



ASPEN WASTE SYSTEMS INC.

January 15, 2013

Mr. David Herberholz  
City of Minneapolis  
Solid Waste and Recycling  
309 2nd Ave S., Room 210  
Minneapolis, MN 55401-2281

Dear David,

I am submitting this letter in advance of the January 15<sup>th</sup> deadline for comments regarding the organized collection system in Minneapolis.

Aspen Waste Systems continues to be interested in participating in the residential collection system in the City of Minneapolis. The following are a few of the reasons why we believe we can serve the City well:

- Aspen has previously competed in this RFP process and won
- Our customer satisfaction meets or exceeds any comparative standards
- When customers call Aspen, they talk to a live person who is physically located and working in the City of Minneapolis
- Based in the City of Minneapolis, we provide more jobs in the City than any other licensed waste hauler
- Aspen has consistently proven its commitment to Minnesota's waste hierarchy (waste-to-energy before landfills) as the largest direct hauler to HERC, not by any contract obligation but rather by choice
- Aspen's founder, owner and president is a lifelong resident of Minneapolis

We appreciate the opportunity to be a part of the process and we continue to be interested in participating. I can be reached by phone at 612-884-8000 or via e-mail at [tnelson@aspenwaste.com](mailto:tnelson@aspenwaste.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "Thor W. Nelson".

Thor W. Nelson  
Vice President & General Manager



January 15, 2013

David M. Aafedt  
Direct Dial: (612) 604-6447  
Direct Fax: (612) 604-6847  
daafedt@winthrop.com

**VIA E-MAIL**  
**david.herberholz@minneapolismn.gov**

David Herberholz, Director  
City of Minneapolis  
Division of Solid Waste and Recycling  
309 - 2nd Ave. S., Room 210  
Minneapolis, MN 55401-2281

Re: Solid Waste Organized Collection Process Comments – Minneapolis Refuse Inc.

Dear Mr. Herberholz:

As you know, our firm represents Minneapolis Refuse, Inc. (“MRI”) in conjunction with the process undertaken by the City of Minneapolis to Organize Collection of Solid Waste and Recycling in accordance with the Minnesota Statutes Section 115A.94 (2012). Please let this correspondence serve as MRI’s comments to that process.

As part of this Organized Collection process, there has been significant discussion surrounding the issue of Labor Peace. As you are aware, the City Council adopted the Labor Peace Policy in 2007 pursuant to a City Council resolution. The rationale underpinning the resolution was that it sought to promote the rights of working men and women, and to protect the City’s financial, economic, and proprietary interests so as to ensure that City contracts are performed without interruption from strikes or other disputes. The City Council determined that the Labor Peace policy was a condition precedent to contracts like the one under consideration as part of this Organized Collection process.

MRI and its members respectfully submit that nothing has changed over the past six plus years which would, in any way, undercut or take away from the City Council’s wisdom in passing the Labor Peace Policy resolution in 2007. MRI committed to Labor Peace many years ago and has a collective bargaining agreement through 2014 that protects union workers and ensures that they will not be displaced, and which will ensure that the City services will be performed. MRI respectfully submits that Labor Peace must continue to be part of, and a condition precedent to, any future contract between the City and any hauler of residential waste and recycling. We

David Herberholz, Director

January 15, 2013

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respectfully encourage action by the Permanent Review Committee and the Council to ensure that this important issue be addressed in the near term.

MRI and its members believe that the City and its residents receive significant benefits from the efficiencies achieved by a single vendor for the contracted part of the City. A single vendor ensures accountability for all uncollected items and for damage claims, and makes it significantly easier for the City to implement updates and program changes. Moreover, one call reaches all of the collection crews on the entire non-city collected side.

MRI and its members thank you and the City for the opportunity to comment on the issues under consideration as part of the Organized Collection process. We respectfully reserve the right to provide additional comment following the City's receipt of comments from other interested parties up to the end of this initial ninety day part of the Organized Collection process.

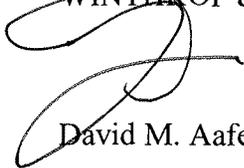
In conclusion, MRI and its members look forward to working with the City during this upcoming second ninety day period to try to reach agreement to allow MRI and its members to continue to serve the residents of the City with the high-level of service to which they have become accustomed.

Please feel free to call or e-mail if you have any questions or require anything further from MRI or its members.

Thank you.

Very truly yours,

WINTHROP & WEINSTINE, P.A.

A handwritten signature in black ink, appearing to read "David M. Aafedt", is written over the printed name. The signature is stylized with large loops and a long horizontal stroke.

David M. Aafedt

cc: Doug Kruell  
Charlie Hall

# ELITE

Waste Disposal

A Local, Family Owned  
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Commercial Collection



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Rogers, MN 55374

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Dispatch Fax (952) 492-2719  
Accounting Fax (952) 492-2633

www.elitewastedisposal.com

February 15, 2013

City of Minneapolis  
Department of Public Works  
Attn: David Herberholz, City Council Members  
350 South 5<sup>th</sup> Street, Room 203  
Minneapolis, MN 55415

Mr. Herberholz & City Council Members:

We would like to take this opportunity to let the City of Minneapolis know that if the Labor Peace Policy is ever changed, Elite Waste Disposal is very interested in providing Garbage & Recycling service.

As a local, family owned, non-union company, we feel we would be able to provide Superior Service to the residents of the City of Minneapolis.

If you have any questions, please feel free to contact me at (952) 445-4301. We thank you in advance for your time and consideration.

Sincerely,

Dean Koosman  
Sales Representative



**"Superior Service"**  
A class above the rest!





April 17, 2013

David M. Aafedt  
Direct Dial: (612) 604-6447  
Direct Fax: (612) 604-6847  
daafedt@winthrop.com

**VIA E-MAIL**  
**david.herberholz@minneapolismn.gov**

David Herberholz, Director  
City of Minneapolis  
Division of Solid Waste and Recycling  
309 - 2nd Ave. S., Room 210  
Minneapolis, MN 55401-2281

Re: Solid Waste Organized Collection Process Comments – Minneapolis Refuse Inc.

Dear Mr. Herberholz:

As you know, our firm represents Minneapolis Refuse, Inc. (“MRI”) in conjunction with the Organized Collection Process (“Process”) undertaken by the City of Minneapolis (“City”) to Organize Collection of Solid Waste and Recycling in accordance with the Minnesota Statutes Section 115A.94 (2012). Please let this correspondence serve as MRI’s supplemental comments to that process and, more specifically, in support of the inclusion of Labor Peace in the City’s solid waste collection contract and in opposition to the arguments made by City representatives at the March 26, 2013, meeting as to why Labor Peace was not necessary.

As with the prior organized collection process undertaken by the City, there has been significant discussion surrounding the issue of Labor Peace as part of this Process. On August 31, 2007, the City Council passed Resolution No. 2007-454 (August 31, 2007) directing the Permanent Review Committee (“PRC”) to make findings regarding the inclusion of Labor Peace in the City’s Request for Proposals for the Collection of Garbage, Recyclables, Problem Materials (including mattresses and box springs) and Seasonal Yard Waste. Generally, the rationale underpinning the City Resolution was that it sought to promote the rights of working men and women, and to protect the City’s financial, economic, and proprietary interests so as to ensure that City contracts are performed without interruption from strikes or other disputes.

More specifically, the PRC found, among other things, the following:

1. The City wants refuse generated by occupants of residences to be picked up and disposed of efficiently and cost-effectively as would any property owner;

David Herberholz, Director

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2. The City has a vested and proprietary interest in the materials disposed of by owners and occupants of residential units;
  - a. The anticipated contract amount to be awarded by the City will exceed \$250,000 per year;
  - b. The period of the contract will be for a period of between 3 and 5 years;
  - c. There would be adverse financial and economic impacts of any disruption of refuse service at any given time or over duration of contract for services, including:
    - i. Complaints could overwhelm the City's call center and constituent service communication lines;
    - ii. Negative publicity may affect convention and visitor business; and
    - iii. Demands placed on other City personnel obligated to maintain the health, safety, and ambiance of the City will result in stress and adversely affect the delivery of other City services;
    - iv. Use of existing City employees or outside third-party contractors would be at a severe negative financial consequence to the City, including requiring the City to borrow funds to finance and pay for the budgetary shortfall; and
    - v. The risk to the public health and safety associated with the disruption in the collection of garbage are of paramount importance to the City and its residents. Such a disruption would result in odors, attraction of pests, vermin, and rodents, and the potential for sickness and disease.

