

**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.*

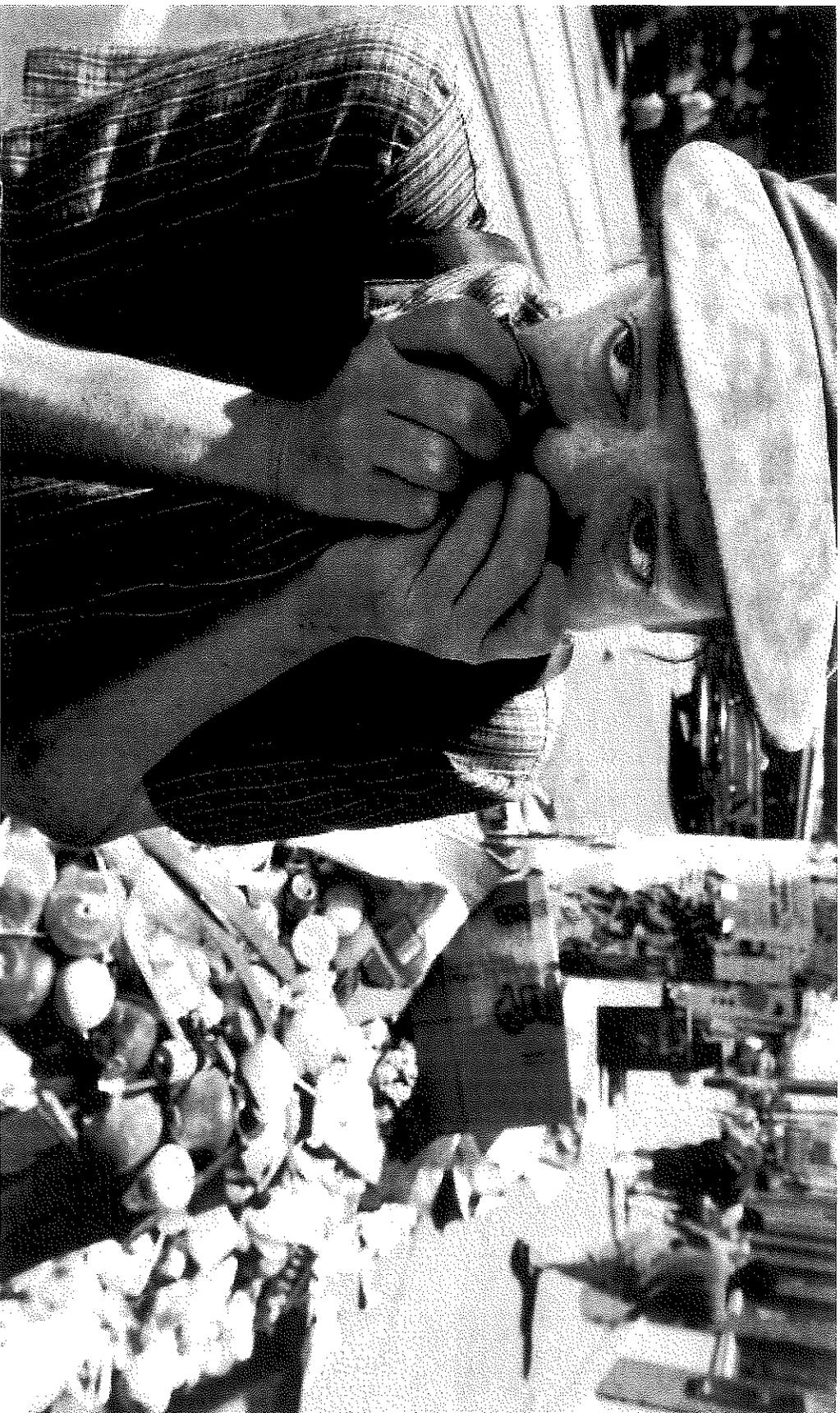
*Keith Ervin: 206-464-2105 or kervin@seattletimes.com*

# 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 Vermmin 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



AP PHOTO

**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.**

# **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/newsreleases](http://www.ahs.dep.state.pa.us/newsreleases), accessed 20 Feb. 2007.

