

# TEAMSTERS JOINT COUNCIL No. 7



Affiliated with the International Brotherhood of Teamsters



Organized November 18, 1907  
United with JC# 38 January 1, 2010

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August 5, 2015

Mayor Libby Schaaf  
#1 Frank H. Ogawa Plaza, 3<sup>rd</sup> Floor  
Oakland CA 94612

Members of the Oakland City Council  
#1 Frank H. Ogawa Plaza, 2<sup>nd</sup> Floor  
Oakland CA 94612

Dear Mayor and Councilmembers,

On behalf of over 100,000 Teamsters in Northern California, the Central Valley, and Northern Nevada – including 5,000 in Oakland – I am writing concerning the issue of coal shipments and the redeveloping Oakland Army Base. My apologies in advance for what is a lengthy letter, but I hope it impresses upon you how complicated this issue appears to be and why we need thoughtful leadership from our elected officials.

First and foremost, the Teamsters refuse to be put in a box that because we support the project we are against the environment and the community. We will never accuse any organization or individual who opposes coal shipments of being against good jobs for Oakland. The situation is more nuanced than that, and anyone who wants to paint this as a black-and-white issue is doing a disservice to Oakland.

We think this issue deserves a thoughtful approach free of rhetoric, politics, and personality attacks. And we call on you as Oakland's elected leaders to lead with principle.

The Teamsters worked very closely for many years with opponents of this project, including the Sierra Club, the West Oakland Environmental Indicators Project, and West Oakland Neighbors, to reduce the harmful impact of diesel particulate matter from port trucks on fence line communities including West Oakland and the 880 corridor. After years of work, many of those same organizations joined us in signing a historic Community Jobs Agreement with the City and the Developers cementing our commitment to this project. The City engaged hosts of organizations and individuals in a multi-year process of planning and advocating for this process, and now some of you would put the brakes on it without re-engaging all of the stakeholders. That's bad government.

One principle we learned from the environmental justice advocates is that workers on the front line of environmental impacts must be included in the process. Yet none of those same advocates reached out to our union before coming out in

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opposition. All this despite the fact that Teamsters include locomotive engineers and maintenance of way workers who deal with coal (and all trains) in North America; ready-mix and material supply truck drivers building this project; and future warehouse workers and rail yard workers once it's complete.

Over 74,000 Teamster members in the rail industry have been vocal about the need for mitigating any health hazards associated with what is shipped in uncovered rail cars, including contaminated dirt, silica and other items – many of which are currently permissible through the project as it is entitled. Teamsters drive trains carrying materials such as coal daily, including periodic shipments through Oakland and Richmond. Open-top coal trains are carefully loaded and sprayed with “topper agents” after they are loaded. These adhesive sprays aim to minimize dust and commodity loss as the trains make their way to their destination. That being said, our members believe that covered cars, such as those that are expressly planned by Terminal Logistics Solutions (“TLS”), will provide the strongest protection available for themselves and track-adjacent communities from the dust that could emanate from any products, including coal.

In fact, there seems to be universal consensus that covered cars provide superior protection to topper agents to minimize the dust from all products. Environmental organizations including Sierra Club chapters throughout the country are fighting for covered cars and enclosed facilities. Yet the question has been who will pay for it? The utilities? The railroads? In some cases, the Federal Surface Transportation Board is handing down the verdict and making the industry pay, often in response to Sierra Club challenges. In this case, Terminal Logistics Solutions wants to pay.

Which brings us to the larger issue of coal as a commodity and industry, and the problem of climate change. That seems to be the real heart of the issue here. Our organization has not taken a position on coal. We acknowledge that a significant percentage of California's electricity is still derived from coal-powered generating stations located out of state, and we appreciate the Governor's recent strong statements on the need to deal with climate change. And while we admire Oakland's continued leadership on problems of global importance, we can't forget the need to solve Oakland's problems first.