Ultimately, the City Council concurred in the foregoing findings and determined that the Labor Peace policy must be a condition precedent to contracts like the one under consideration as part of processes like this.

As briefly noted above, at the March 26, 2013, meeting in this Process, City representatives suggested to attendees that they were weighing not including Labor Peace as part of this Process. The purported rationale was that the City could minimize risk by: 1) re-deploying other City staff to collect waste and forego collection of, among other things, recycling; 2) having multiple haulers under contract; and 3) waiting for a contract default to provide funds from the contractor's performance bond to help cover a portion of the costs incurred.

With all due respect, MRI disagrees with the position presented at the March 26<sup>th</sup> meeting as nothing has changed in the intervening five-year period which would undercut or lessen any of the foregoing findings made by the PRC in 2008 and the City Council's wisdom in passing the

David Herberholz, Director

April 17, 2013

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Labor Peace resolution in 2007. More specifically, and in response to the points raised at the March 26<sup>th</sup> meeting: (1) the PRC expressly found that the obvious, negative consequence associated with point number one (1), above, is not a viable alternative; 2) having multiple haulers under contract as “back-up” is impractical and imprudent from both a logistical and financial perspective when this risk could be obviated altogether; and 3) having a performance bond does not provide any assurance that the City will be able to find qualified, skilled haulers to cover half of the City to replace the striking workers.

As the City is aware, MRI committed to Labor Peace many years ago and has a collective bargaining agreement through 2014 that protects union workers and ensures that they will not be displaced, and which will ensure that the City services will be performed. MRI respectfully submits that Labor Peace must continue to be part of, and a condition precedent to, any future contract between the City and any hauler of residential waste and recycling. And MRI represents that it is willing to extend its Labor Peace Agreement with Teamsters Local 120 and expressly commits to the same with the City. We respectfully encourage action by the Permanent Review Committee and the City to take action in the near term to ensure that this important issue be addressed.

On a related, yet slightly different note, MRI and its members believe that the Process should result in the selection of one collection vendor for the contracted side of the City. One collection vendor ensures that it is accountable for all uncollected items and for damage claims, and ensures that significant efficiencies will be achieved as it relates to program changes. It only takes one call to reach all of the collection crews on the non-city side. Moreover, it makes it significantly easier to implement updates/changes throughout the entire side of the City. Consistent with the goal of this Process and Labor Peace, choosing a single vendor like MRI ensures that there will be no displacement of the numerous small business and no displacement of the union workers that make up MRI.

Lastly, and significantly, if there is not a Labor Peace Agreement and a contractor’s employees organize with a union, it is probable that their collective bargaining agreement would include the right to strike or lockout.

MRI and its members thank you and the City for the opportunity to comment on the issues under consideration as part of the Organized Collection process. We continue to respectfully reserve the right to provide additional comment following the City’s receipt of comments from other interested parties up to the end of this first-ninety day part of the process.

In conclusion, MRI and its members look forward to continuing to work with the City during this process and allow MRI and its members to continue to serve the residents of the City with the high-level of service to which they have become accustomed.

Please feel free to call or e-mail if you have any questions or require anything further from MRI or its members.

David Herberholz, Director  
April 17, 2013  
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Thank you.

Very truly yours,

WINTHROP & WEINSTINE, P.A.

*David M. Aafedt /crt*

David M. Aafedt

cc: Doug Kruell  
Charlie Hall

7841440v1



Shingle Creek  
Neighborhood Association  
PO BOX 15656  
Minneapolis, MN 55415  
Email: mpls.scna@gmail.com  
www.scna-mpls.org

David Herberholz, Director  
Division of Solid Waste and Recycling  
309 Second Ave S  
Minneapolis, MN 55401-2281  
612-673-2917

Re: MRI contract

Dear Mr. Herberholz,

The Shingle Creek Neighborhood Association, a 501c 3 neighborhood organization, appreciates the opportunity to share our comments on the important issue of the MRI contract. We received notice of the meeting on November 13, after the hearing was held but are adamant that our voices are heard about this issue and that a comment extension period may be allowed so others from the community may have the opportunity to give their input.

MRI's main office and two of the 13 member businesses are in our neighborhood. They provide stellar solid waste collection services for 55,000 dwellings, including those in the Shingle Creek neighborhood. They provide local living wage jobs in our neighborhood which are hard to come by in this community. And we appreciate the support of MRI for our community events and activities as a small neighborhood organization. Having a coalition of 13 haulers offers a level of service and a competitive advantage that would not exist otherwise.

When considering this important contract, we believe these five factors should be weighed heavily.

- 1) Having a coalition of 13 strong small businesses provides a level of service and a competitive opportunity that a city this size requires to maintain the city without massive and multiple interruptions which increase costs.
- 2) There are tremendous costs involved with creating new systems. The city is trying to save costs at every turn. What will be the upfront and hidden costs of creating any other new systems. Reliability of 13 multiple strong small businesses in the City of Minneapolis is more important than being beholden to one single large provider or dealing with the unknown but guaranteed increased costs of creating a whole new system.

- 3) Providing more living wage job opportunities in the City of Minneapolis is more important than feeding into a huge single company that has already proven to be troublesome for the City and could ultimately leave the city more vulnerable and at a huge risk of a strike and piling garbage consequences afterward. MRI provides its main office, and two of its 13 member businesses in our neighborhood. These are valuable jobs to our community that we don't want to lose.
- 4) Local companies tend to employ locally and "one very large company" likely employs people from outside the community.
- 5) Having strong small businesses provide more local benefits for many more schools, youth programs, nonprofit events and programs across this city than one single company could. So multiple strong small businesses spread more benefits locally.

We believe these five items are in line with the City of Minneapolis The Minneapolis Plan for Sustainable Growth Adopted 2011 Economic Development policies:

Policy 4.1: Support private sector growth to maintain a healthy, diverse economy.

Policy 4.2: Promote business start-ups, retention and expansion to bolster the existing economic base.

Policy 4.7: Focus resources and efforts on connecting residents to good jobs.

Policy 4.8: Continue to pursue the removal of barriers that prevent residents from holding living wage jobs and achieving economic self sufficiency.

SCNA appreciates this opportunity to submit these comments for consideration. This is truly one case where less is not more.

Sincerely on behalf of Shingle Creek Neighborhood Association,

Amy Luesebrink  
SCNA staff  
763-561-1616

# Minneapolis



# Regional Labor Federation

312 Central Avenue, Suite 542, Minneapolis, MN 55414  
 (612) 379-4206 • Fax: (612) 379-1307  
[www.minneapolisunions.org](http://www.minneapolisunions.org)

April 11, 2013

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David Herberholz, Director  
 Division of Solid Waste and Recycling  
 309 2<sup>nd</sup> Avenue South, Room 210  
 Minneapolis, MN 55401

Dear Mr. Herberholz:

These are the comments of the Minneapolis Regional Labor Federation (MRLF) regarding the Organized Solid Waste Collection Plan under consideration by the City of Minneapolis. The City should continue to include the existing labor peace language in any requests for proposals or contracts for solid waste collection and in the Organized Solid Waste Collection Plan. Labor peace has successfully prevented work stoppages due to labor disputes. The City should keep doing what works.

The applicable statute on Organized Collection provides for the City to evaluate the proposed organized collection method in light of at least the following general standards: "achieving the stated organized collection goals of the city or town, minimizing displacement of collectors, ensuring participation of all interested parties in the decision-making process, and maximizing efficiency in solid-waste collection." Minn. Stat. § 115A.94, Subd. 4(e)(2). A labor peace requirement is a proven method of maximizing efficiency in solid waste collection by protecting the City's proprietary interest in the uninterrupted performance of solid waste collection services.