# **Sanitation Work:**

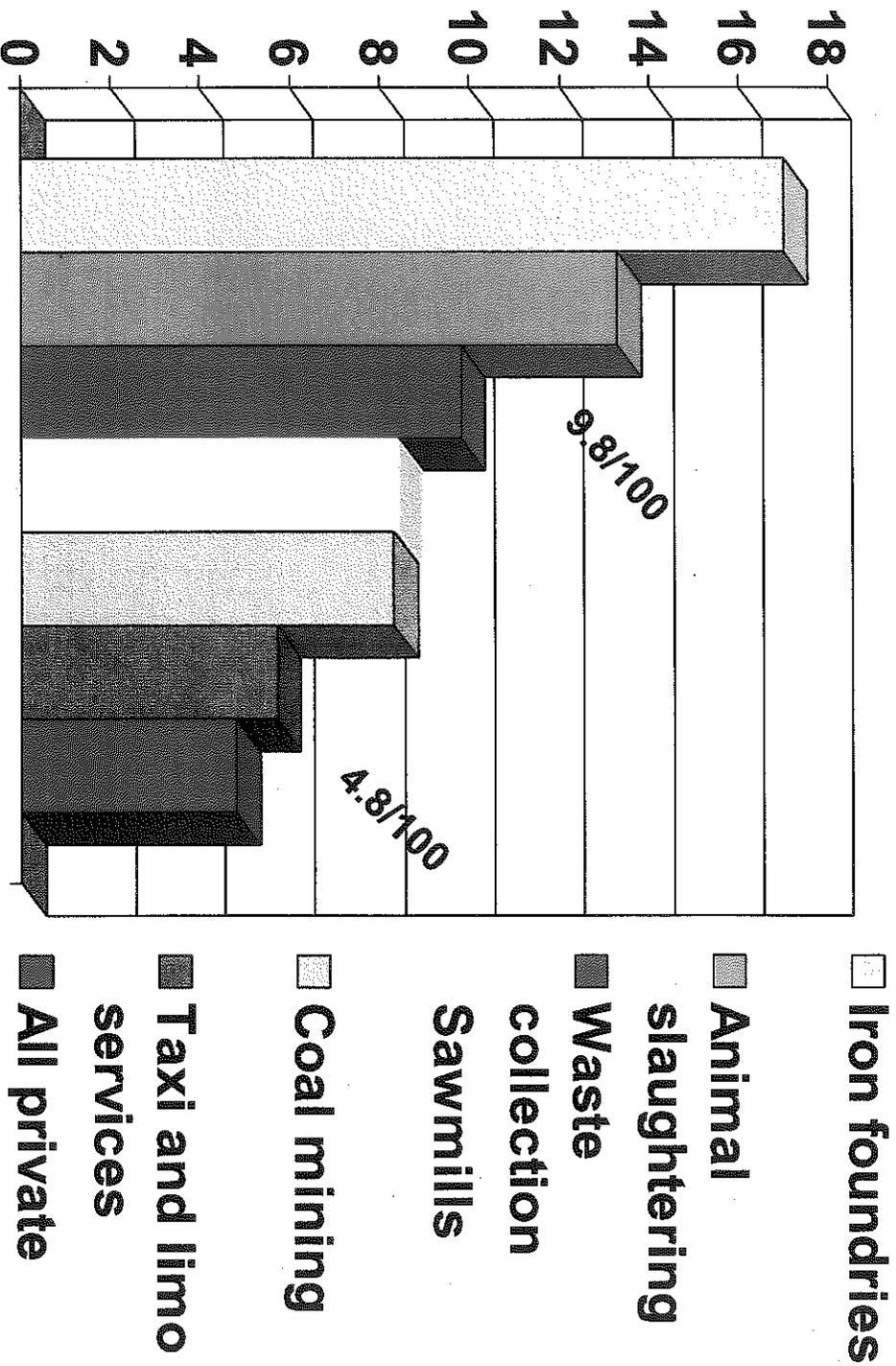
**“The fifth most dangerous job in the United States.”** [Waste News, Sept. 2006]