We have over 700 members living in Council District Three, and the number one problem they say is jobs. We believe that jobs are just as much a public health issue as air-borne pollutants and climate change. But improvement on both fronts is possible, as this project demonstrates. This project promised to bring thousands of much-needed jobs back to Oakland – particularly West Oakland. We set up a jobs center in West Oakland to put people to work. What do we tell them now? Sorry, we are closed for business?

At the same time, if there are serious health risk to workers at the project and adjacent communities, we deserve to know. That's why we fought for rigorous air monitoring immediately during construction and continuing forever during the operations of the project. What good are the jobs if they kill you? The fact of the matter is, jobs at the Port are dangerous and West Oakland and the 880 corridor historically have suffered the brunt of Port-related pollution. This is already well documented and the high-grade compliance coal that TLS is considering transloading will not change that fact. So do we want to sacrifice all of those jobs and the project? We hope your answer is no; we know ours is. Rather, we should look at how we can collectively push port-related businesses and regulators to impose strong standards that minimize pollution and protect worker and community health, regardless of what commodity may be shipped through the project.

For example, the South Coast Air Quality Management District (SCAQMD) passed Rule 1158 to "reduce the emission of airborne particulate matter from the storage, handling, and transport of coke, coal and sulfur."<sup>1</sup> This was in response to complaints from port-adjacent communities and environmental advocates concerning black, greasy airborne dust. The Rule was further amended in 1999 and 2008. In a nutshell, Rule 1158 requires rail cars and trucks to be covered and terminals to enclose their conveyor belts and stockpiles. The District conducted a follow-up study with sampling in 2005-2007 and concluded "pollution contributions from coal/coke have been reduced."<sup>2</sup> It is our understanding that the Bay Area Air Quality Management District is considering similar regulations. Oakland should support this rulemaking.

Likewise, with the multitude of conditions that the developers must comply with, shouldn't we applaud them for commitments for state-of-the-art technology? The Army Base project affords us an opportunity to set new environmental standards for operations throughout the Port area.

These are only some of the issues involving the proposed Terminal Logistics Solutions facility at the OAB. We hope that you agree that this deserves a thoughtful approach. In our opinion those who would threaten to kill the Army Base development or block funding for it are reckless, irresponsible, and disrespectful of the past several years of work. Too much is at stake. Let's

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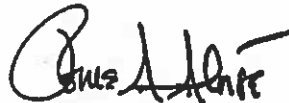
<sup>1</sup> <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1158.pdf?sfvrsn=4>

<sup>2</sup> <http://www.aqmd.gov/docs/default-source/air-quality/air-quality-monitoring-studies/rule-1158-follow-up-studies/rule-1158-follow-up-study-12-and-13-combo.pdf?sfvrsn=7>

remember that there was a long, open, transparent process and ample negotiation with multiple community stakeholders and the developers that led to an unprecedented community jobs agreement. Let's consider how bad Oakland looks when it fails to honor its agreements or seeks a do over. This project will improve Oakland in many ways. If you truly do your due diligence and look at the issues, we believe this project more than balances out the needs of Oakland for good jobs and healthy communities. That is why we elected you, with the covenant that you would not blindly take up one perspective of any one constituency and do harm to others without a dialogue first.

The City of Oakland selected CCIG and ProLogis to build a trade and logistics center at the former Oakland Army Base, that includes a bulk multi commodity terminal as a "working waterfront," with the belief that it was the best use of a prized public asset and holds the greatest promise to deliver revenue to the City and good paying union jobs to the community. The process and the debate have long passed; a do over is not legally defensible. Let's put Oakland to work.

Respectfully yours,



Rome A. Aloise  
President

Cc: Senator Barbara Boxer  
Senator Dianne Feinstein  
Congresswoman Barbara Lee  
Governor Jerry Brown  
Senator Loni Hancock  
Assemblymember Rob Bonta  
Assemblymember Tony Thurmond  
Supervisor Keith Carson  
Supervisor Wilma Chan  
Supervisor Nate Miley  
Art Dao, Alameda County Transportation Commission  
Alameda Central Labor Council, AFL-CIO  
Alameda County Building and Construction Trades Council  
Marty Frates  
Chris Lytle, Port of Oakland  
Revive Oakland Coalition