Labor peace language specifically prohibits work stoppages, such as picketing or strikes, and it requires submission of labor disputes to binding arbitration to prevent disruption of services. As noted in recent meetings regarding the City's organized collection system, the possibility of work stoppages in solid waste collection is a serious concern. Work stoppages in waste collection pose a threat to public health and safety. Accumulating waste would cause foul odors, would be unsightly, would attract vermin, and could even increase the risks of communicable disease. Uncollected trash would have a negative impact on the appearance of the City and its appeal as a desirable place to live, work, and visit.

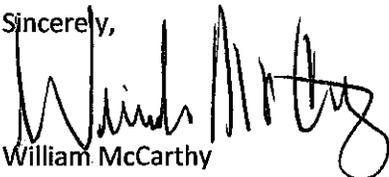
Additionally, work stoppages would present a financial challenge to the City. The City would have to find an alternative means of collection very quickly or risk the significant accumulation of uncollected trash. It may be difficult for the City to find a cost-effective replacement on short notice, and the City may incur considerable costs in the process.

As you know, the City of Minneapolis adopted a resolution (2007R-454) requiring review of Requests for Proposals and service contracts to determine whether labor peace language is appropriate. The City's Labor Peace Resolution lists such relevant factors as: "the dollar value of the contract, the duration of the contract, the adverse financial or economic impact of any disruption of services, whether or not City owned property is involved, and any other relevant factors." Clearly, the dollar figure for the organized collection contract has previously and will continue to exceed the resolution's threshold for review of \$250,000. Moreover, the previous organized collection contracts have been five-year contracts, which is a significant time commitment by the City, and the current contract appears likely to be of similar duration. Additionally, as explained above the adverse financial and other negative impacts on the City of a disruption of solid waste collection services are likely to be significant. Accordingly, the standards set forth in the Labor Peace Resolution call for continued inclusion of the labor peace language in the Organized Solid Waste Collection Plan.

Labor peace language has been included in the existing contract for organized collection, and it has ensured that the City has not experienced any interruptions in service due to work stoppages. Notably, no public proposal has yet emerged as a credible alternative to labor peace that would ensure the prevention of work stoppages. A labor peace requirement is a proven, effective tool to ensure that quality service continues without risking work stoppages. We urge the City of Minneapolis to continue including a labor peace requirement in its requests for proposals, contracts, and Plan for solid waste collection.

Thank you for your attention to this matter.

Sincerely,



William McCarthy

President

CC: Heidi Hamilton, Deputy Director, Minneapolis Public Works  
Minneapolis City Councilmembers  
Minneapolis Mayor R.T. Rybak  
William Moore, Trustee, Teamsters Local 120  
Joe Dwyer, Trustee, Teamsters Local 120

**Chavez, Michelle I.**

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**From:** Herberholz, David A.  
**Sent:** Tuesday, January 15, 2013 7:03 PM  
**To:** Chavez, Michelle I.  
**Subject:** FW: Organized Collection of Solid Waste & Recycling for the City of Minneapolis  
**Attachments:** 20130115151612885.pdf

For 115A report.

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**From:** Rhys Ledger [<mailto:rhysledger@me.com>]  
**Sent:** Tuesday, January 15, 2013 3:58 PM  
**To:** Herberholz, David A.  
**Subject:** Organized Collection of Solid Waste & Recycling for the City of Minneapolis

Consistent with directions issued by the Division of Solid Waste and Recycling at the January 8, 2013 meeting with Haulers and Interested Parties and our subsequent telephone conversation on January 14, 2013, please find attached:

- An article entitled "Strike over, rush on to haul off lots of stinky trash" from the August 2, 2012 edition of *The Seattle Times*.
- A Power Point presentation entitled "Trash and the Public Interest" prepared by Teamsters Local 120.
- The Permanent Review Committee's 2008 findings that haulers should be required to enter into Labor Peace Agreements as a condition for contracting to provide solid waste and recycling services to the City of Minneapolis.

These materials are submitted to reinforce Teamsters Local 120's contention that labor peace remains a necessary and appropriate requirement under Resolution 2007R-454.

If you require any additional information, please contact me via e-mail or at (612) 360-1265. Thank you.

Sincerely,

Rhys Ledger  
Director of Organizing  
& Government Affairs  
Teamsters Local 120

# The Seattle Times

Winner of Nine Pulitzer Prizes

## Local News

Originally published Thursday, August 2, 2012 at 8:53 PM

Corrected version

### **Strike over, rush on to haul off lots of stinky trash**

Recycling and yard waste drivers for Waste Management are expected to report back to work Friday after voting to approve a new contract Thursday morning, ending an eight-day strike.

By Keith Ervin

Seattle Times staff reporter

Garbage drivers began cleaning up mounds of uncollected waste in Seattle on Thursday, eight days after walking off the job in support of striking recycling drivers in another union.

But recyclables and ripe food and yard waste accumulated for another day because only four of those more than 150 strikers went back to work after ratifying a new six-year contract Thursday morning, Waste Management reported.

With those drivers expected to work Friday, the company said it would accelerate its recovery efforts, restoring all regularly scheduled service and picking up specified wastes Friday at Renton, Burien and Fairwood homes whose regular collection day is Wednesday.

Drivers represented by Teamsters Local 117 on Thursday morning approved a contract negotiated Wednesday, as Waste Management, facing daily fines starting Wednesday of up to \$1.25 million for collection failures in Seattle, said it planned to hire permanent replacement drivers.

"The company was going to invest heavily in replacement workers, and we were going to have to invest heavily in a long-term dispute. It was in both of our interests to settle," said Teamsters contract campaign coordinator Brenda Wiest.

Until the surprise announcement of a tentative deal late Wednesday, Waste Management had refused to bargain unless the union suspended the strike — something it had refused to do.

Mayor Mike McGinn vowed to enforce Seattle's contract with Waste Management, returning any fines in the form of lower bills to the company's 90,000 customers in parts of the city. The company serves 220,000 homes and businesses in King and South Snohomish counties.

Seattle Public Utilities inspectors haven't yet determined how much money they will seek from Waste Management for uncollected waste.

Washington Teamsters Joint Council 28 Political Action Director Heather Weiner credited local mayors — especially McGinn — for helping to end the strike.

"Behind the scenes, we're being told that was really instrumental in getting Waste Management back to the table. That's what pushed them," Weiner said.

Waste Management spokeswoman Robin Freedman said the strike ended because "I think our workers really wanted to come back to work."

Ronald Knox, a labor lawyer not involved in the dispute, said Waste Management likely was motivated by the prospect of fines and Teamsters by the prospect of permanent replacements taking their jobs.

"I think it was a victory for both sides that they got back to work and they got back to the table. A prolonged strike in this economy is not good for anyone," Knox said.

The contract approved Thursday gives the recycling-drivers union a total \$500,000 more in pay and benefits over six years than the company's "final" offer in June, Wiest said.

She said the new contract increases employer contributions to a pension fund and caps employee health-care costs.

However, Freedman said Drivers will receive the same compensation under the ratified contract as under the earlier offer — but will get their first pay raise six months sooner.

Average yearly earnings, including overtime, will rise from \$58,000 to \$68,000 with benefits of about \$30,000, Freedman said. She said drivers won't receive a \$2,000 signing bonus the company previously offered.