- 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/cftb0205.pdf>

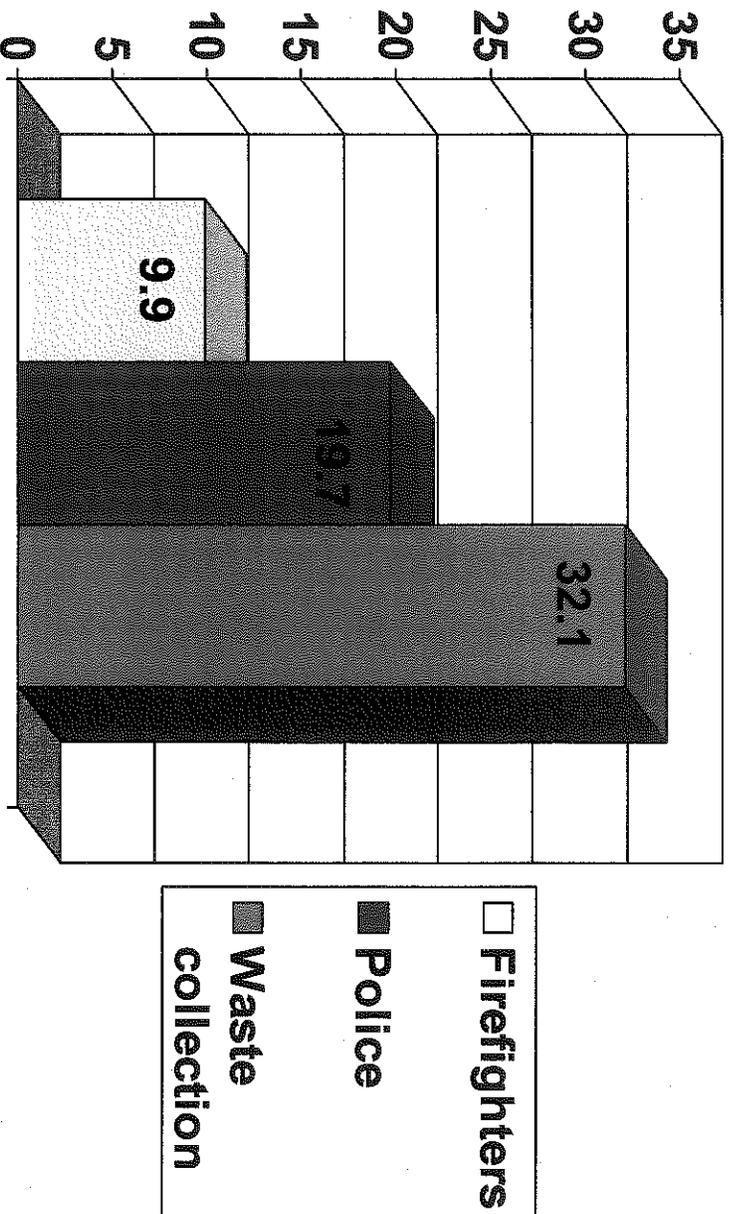
# Waste collection: Twice as dangerous as the average job.

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.



