beckley Laborers With ACT From Start

Beckley-based Laborers Union Local 453 has been a member of ACT since its inception. Business manager Jim Webb was at the first ACT meeting in Huntington.

"We came on board not long after that," Webb said. Membership has decreased from over 600 members in 1986 to the present low of 250.

"The economy is to blame for our membership drop," Webb said. "The Reagan administration really worked us over."

All of Local 453's members work in construction, and are eligible to do building or heavy highway work, not including the 45 retirees who are still members.

The local also has a program similar to apprenticeship. Workers from the local are sent to Mineral Wells to attend special school. They stay at the school and are trained by certified instructors.

When asked what members expect from ACT, Webb said, "Exactly what we're getting."

"ACT is really getting the ball rolling in this area. Tim Milmoe (ACT's Fair Contracting Representative) put a fire under non-union contractors and has got 'em running scared. He helped a lot on the $50 million Federal Prison job here in Beckley. George Hyman, a non-union contractor, gave up the contract because he knew he was going to be monitored and would have to pay rates and benefits," Webb said.

"ACT really keeps us informed - they're doing nothing but good."

Ironworkers Are Proud Of Quality Work

"The quality of union work is the best kept secret in America," said Dale MacCorkle, business manager of the International Association of Bridge, Structural and Ornamental Iron Workers Local 769 out of Ashland, Kentucky.

"We have a qualified training program - we're certified to do quality work; we follow the Occupational Safety & Health Administration (OSHA) safety standards; we have drug testing - and nobody in the general public knows this," he said.

"The Affiliated Construction Trades Foundation (ACT) is the only way to get this message out to the public, and the only way to secure employment in the future."

The members of Iron Workers 769 voted to join ACT when it first came together. MacCorkle thinks it was a good move.

"It's been a very successful program as far as we are concerned," he said.

The local is also considering expanding their apprenticeship program by graduating some of the trainees and increasing the number when they replace them. Currently there are 20 apprentices in the program who receive extensive training in reinforcing structural steel and ornamental rigging.

"We've had several positive comments from contractors about the quality of work our apprentices perform," MacCorkle said.

"Our members prefer to have good training," he said. "They want to be qualified to do good work."

Although Local 769 is turning out impressive quality work, MacCorkle said members are still concerned about unemployment.

Of the 498 members, 278 are working.

"The non-union factor has taken its toll on some of our jobs," he said.

MacCorkle is convinced that ACT will help solve this and other problems.

"ACT keeps an eye on everything - they make sure that contractors comply with the prevailing wage and they're also heavily involved with the Environmental Protection Agency (EPA)," he said.

"In the long run this will produce a safe environment to work in and more jobs."

B&R Plague Spreads To Winfield Project

The Brown & Root Construction Company is planning to bid on the Winfield Locks and Dam Project.

ACT officials say this shows that B&R is not only a plague to industrial unions, but more so to construction unions.

"This bid will send shock waves throughout the state," said Bill Thomas.

"Anyone who doubts that we are in the fight for our very existence is asleep at the wheel."
Casto Believes Building Trades Will Organize Brown & Root

The Charleston Building and Construction Trades Council is moving forward with their organizing efforts of over 600 Brown & Root construction workers in the Charleston area. The Charleston Building Trades has petitioned the National Labor Relation Board for an election. The next step is a hearing called by the NLRB on April 27 where hopefully an election date will be set. Bubby Casto, Business Manager for the Charleston Building Trades is confident a victory is at hand. "I think we’ve got a better shot at organizing B&R than anybody else has in the past," Casto said. "Brown & Root has made many people angry here, but they gave us an edge. They made the mistake of hiring local workers who support us." We are very confident about the Brown & Root organizing process -- we think West Virginia will once again make labor union history," said Bill Thomas, the Affiliated Construction Trades Foundation’s industrial sector representative. Thomas said the ACT Foundation’s role is to assist the Building Trades by creating a positive climate for organizing and providing research information. Brown & Root has been saturating the media by running newspaper and radio advertisements defending their work practices. The issues they covered - their record of local hiring and their safety record are rather suspect, according to ACT officials. "The numbers they quote for local hiring has jumped around from 80 to 60%, depending on which ad you see," said Steve White, ACT director. Brown & Root’s so-called safe work practices are not all they claim, either. "Occupational Safety and Health Administration (OSHA) documents indicate from 1980 to 1992 Brown & Root reported 47 work-place deaths," Thomas said. "But over the same period, a unionized competitor reported only 6," he said. According to an article in the Washington Post dated March 20, 1987, the California OSHA cited Brown & Root for falsifying their injury records also: "In recent months, OSHA has levied heavy penalties against several companies including the Brown & Root Construction Company which OSHA charges failed to report 45 injuries from chemical burns to crushed hands at one job site." Thomas said that these and other work place practices are finally coming back to haunt Brown & Root. "It’s time for them to face the music," he said.