*Staff reporter Susan Kelleher contributed to this story.*

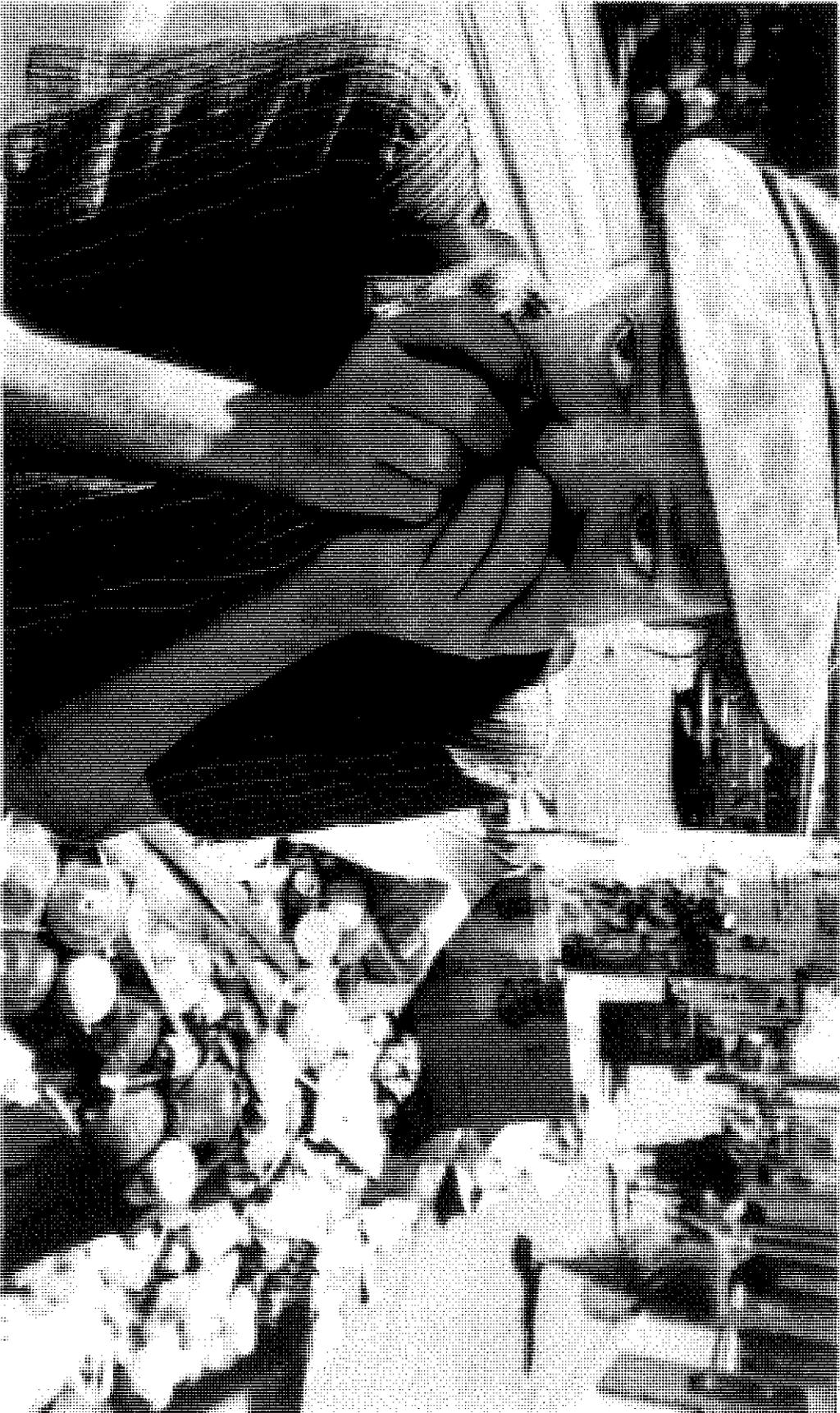
*Keith Ervin: 206-464-2105 or kervin@seattletimes.com*

# Trash and The Public Interest



**TEAMSTERS  
LOCAL 120**

**The old way:** Conflict-ridden, inefficient, and hazardous to workers and public health.



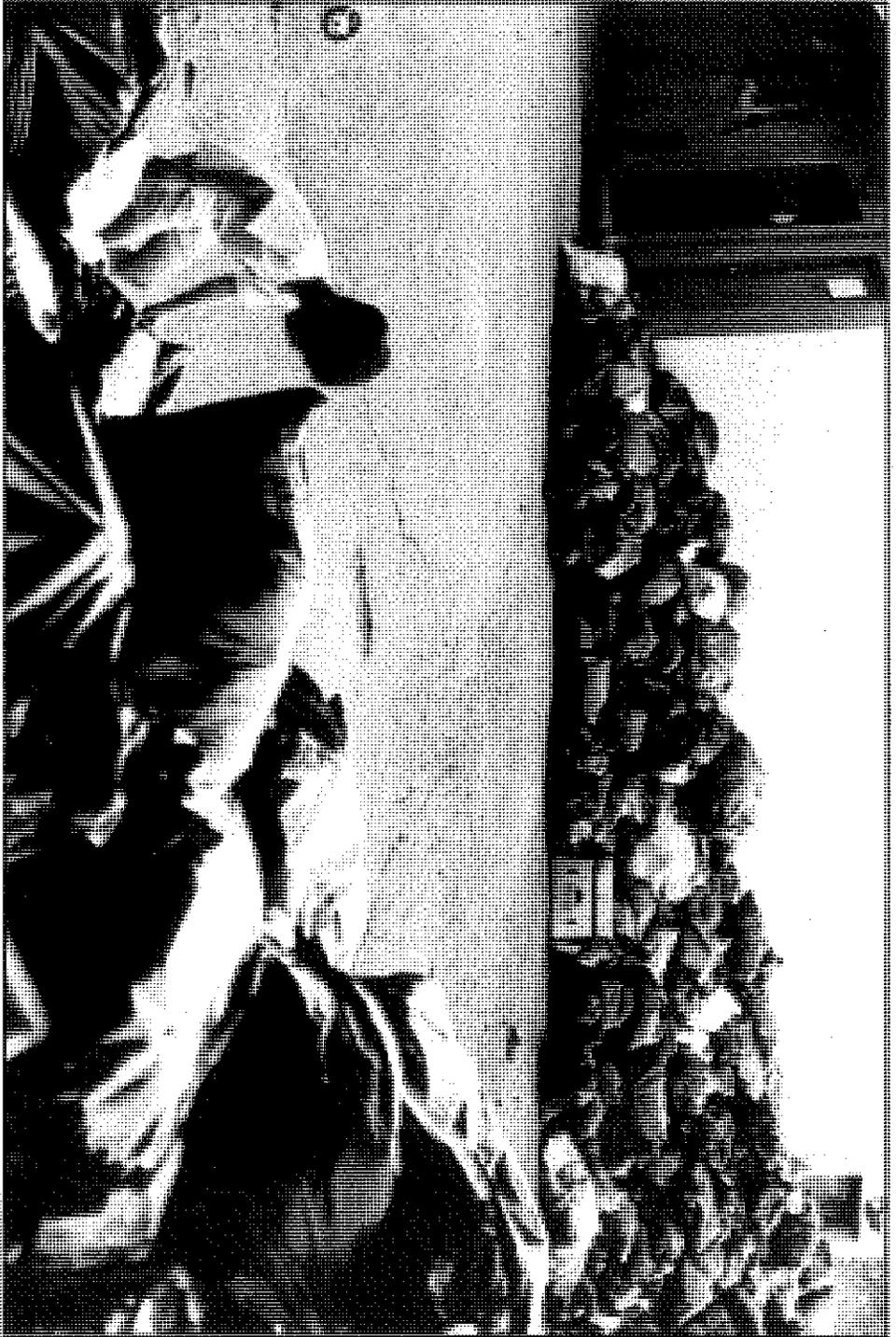
**A pedestrian covers her face against the stench from piles of uncollected garbage during the 16-day Toronto garbage strike, July 2002. Photo: AP**

## **Accumulated Trash Poses Public Health Threats**



“If there is an outbreak of communicable disease in the city of Toronto, which in my opinion could occur,” staff would be “stretched beyond their ability to respond in a timely fashion to outbreaks of communicable diseases,” warned Dr. Colin D’Cunha, the province’s chief medical officer of health during Toronto’s 2002 trash strike.

Source: C. Blizzard, “Rotting garbage poses health threat,” *Edmonton Sun*, 10 July 2002.



**"This could create a food safety issue and may put the public at risk for enteric disease," concluded Dr. Colin D'Cunha.**

Source: C. Blizzard, "Rotting garbage poses health threat," *Edmonton Sun*, 10 July 2002.

