

Response from Al Shur

Jim:

I'm taking advantage of your invitation to reply to the 2/19/08 AGC "Monday Morning Quarterback", <http://www.agcsd.org/quarterback.htm>. Below you will see that my comments are interlaced (blue) with your original post.

----- Ryan 2/19/08 MMQB -----
February 19th, 2008

The IBEW's Al Shur...the "Mr. Green of San Diego"...

By Jim Ryan, AGCSD Executive Vice President

Well Al....the construction industry has been busy for the last few years, and we simply have not given your efforts, on behalf of our environment, enough attention!!! I really do feel a little guilty that we have not given your "environmental shenanigans" the press they deserve.....

Al... I promise to do better in the future...and this article is the beginning!!!!

Now, for those of you that need to "catch up" with all of this, let me give you a quick summary. (Please see last week's MMQB by clicking here)

Al Shur, the local head of the International Brotherhood of Electrical Workers (IBEW), and his IBEW friends around the state, have been using California's well intended environmental laws to file actions that have the potential to delay projects for years. These objections seem to "go away" when the owner of the targeted project signs a union-only Project Labor Agreement (PLA). Several major projects in San Diego have been the subject of this scam.

----- Shur reply -----

Actually if you were to read the California Environmental Quality Act (CEQA, <http://ceres.ca.gov/ceqa/>) you will begin to understand that California's environmental "quality" is influenced by many things. While air and water quality are critically important to the citizens of California, other less "talked about" issues also affect our wellbeing and quality of life. California's CEQA may have been the first law in the USA to allow citizens more than a cursory opportunity to weigh in on their local concerns affecting quality of life.

Experts in the field have known for some time that in order to improve our environment and to maintain our ecology we must weigh many factors. For example; it would be very difficult to maintain a sustainable environment without a "sustainable" economy for society. Not just developers and general contractors but the workers that depend on the construction industry for their livelihood and live in the neighborhoods affected by construction projects. "Break Through: From the Death of Environmentalism to the Politics of Possibility", Michael Shellenberger & Ted Nordhaus (Houghton Mifflin Co. 2008 <http://preview.tinyurl.com/227c2e>), a recent book that I would suggest for you to understand more of this.

In any case, from a more pragmatic point of view, every project with a negative impact on our environment has the significant likelihood to limit future construction projects. This would limit our members and other construction workers future work opportunities.

In every project that we have become involved with, the issues that were raised were addressed and mitigated wherever found to be valid. We have never walked away from the environmental issues we have raised. They never just "go away."

"Scam"? I don't suppose that you would call partaking in democracy a scam? Maybe you would!

----- Ryan 2/19/08 MMQB -----

When it is successful, I can just imagine Al and his friends sitting in a back room somewhere polluting the atmosphere with the smoke from their big cigars!

----- Shur reply -----

I don't smoke! And my favorite place for meetings is on the beach in Leucadia, in the sunshine, with my friends from the environmental and labor community.

For your information on my personal commitment to improving our planet; I have been active in the "environmental movement" since I was a teenager.

I currently sit on the Steering Committee of the California Apollo Alliance representing the CA Labor Federation and am one of the founders of the San Diego Apollo Alliance. For information on the Apollo Alliance visit the web site; <http://www.apolloalliance.org/> .

In the past I have also sat as Chairman & Vice-Chairman on a planning group in one of our small local San Diego County cities. Improving the community that I lived in with environmentally good development and good jobs was my ultimate goal.

----- Ryan 2/19/08 MMQB -----

So....how does the IBEW leverage the State's environmental laws to become a PLA/organizing tool?

It started with the passage of the California Environmental Quality Act (CEQA) in 1970. The passage of CEQA probably seemed like a good idea at the time. 1970 happens to be the same year that Earth Day was initiated. I suspect that our State Legislature stepped up immediately and reacted to Earth day with CEQA. A strong component of CEQA is the provision that citizens have an easy way to file environmental objections to projects when they suspect that the project will cause damage to the environment. CEQA basically requires the developers of projects to prove that the concerns are not justified, or to respond to the concerns and adjust the project to address the concerns.

----- Shur reply -----

Please see my response above.