On To Brown & Root!

By Steve White
ACT Director

Cancer Creek is almost over and now it is time to focus on Brown & Root. The Charleston Building Trades has taken the initiative to organize Brown & Root workers. ACT will be right there with them to create a fair climate to support their organizing effort. Why is ACT helping non-union workers rather than getting jobs for the union members who are paying for ACT? Brown & Root is like a cancer that will spread across the state if nothing is done to stop them. What are the options? We know that the traditional tactic of picket lines will not be effective. Pickets are not effective because we no longer control the work force needed to get the construction work done in this area. By organizing the Building Trades is getting to the “root” of the problem.

Brown & Root is building up a huge work force that will be used to take work away from union contractors. It won’t be long before they convince other plants to use their services. However, if they are organized what advantage will they be able to offer new companies? ACT supports the Building Trades because we know if nothing is done our members will lose work.

What can you do to help? You can help the organizing effort by applying for, and going to work at Brown & Root. When the Building Trades wins the election you will be right there with a union job. If Brown & Root doesn’t hire you then we will have further evidence of their lie about hiring local workers.

If you know anyone who is working for Brown & Root encourage them to get on board with the organizing effort. Contact the building trades and let them know who the worker is and how to get in touch with them.

What can ACT do? We want to make sure that the companies who chose to hire Brown & Root are held accountable for their actions. Union Carbide, Dupont and Rhone Poulenc are the culprits who brought in Brown & Root. They knew about Brown & Root’s “safety record”, the way they treat workers and the low standards of workmanship they push their work force into. This is nothing less than an attack on all working people in the state of West Virginia at a time when people are desperate for jobs.

ACT will continue to make public the issues of fairness, safety and local economic development. We will also pursue all legal avenues to make sure that the companies who cheat workers don’t get away with cheating on the environment, tax commitments, public safety and other aspects of business activity.
In Raleigh County

1st Bidder Balks, 2nd Walks

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test in return for its bid bond.
The contract then went to the
next eligible bidder, a joint ven-
ture of the P.J. Dick Construc-
tion Company and Perini Cor-
poration, both union con-
tractors. However, they walked
away from the contract, leaving
local union workers in the cold.
Dick/Perini attempted to dis-
cuss changes in the job with
the Bureau of Prisons and they
were turned down flat. In the end
the Federal Bureau of Prisons
ruled that Dick/Perini had put
conditions on their bid extension,
which is against Federal bid-
ing regulations.

The next eligible bidder, a
joint venture of two anti-union
companies, Pizzagalli from Ver-
mont and BCI-Bell from New
York, was able to take the job.
Although the job is now in the
hands of a non-union con-
tractor, ACT’s Fair Contract-
ing Representative, Tim Milne,
remains confident about the way
the negotiations were handled.
“We achieved the ultimate
goal and did what we said we
were going to do—we made sure
there was a level playing field
for all contractors,” Milne said.

This is the first major prevai-
ling wage project that ACT pur-
sued, and we were successful,
but we can’t make Dick/Perini
take the job—we need coopera-
tion from union contractors
to make this program work.”

Dick/Perini has not opted to
protest their loss of the bid.
In the end the project will end up
costing more than $4 million
over the original low bid.

Milne said a lot of influential
people acted as ACT’s allies in
this fight, including US Sena-
tors Robert C. Byrd and Jay
Rockefeller and US Congress-
man Nick Rahall.

“All these people did a great
job,” Milne said. “This is not
a time to be complacent. We’ve
worked hard for this, and we’ll
continue to work hard to keep
these jobs.”

An ACT-backed bill which
would require state certifica-
tion of the training and skills of
construction workers who work
in potentially dangerous indus-
tries likely will undergo intense
study by the most powerful in-
terim committee of the West
Virginia Legislature.

Introduced late in the recent
regular legislative session in both
the House of Delegates and State
Senate, the bill seeks to ensure
that those who build and main-
tain dangerous facilities are
trained and skilled in their trades.

Routine, a bill with such
broad effects in the industrial
construction industry undergoes
extensive legislative study be-
fore being enacted.

The West Virginia Building & Construction Trades Council is proud to join in the fight for safe jobs by sponsoring Workers Memorial Day on Wednesday, April 28.
The service is scheduled to begin at 6 p.m. at the State Capitol staging area between the Capitol circle fountain and the Department of Motor Vehicles Building. Be there!