## **Uncollected Trash Attracts Vermín and Spreads Disease**



P h o t o : I B T

Rats and other animals gather within 24 to 48 hours after garbage is left out, according to the Lake County, Illinois Health Department.

Source: USA Today, 10/07/03



**Trash heaps line  
the streets of  
Athens, Greece,  
during a 6-day  
work stoppage,  
December, 2001.**

**Photo: AP/Aris  
Messinis.**

# Trash Piles Up Quick



**15,000 tons of garbage accumulated daily during Chicago's nine-day sanitation strike in 2003.** Source: USA Today, 10/07/03

# There's No Hiding Trash



“When you have a strike like this,” stated Chicago Department of Streets and Sanitation Spokesman Matt Smith, “It’s an embarrassment.”

Source: USA Today, 10/07/03

# **We share the streets: Unsafe conditions for sanitation workers threaten our communities**

- **Driver fatigue contributes to traffic accidents.** Nonunion sanitation workers often work 60 or more hours per week. 12-hour days are not uncommon.
- **As the Federal Motor Carrier Safety Administration acknowledged, “studies show that performance begins to degrade after the 8th hour on duty and increases geometrically during the 10th and 11th hours” on duty.**

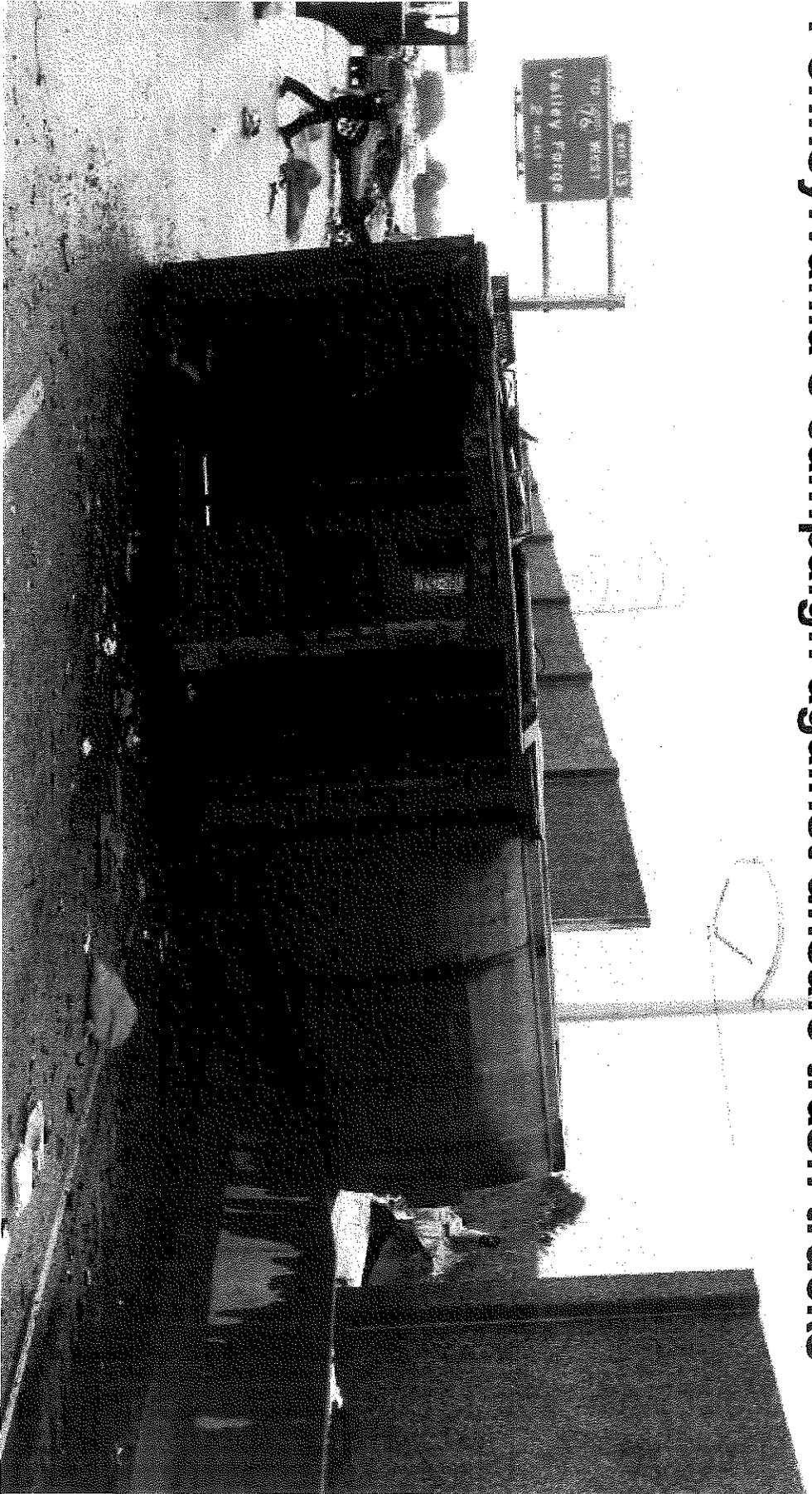
Source: Public Citizen, et al., v. Federal Motor Carrier Safety Administration, 362 U.S. App. D.C. 384, 16 July 2004.

# **We share the streets: Deadly accidents and poorly maintained trucks**

- A garbage truck was involved in a Fort Worth, Texas crash in March, 2004, that resulted in the death of another driver.
- The Accident led to a \$2.25 million out-of-court settlement.
- Fort Worth police inspectors found that “the trash truck was not roadworthy.”
- This was an example of a “disturbing pattern of dangerous activity in the trucking industry,” said attorney Steven Laird. “The result is that drivers like you and me are put at risk every day and night when these type of...companies take the road.”

Source: Max Baker, “Recent court cases raise questions about trucking safety,” at [www.trucksafety.org/Recent\\_court\\_cases\\_raise\\_questions.php](http://www.trucksafety.org/Recent_court_cases_raise_questions.php), accessed 4 January 2007.

## **Pennsylvania's campaign against unsafe trash trucks**



**A trash truck lies on its side after it crashed through a guard rail on the median of Interstate 95 and collided with several oncoming vehicles in Essington, Pa., Tuesday June 27, 2006. The accident left three people dead and several more injured. (AP Photo/Matt Rourke)**

# **Pennsylvania's campaign against unsafe trash trucks:**

- In 2001, the Pennsylvania Department of Environmental Protection's (DEP) "Operation Clean Sweep" found that "86 percent of the trash trucks had safety violations, and *more than one-third of the trucks were removed from service as unsafe vehicles.*"
- Union drivers can refuse to take unsafe trucks on the road without having to fear for their jobs.

Source: "DEP Secretary Joins Surprise Inspection of Trash Trucks at Mostoller Landfill," News release, Commonwealth of Pennsylvania, 21 Oct. 2002, at [www.ahs.dep.state.pa.us/new/releases](http://www.ahs.dep.state.pa.us/new/releases), accessed 20 Feb. 2007.