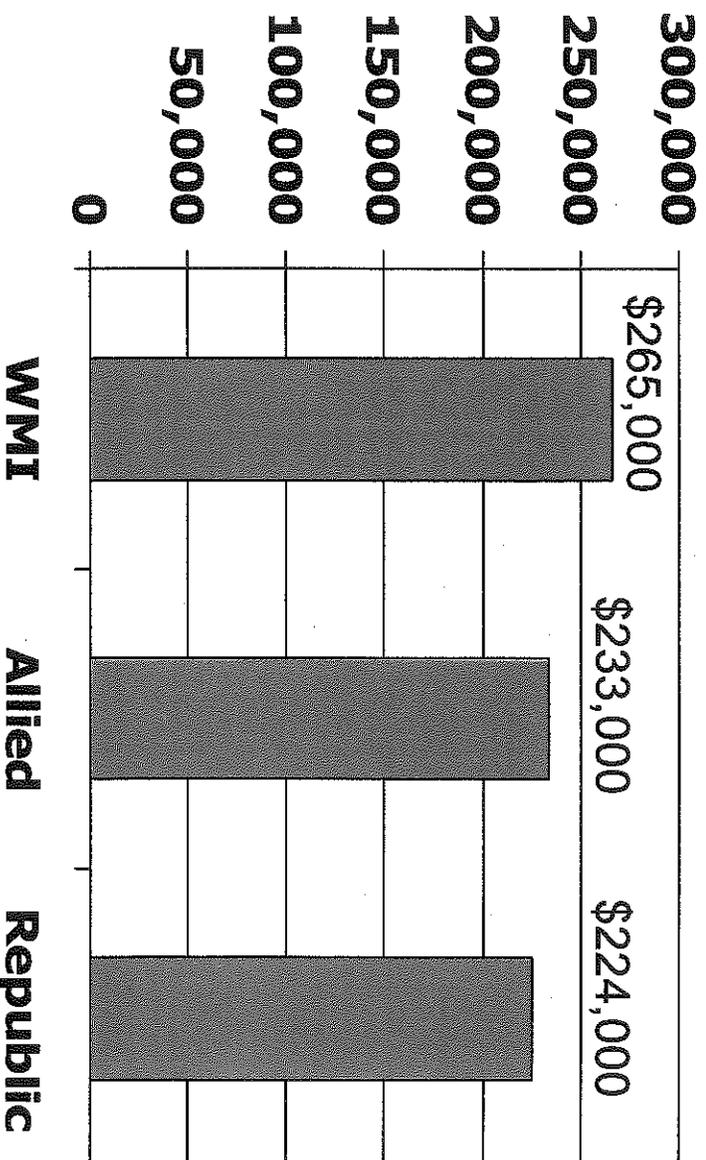
**Fatalities per 100,000 employees, 2005**

Sources: <http://www.bls.gov/iif/oshwc/cfoi/cftb0209.pdf>; <http://www.bls.gov/iif/oshwc/cfoi/cftb0205.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
Revenue per employee	<b>\$265,400</b>	<b>\$233,200</b>	<b>\$224,615</b>
Net income per employee	<b>\$24,400</b>	<b>\$6,052</b>	<b>\$19,446</b>

