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Unions accused of "environmental extortion" in refinery dispute

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A construction industry association has accused local labor unions of using "environmental extortion" to secure a union-only contract to construct the proposed Big West of California refinery expansion.

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Photo by Casey Christie

Big West of California refinery on Rosedale Highway.

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A coalition of local building trade unions has hired a Bay Area law firm to raise environmental objections to leverage labor negotiations with Big West, said Kevin Korenthal, government affairs director for Associated Builders and Contractors of Los Angeles/Ventura and Central California, which represents non-union construction firms.

Gloria Smith, the Adams Broadwell Joseph & Cardozo attorney representing the unions, says Korenthal's wrong. She maintains her clients include air quality advocates, residents near the refinery and unions who want to protect the community and environment.

Korenthal, however, says the firm's main purpose is to make the refinery expansion a union-only job. The unions plan to dangle the specter of an environmental lawsuit — driving up expenses and delays for Big West — to intimidate the refinery to use only union hires for construction, he said.

If Big West agrees, Korenthal predicts the law firm will drop its environmental complaints.

"Their intent is to use the precious time by holding up the project in the hopes of getting Big West to agree to sign the project labor agreement," he said.

Adams Broadwell Joseph & Cardozo has filed the most extensive objections to the refinery project since the environmental review began more than a year ago.

The firm represents the Plumbers and Steamfitters Local 460, the International Brotherhood of Electrical Workers Local 428, the Asbestos Workers Local 5, the Boilermakers Local 92, the Ironworkers Local 155 and the Road Sprinkler Fitters Local 669.

It also represents the Association for Irrigated Residents, a local air quality advocacy group, and a few former refinery workers who live near the facility.

Smith points out her clients' involvement so far helped expose the refinery's initial plans to use the hazardous chemical hydrofluoric acid, which sparked widespread public outcry and an eventual modification of plans. They've also raised awareness about the threat of contaminated soil becoming airborne during construction.

"We have never threatened anybody in this case," Smith said. "We've got a broad coalition. It isn't just trade groups trying to get a labor agreement."

She did say a third goal is "good paying jobs for the community" and that her clients would like this to be a "union project." But she denied the firm would drop its environmental concerns if there's a

union-only labor agreement.

"It just would never happen that (my other clients) would let me say, 'We'll just walk away because we got this (union agreement),' " Smith said.

Big West confirmed that several of the labor unions Smith represents presented the company with a draft labor contract.

The company is negotiating with the unions, said Big West Health, Safety and Environmental Director Bill Chadick.

He declined to comment further on the talks but said the company has always planned to use both union and non-union labor. "We're open to negotiating an agreement that makes sense for both parties," he said.

Union involvement in the environmental review of major industrial projects has become common in California. According to a 2006 Sacramento Business Journal article, Adams Broadwell Joseph & Cardozo has been active in the process, intervening in almost all state applications for new, large-scale power plants in recent years and more recently turning its attention to refineries.

In many cases, the Journal reported, a union-only labor agreement has resulted along with an out-of-court settlement on environmental concerns.

Korenthal said a union-only labor agreement for the Bakersfield project would prevent local non-union construction workers from working the job due to the escalated costs of benefits and union dues it would create for their employers.

Smith, the attorney representing unions, dismissed Korenthal's concerns, saying they come from a group representing contractors that "don't want to have to pay union wages."

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