# **Sanitation Work:**

**“The fifth most dangerous job in the United States.”** [Waste News, Sept. 2006]

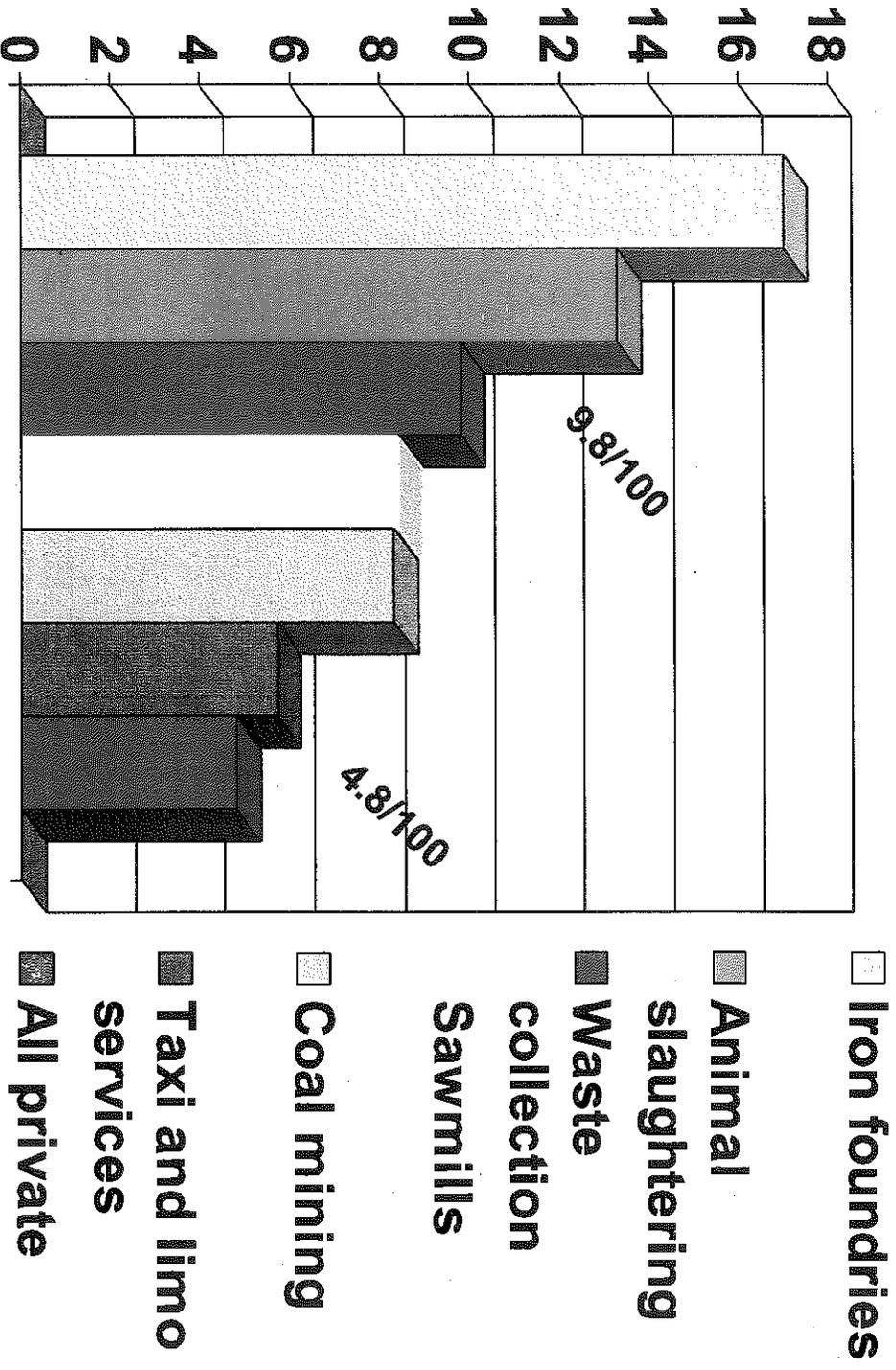
- Sanitation workers are commonly forced to work long hours (often more than 12 hours/day and 60 hours/week). Instead of being paid by the hour, workers are paid by the truck load or by weight. This typically leads to unpaid and mandatory overtime for nonunion workers.

- In 2005, 79 sanitation workers died in the United States. \*
- These conditions are dangerous for workers *and* the community because they are forced to rush through routes.

Source: Fatal occupational injuries by industry and event or exposure, 2005, from:  
<http://www.bls.gov/iif/oshwc/foi/cffb0205.pdf>

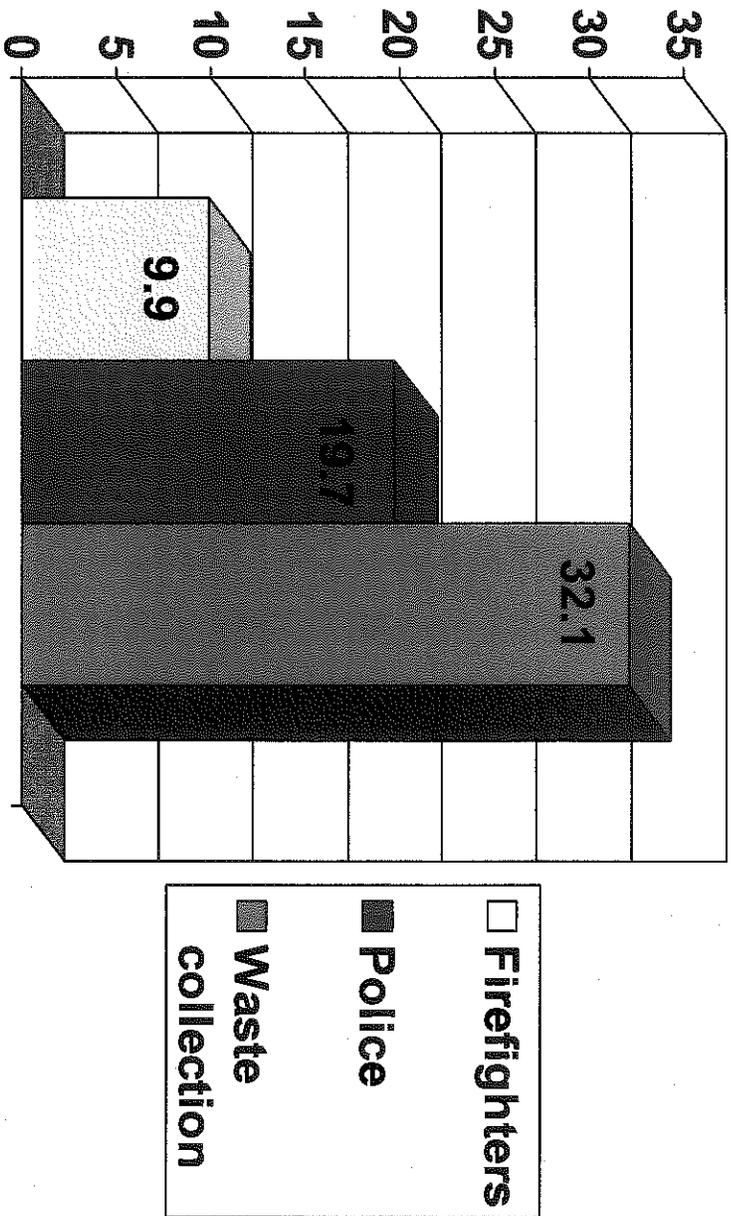
# Waste collection: Twice as dangerous as the average job.

Non-fatal occupational injuries, selected occupations, 2004.



Source: U.S. Department of Labor, Bureau of Labor Statistics, Table SNR01, acc. from [www.bls.gov/iif/oshwc/osh/os/osib1475.pdf](http://www.bls.gov/iif/oshwc/osh/os/osib1475.pdf) and [osib1487](http://www.bls.gov/iif/oshwc/osh/os/osib1487.pdf) on 31 May 2006. Injuries per 100 workers.