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:**

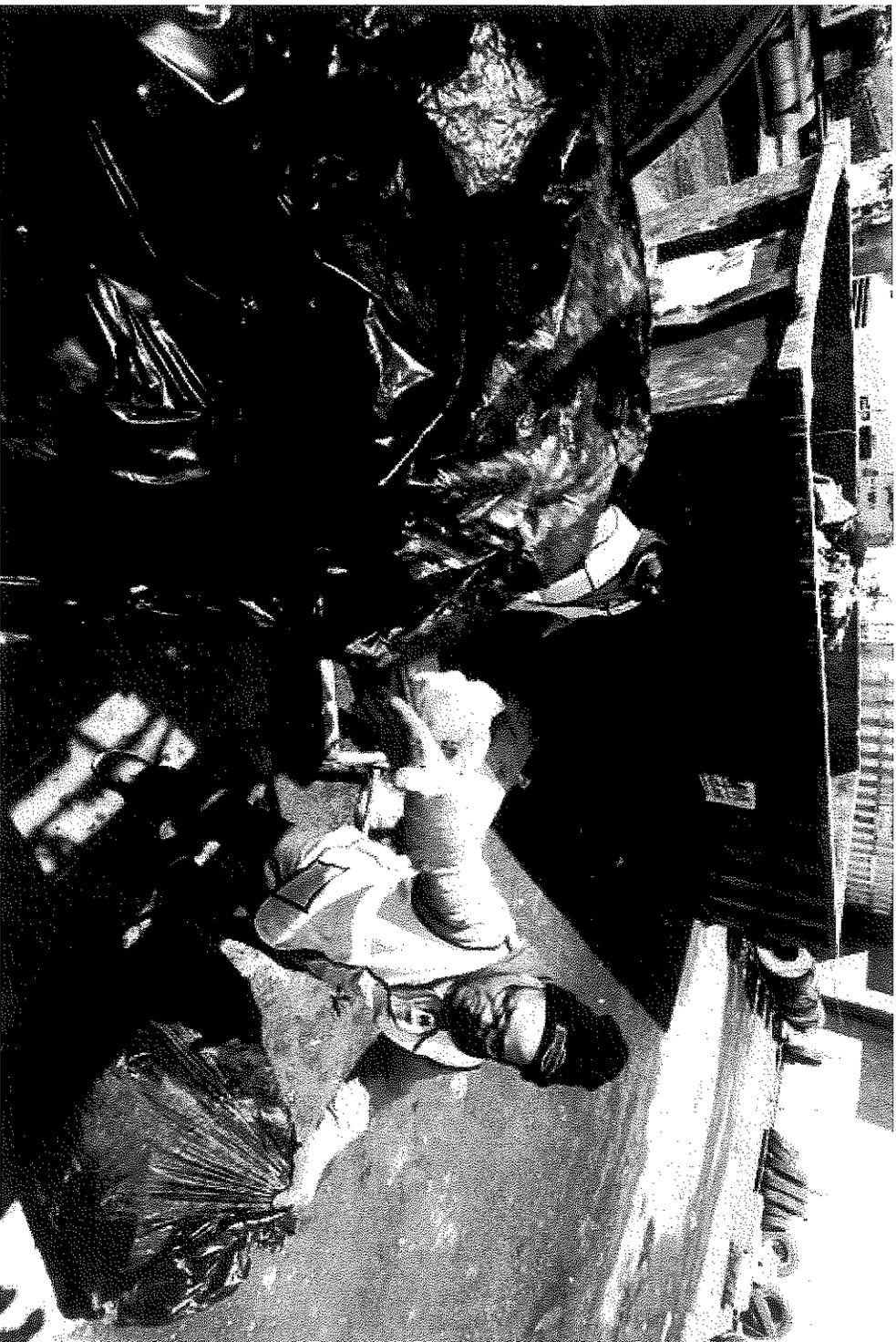
City governments and communities ensure regular and uninterrupted sanitation pick-ups