----- Ryan 2/19/08 MMQB -----

But, as the IBEW discovered, filing objections to the Environmental Impact Report (EIR) is a great way to use a well intended law to force owners into signing a union-only PLA

"You can expect to see unions involved in the environmental process because of health standards," said Bob Balgenorth, president of the State Building and Construction Trades Council of California... "and I think unions will increasingly get involved because of the effect on jobs." Now please understand that Bob is no doubt one of Al's heroes. Bob has been a member of

IBEW Local # 441 in Orange County for over 35 years!!!

Sacramento attorney James Moose summed up the strategy...."They (unions) threaten to sue, or do sue, with the intended settlement having nothing to do with environmental issues. It's purely a matter of leverage. Businesspeople are appalled by it because they think it's straight blackmail."

----- Shur reply -----

I've never met Mr. Moose but I'm not surprised by his statements as his rogue gallery of clients are most often those that CEQA was written to protect the public against. Notice that Mr. Moose never gave any examples of any "threats to sue?" That's because it's not true. We have never threatened to sue anyone. And the settlements routinely address environmental issues. For example, see the descriptions of settlements at <http://www.sbctc.org/cure/default.asp?ID=2378>.

----- Ryan 2/19/08 MMQB -----

The vehicle Bob and Al use to accomplish this black or "green mail" is called CURE....the California Unions for Reliable Energy. CURE is sometimes substituted for a local "environmental" organization, but the idea is the same. CURE's main claim to fame is the PLA for Calpine's 23 power plants and the long-term maintenance agreement for each of these plants for the IBEW. CURE did this through the threat of filing environmental interventions.

CURE is an organization that was formed by the IBEW construction branch, the IBEW utility branch, the Boilermakers Union, and the United Association (plumbers). Bob is the Chairman of CURE. Balgenorth says "this group (CURE) is committed to protecting the environment and making sure that the power plants are built safely with union labor at full wages and benefits."

Power plants in the San Diego area have been built under this PLA.

----- Shur reply -----

You accuse CURE of environmental "blackmail"? You might want to ask the California League of Conservation Voters, the Planning and Conservation League, or The Sierra Club why they have recognized the California Unions for Reliable Energy (CURE) for its work over the last decade. In fact, the California League of Conservation Voters presented Bob Balgenorth with its 2005 Byron Sher Environmental Leadership Award for, in their words, proving that "Californians can have both well-paying, safe jobs and a healthy, clean environment."

----- Ryan 2/19/08 MMQB -----

Now Al...please connect the dots for our MMQB readers....what exactly is the connection between restricting the labor on a construction project to only your members and the members of the other unions that sign on....and a clean environment? Are you really going to try to get us to believe that union projects are somehow "greener" than projects built by firms that are not signatory firms, or by a combination of signatory and non-signatory firms?

----- Shur reply -----

I can make the argument, and have the proof, that ALL projects that we become involved with wind up "cleaner", "greener", and much better for the community at large! In fact, the California Energy Commission has recognized CURE as an "intervener" because of the valid issues that CURE raises.

----- Ryan 2/19/08 MMQB -----

Al...have you actually convinced yourself that all of this is true? Or do you go home at night and admit to yourself that this is really a big con job?

----- Shur reply -----

True? What I write is true and can be proven! How about you?

----- Ryan 2/19/08 MMQB -----

Our next article on all of this will be in the March 3rd issue of MMQB. Send me an email on this and explain what it is that I am missing here.....how on earth can you justify these "environmental shenanigans" as anything but pure blackmail?

----- Shur reply -----

Thank you for the invitation. It is always healthy to allow "both" sides to have their say in public. See below for my challenge to you.

----- Ryan 2/19/08 MMQB -----

Al....something just doesn't seem to fit.

----- Shur reply -----

I've taken the liberty to copy this reply to a number of people in the industry and government. In doing so I will insure that nothing is taken out of context or modified before use.

With your recent writings it has become clear that you have some differences with us on our participation in California's democratic process.

May I suggest that we come together on some future date to debate this in an open, public forum? In this fashion we may actually be able to find some commonality on these important issues. I would be very happy to sit down with you to work out the details for this debate.

If I can answer any further questions or you would like to contact me, please feel free.

Sincerely,

**Allen Shur
IBEW Local 569
San Diego &
Imperial Valley
ashur@ibew569.org**