# Waste collection is more dangerous than police or firefighting work.

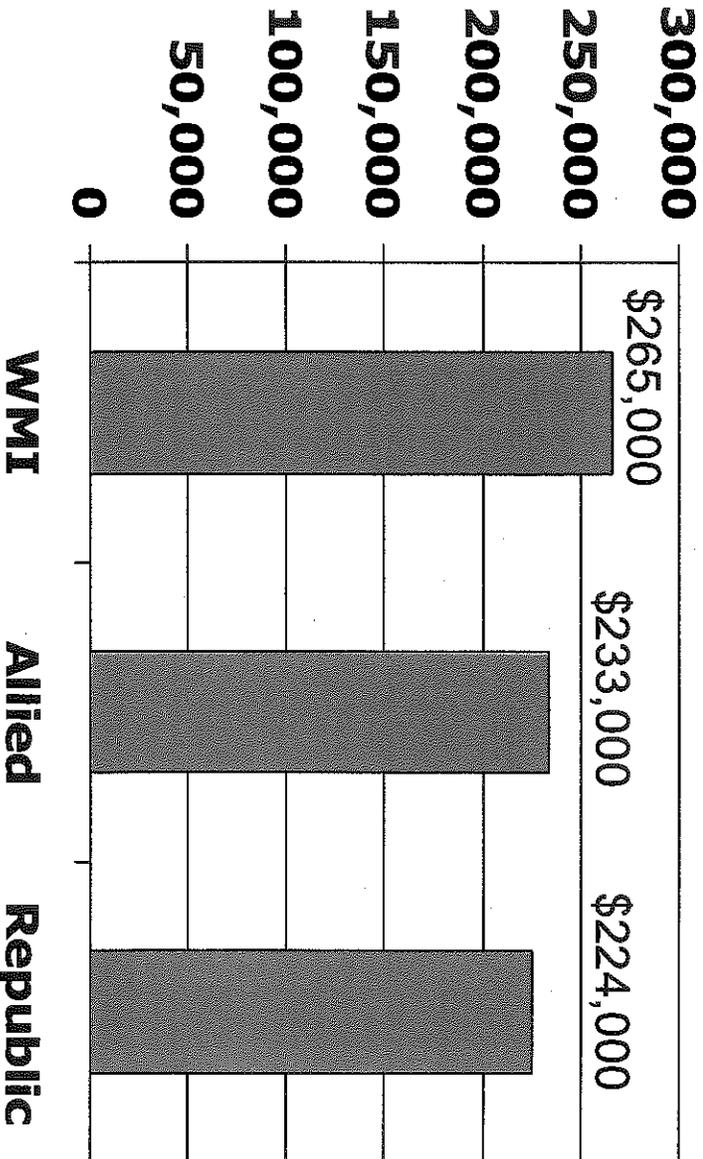


**Fatalities per 100,000 employees, 2005**

Sources: <http://www.bls.gov/iif/oshwc/cfoi/ctfb0209.pdf>; <http://www.bls.gov/iif/oshwc/cfoi/ctfb0205.pdf>;  
[http://www.bls.gov/oes/current/oes\\_nat.htm#b33-0000](http://www.bls.gov/oes/current/oes_nat.htm#b33-0000)

# Can the big trash companies afford to pay for safety and health?

## Revenue per employee, 2005



Source: "Waste Management Inc. (WMI), Competitors," at [finance.yahoo.com/q/co?s=WMI](http://finance.yahoo.com/q/co?s=WMI), accessed 20 June 2006.

# Major waste collection firms make big profits.

## Revenue and Net Income per Employee, 2005

	<b>WMI</b>	<b>Allied</b>	<b>Republic</b>
Revenue	\$13,270,000,000	\$5,830,000,000	\$2,920,000,000
Net income (profit)	\$1,220,000,000	\$151,000,000	\$252,000,000
Employees	50,000	25,000	13,000
<b>Revenue per employee</b>	<b>\$265,400</b>	<b>\$233,200</b>	<b>\$224,615</b>
<b>Net income per employee</b>	<b>\$24,400</b>	<b>\$6,052</b>	<b>\$19,446</b>

Exhibit D

Source: Revenue, net income and employees for firms are from "Waste Management Inc. (WMI), Competitors," at [finance.yahoo.com/q/co?s=WMI](http://finance.yahoo.com/q/co?s=WMI), accessed on 20 June 2006.

# **The new way!**

**Partnerships between employers and workers in service of the public interest**

- Cities across America require contractors and service providers to maintain labor peace.
- Workers in these cities have agreed to prohibitions on picketing, work stoppages, and boycotts during the lifetime of the firm's contract with the city.
- Contractors have agreed to remain neutral during organizing drives and to recognize unions with a showing of majority support.
- Disputes over employment conditions are submitted to impartial, final and binding arbitration.

# **The new way:**

**City governments and communities ensure regular and uninterrupted sanitation pick-ups**



- Sanitation work stoppages are costly to the city.
- When poor or dangerous working conditions force an interruption of service, it can put public health at risk.

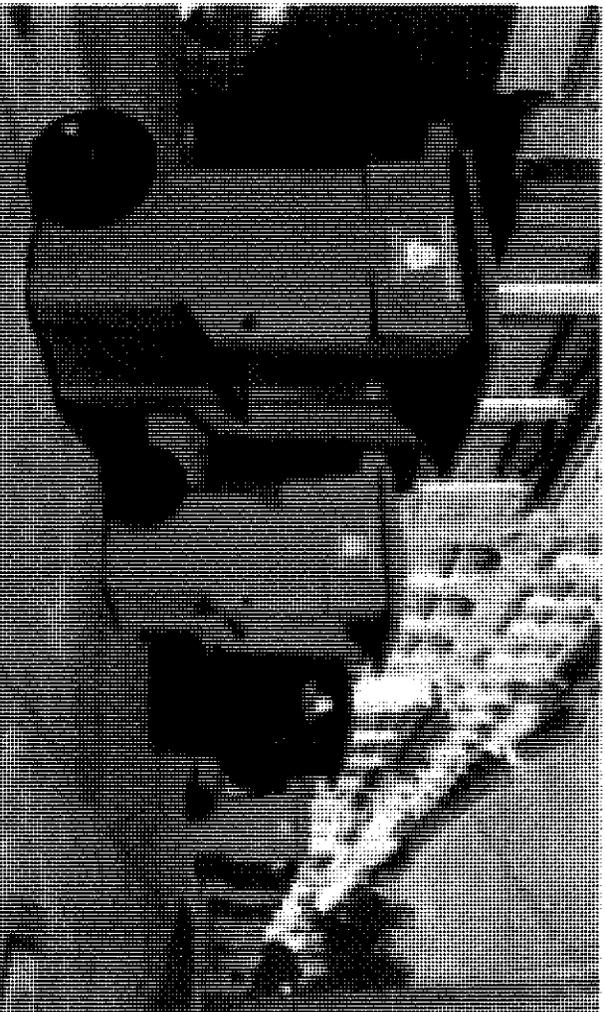
# **The new way: Teamwork in the public interest**



# **The new way:**

**Partnership between city, companies and Teamsters means nationally recognized success.**

- San Francisco's sanitation workers are virtually all unionized. They aren't rushed into intermingling recyclables with trash.
- San Francisco's recycling program is known as the "Fantastic Three Program."



Source: <http://www.sfenvironment.com/aboutus/recycling/fantastic3.htm>

# **The new way: San Francisco's recycling success**

- While the State of California has mandated a 50 percent diversion rate, the city of San Francisco has achieved a 67 percent rate.
- Approximately 65,000 tons of recyclables are processed each year.
- Unionized workers are paid hourly wages rather than by truck load or weight. They don't have an incentive to rush through their routes and intermingle trash and recyclables.