- 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:**

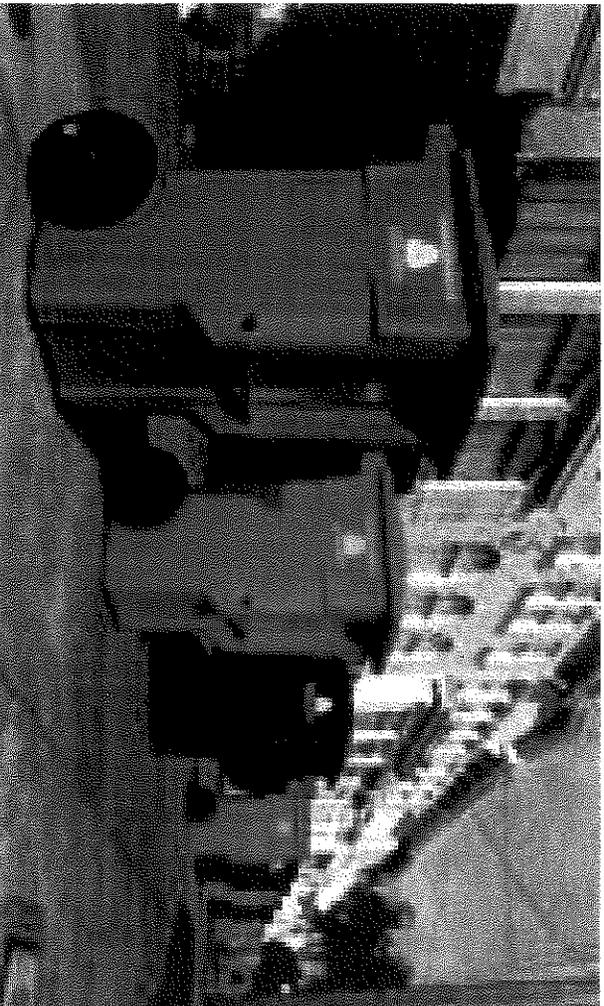
**Teamwork in the public interest**



# **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**

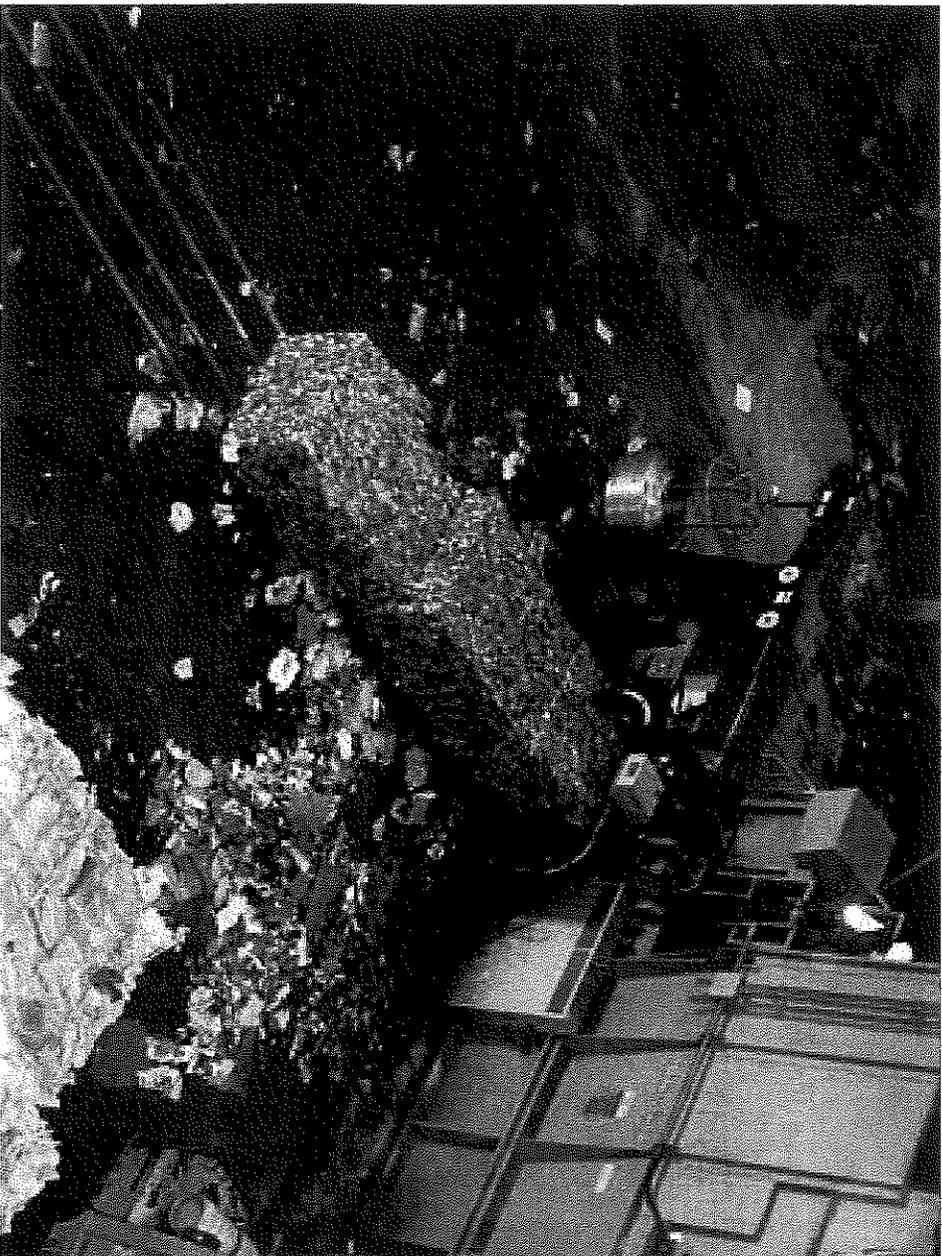


Photo: IBT, Nov. 2006.

- 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

(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.