

LOBBYING



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Ports of Contention: Truck Fight Parks on Hill



Osman Hernandez, a truck driver in Southern California, waits as a container is loaded on his rig in January after a ban on older, more polluting trucks went into effect in the ports of Los Angeles and Long Beach. Jana Photos

Ports of Contention: Truck Fight Parks on Hill

BY KATE ACKLEY

A lobbying brawl over a clean trucks program at the Port of Los Angeles will dock on Capitol Hill today when a House subcommittee probes controversial aspects of the Southern California policy.

The fight pits the trucking industry against the Teamsters union and environmentalists.

And there's a lot more at stake than just the Los Angeles port: Rep. Jerrold Nadler (D-N.Y.), a member of the Transportation and Infrastructure Subcommittee on Highways and Transit, is crafting legislation that would give the federal government and local authorities the ability to implement programs to curb emissions at ports around the nation.

"The legislation really is an effort to give municipalities and ports the wherewithal to make ports safer and cleaner for everybody," said Ian Kayatsky, Nadler's communications director. Kayatsky said Nadler would not introduce his bill until after today's hearing but that it is "definitely coming soon—in days or weeks."

In Los Angeles, the port put in place a program that bans older, polluting trucks from ferrying containers that arrive in ships to distribution centers or rail yards. The program also required trucking companies, instead of independent owner-operators, to be responsible for maintaining the new trucks. Long Beach put a similar ban into effect.

The trucking industry says that owner-operators are more than able to take care of the trucks, but environmentalists and labor interests say trucking companies need to take care of them.

Other ports are eyeing programs similar to the one in Los Angeles, but the American Trucking Associations has fought the aspect of the program that puts the trucking companies in charge of maintenance. The ATA brought a legal challenge—and that litigation, many sources say, could chill similar programs.

"Our belief is the ATA's lawsuit jeopardizes the clean trucks program," said Melissa Lin Perrella, a staff attorney with the Natural Resources Defense Council in Santa Monica, Calif., who plans to testify at today's hearing. "Maintenance requirements that are placed on licensed motor carriers will ensure that the fleet of nice, new, shiny trucks will stay clean over the long run. But the ATA doesn't see it that way."

The group says independent truck owner-operators can keep the new trucks well-maintained for years, keeping the vehicles' emissions in check.

"We support the entire clean air action plan and clean truck program, and we've really stood behind it," said Robert Digges, chief counsel at the ATA. "Based on the trucking industry's support, it's been a huge success."

Digges, who plans to testify at today's hearing, added that it's up to the ports to enforce the clean trucks standards and that ultimately the onus is on the motor carriers to make sure their independent owner-operators meet the environmental standards.

He and other trucking industry officials say that making it easier to organize port truckers into the Teamsters union is the real reason the environmentalists and union advocates want the change.

"Almost everything the other side is

saying is deliberately misleading," said Clayton Boyce, ATA vice president for public affairs. "The NRDC is not doing this for environmental purposes but for political deal-making. If they can help the Teamsters force the government to change the federal law, it will allow the Teamsters to organize much more easily the trucking industry in the ports."

But Lin Perrella said "history tells us that drivers were not purchasing the new-

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est trucks" because they don't make sufficient wages. The cost of cleaning up the ports, she added, should not fall to the drivers. Instead, the industry should be shouldering the cost, she said.

TJ Michels with the Change to Win union coalition, which includes the Teamsters, is also a member of the Coalition for Clean and Safe Ports. She said the drivers are making very little money and cannot afford to keep the new trucks in tip-top shape. Case in point, she referred to Jose Covarrubias, a trucker who is scheduled to testify at today's hearing.

"I am expecting the lawmakers and

Congressmen to help us change the law that is affecting us, our families," Covarrubias said in an interview. "We work about 50 to 70 hours every week. We make about \$1,200 a week. After all the expenses related to the truck, we take home \$96 a week, less than \$100. How they expect us to give the proper maintenance to the trucks? These new technologies cost a pretty penny."

Covarrubias said that he is already facing eviction and that he has been "blacklisted" from the port trucking industry for "exposing their scams."

The ATA has reported \$360,000 in the first three months of the year to lobby by this issue and has help from outside firms including Bob Moss Associates and McBee Strategic Consulting. The Port of Los Angeles retains the help of the Margolin Group, while the Gephardt Group, the firm of former Rep. Dick Gephardt (D-Mo.), is working for the Los Angeles Harbor Department.

The NRDC's Lin Perrella said she doesn't believe the ports need federal legislation to implement these programs. "It's not that the ports can't do this without federal legislation, it's that federal legislation will protect these programs and make the lawsuits go away," she said.

Kayatsky in Nadler's office said that depending on the outcome of the court case, "we would like to see his legislation allow ports around the country to institute similar programs to LA's model, which we think is terrific."

He added that his boss's bill would make sure the onus for maintaining the trucks is on the trucking companies, not the truckers.