# **The new way: Good jobs, good business, good environment**

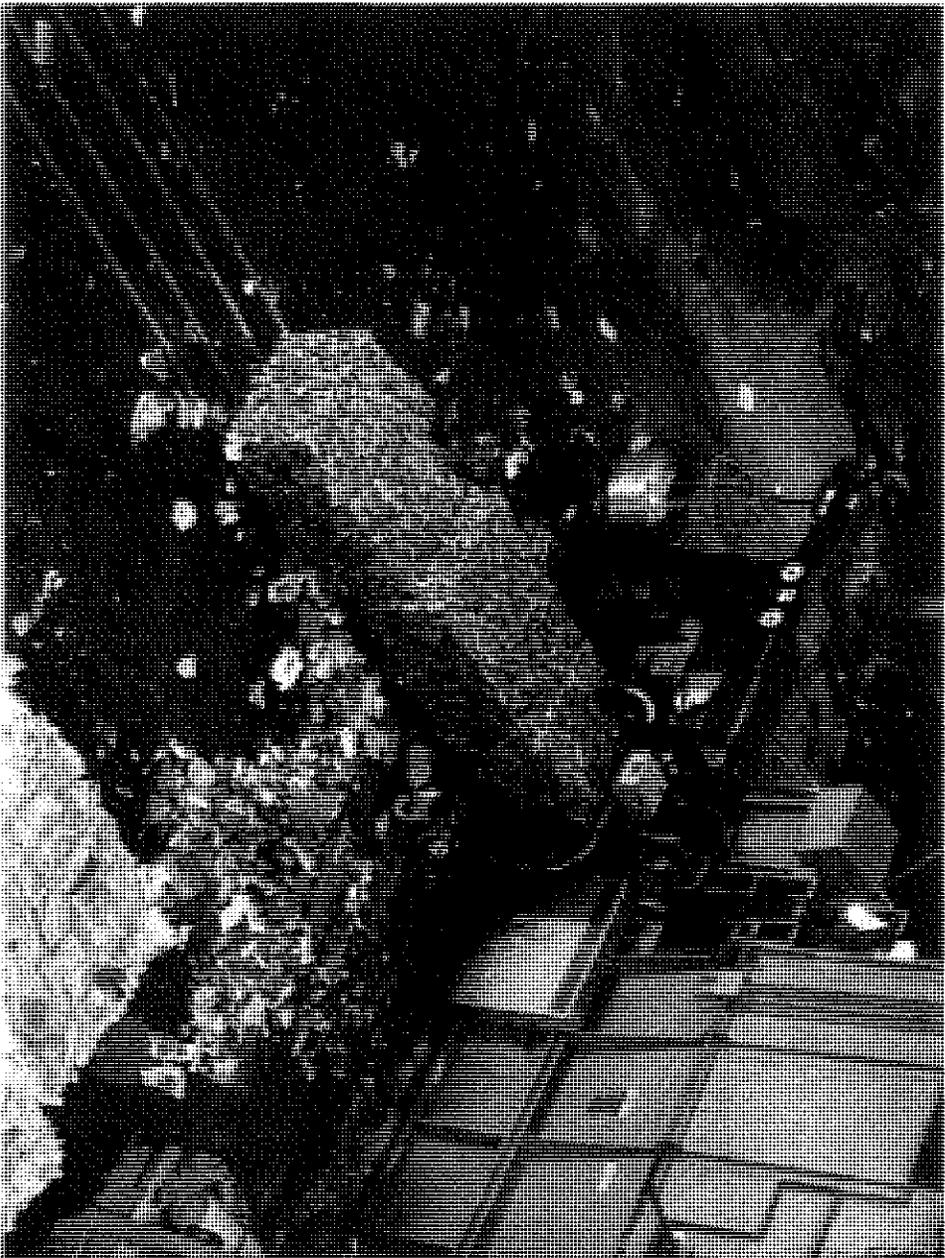


Photo: IBT, Nov. 2006.

- Norcal Recycling Center in San Francisco separates and processes paper, glass and metal for reuse.
- Working together, the city, the company and Teamster labor make the environment cleaner, and provide good jobs for city residents.

305,003

**Permanent Review Committee findings upon review of the Request for Proposals for Collection of Garbage, Recyclables, Problem Materials and Seasonal Yard Wastes issued by the Department of Public Works, Division of Solid Waste and Recycling, dated June 2008**

As directed by the City Council in Resolution No. 2007-454 (August 31, 2007), the Permanent Review Committee (PRC) has made the following findings regarding the Request for Proposals (RFP) for the services requested.

- (1) The City is acting like any commercial business or income-producing property owner in attempting to secure refuse collection services. The City wants refuse generated by occupants of residential properties of four or fewer units to be picked up and disposed of efficiently and cost-effectively as would any property owner.
- (2) The City has a vested and proprietary interest in the materials disposed of by owners and occupants of residential units. The City provides the refuse containers and bills the occupant-utility payer for this service (See City Code of Ordinances, Section 225.680. The City also designates the point where solid waste is to be collected. (See City Code of Ordinances, Sections 225.680 and 225.690). The City and the property owner, occupant, utility payer are the owners of materials placed in the City-provided refuse containers. (See City Code of Ordinances, Section 225.590).
- (2) The PRC has analyzed the following factors to arrive at its findings above.
  - (a) The anticipated contract amount to be awarded by the City will exceed \$250,000 per week based upon the number of residential households subject to solid waste and recyclable material collection under the contract(s) to be awarded as a result of the RFP.
  - (b) The anticipated duration of the contract(s) to be awarded by the City will be for a period of at least three and up to five years under the terms of the RFP.
  - (c) While it is difficult to quantify the anticipated adverse financial or economic impact of any disruption of refuse service at any given time or cumulatively over the anticipated duration of the contract(s) for services, the PRC believes it is reasonable to assume the following:
    - (i) taxpayer complaints could overload the City's 311 Call Center and constituent service communication lines maintained by the City; and

## Exhibit D

(ii) negative publicity may affect convention and visitor business; and  
(iii) demands placed on other City personnel obligated to maintain the health, safety and ambiance of the City will result in stress and affect delivery of other City services.

- (d) While it is plausible that City Department of Public Works employees who collect refuse in the area of the City generally located East of I-35W could also collect refuse in the remaining segments of the City, under the terms of the collective bargaining agreement covering these City employees, they would be entitled to receive additional compensation with severe financial consequences for the City. The cost to replace the service providers for these remaining segments of the City with City employees or third party contractors, if available, would require the City to borrow funds to finance and pay for the budgetary shortfall the City would experience to locate and pay for replacement labor.
- (e) The risks to the public health and safety associated with a disruption in the collection of garbage are of paramount importance to the City and its residents, visitors and persons who work in the city. A service disruption will not only affect the marketability of the City, but the accumulation of solid waste will result in odors, the attraction of pests, vermin and rodents, and the potential for sickness and disease.

For the reasons and based upon the findings cited above, the PRC recommends that the City Council require that contractors agree to prevent work stoppages except under force majeure circumstances as a condition to entering into an agreement to provide solid waste and recycling services to the City.

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## Teamsters Local Union No. 120

AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
TEAMSTERS JOINT COUNCIL NO. 32

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April 24, 2013

David Herberholz, Director  
Division of Solid Waste and Recycling  
309 2<sup>nd</sup> Avenue South, Room 210  
Minneapolis, MN 55401

Dear Mr. Herberholz,

Teamsters Local 120 appreciates the opportunity to share our comments on the important issue of Organized Solid Waste Collection in the City of Minneapolis. As you know, the Teamsters insists that if the City issues any Requests for Proposals (RFPs) or contracts for solid waste collection in the Organized Solid Waste Collection Plan, it must include Labor Peace in those documents.

We believe the City has a vested interest in including labor peace in its contract for services of the Organized Solid Waste Plan because it is a proven method of maximizing efficiency by preventing work stoppages during organizing campaigns. Labor peace also requires that disputes surrounding the collective bargaining agreement be submitted to binding arbitration to prevent disruption of services.

As we have discussed in our recent meetings regarding the City's organized collection system, the possibility of work stoppages would present a serious financial challenge to the City. Finding alternative means of collection would cost the City more money and present serious safety concerns with new and inexperienced drivers on our City streets. The risks of inefficient and inexperienced drivers present a multitude of concerns, including accumulation of waste and the safety of our citizens.

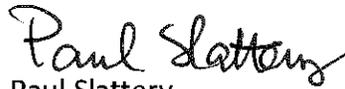
Exhibit D

The risk to public health and safety associated with a disruption in the collection of garbage is of paramount importance to the City's residents, visitors and employees. A service disruption would not only affect the marketability of the City, but the accumulation of trash will result in foul odors, the attraction of pests, vermin, and rodents, and increase the potential risk for sickness and communicable disease.

For the reasons cited above, Teamsters Local 120 urges the City of Minneapolis to continue including a labor peace requirement in any request for proposals, contract, or Plan for its Solid Waste Collection.

Thank you for your attention to this matter.

TEAMSTERS LOCAL 120



Paul Slattery  
Organizer

cc: Heidi Hamilton, Deputy Director, Minneapolis Public Works  
Minneapolis City Council Members  
Minneapolis Mayor R.T. Rybak  
William McCarthy, Minneapolis Regional Labor Federation