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Environmental-Labor Coalition Backs Speaker's New Bill to Grant CA Workplace Protections to Truck Drivers That Will Ultimately Safeguard Clean Fleet Programs

Committee Passage of AB 950, the Truck Driver Employment and Public Safety Protection Act, Underscores Need to Crack Down on Industry Trickery

SACRAMENTO – After compelling testimony further exposed the grave dangers and costs of the port trucking and shipping industry's method of doing business on workers, the public, the environment, and the state, the 150 organization-strong Coalition for Clean & Safe Ports threw its full support behind Assembly Bill 950. The Truck Driver Employment and Public Safety Protection Act, approved through committee late Wednesday, would help curb widespread violations of California law that have created an environmental nightmare for the ports and the neighborhoods surrounding them.

"Trucking companies up and down the state have rigged the game for too long, forcing skilled workers vital to our economy to take poverty-level wages and toil in dangerous conditions. And these outfits are skirting a host of obligations in order to profit greatly – at severe cost to the environment, the people they hire, the government, the public, and other businesses that play by the rules," said Christine Cordero of the Oakland-based Center for Environmental Health. "Our coalition of truck drivers, labor, environmental, faith, and community organizations applaud Speaker John Pérez and Assemblymember Sandré Swanson for their leadership."

California's Speaker and the Chair of the Assembly Committee on Labor and Employment jointly introduced the legislation to require port truck drivers to be treated as legitimate employees of the trucking or shipping companies who arrange for or engage these workers' services to curb tax dodging, improve public health and safety, and crack down on the industry's controversial labor practices that experts have directly linked as the culprit of the twin economic and environmental crisis at our trade hubs.

As Mr. Swanson explained in an op-ed entitled "[Must Take Wall Street Trickery Out of Trucking](#)" in the *Oakland Tribune* last week: "Port trucking companies cling to a business model of illegal subcontracting known as 'employee misclassification' to force individual drivers to pay for expensive clean and alternative-fuel vehicles, fuel, maintenance, insurance and all other costs of doing their company's business.

"Drivers mislabeled as 'independent contractors' are paid low, non-negotiable wages and are denied protections and benefits that most workers receive from their employers including workers' compensation, disability, Social Security and the minimum wage. Meanwhile, the companies skirt state and federal payroll taxes.

"Consequently, licensed professionals clock 60- to 70-hour work weeks in dangerous conditions to transport goods from our shores to America's stores.

“An estimated 20,000 California port drivers routinely haul loads weighing up to 80,000 pounds – including hazardous materials – but are unable to report safety concerns, such as faulty equipment or federal hours violations, without suffering retaliation or termination.”

During the hearing the misclassification scheme was further exposed by explosive new data from [The Big Rig: Poverty, Pollution, and the Misclassification of Truck Drivers at America's Ports](#), the first ever systematic research on the topic across an entire industry by the nation's preeminent experts on labor law. The research confirmed that port truck drivers coast to coast are highly vulnerable to illegal employment classification schemes that subject them to low non-negotiable wages, frequent safety violations, and little autonomy from the employers who dictate their financial constraints. The report also makes an urgent call for U.S. ports to adopt uniform rules requiring trucking companies to employ drivers and take ownership responsibility for trucks they operate.

California's port drivers, who have testified about their experiences before Congress and local port commissions, welcomed the legislation as an opportunity to re-gain the workplace protections they have been deprived of for so long.

“It is time for trucking companies to stop dodging their responsibility to their workers and to invest in clean trucks. We are not independent contractors. We are not small businessmen. And we are not owner-operators. We are port drivers who are employees that have been denied our rights,” said Manuel Rivas, 21-year port driver from Oakland who previously worked for Shippers Transport. The large West Coast outfit was detailed in Mr. Swanson's op-ed and is half-owned by Goldman Sachs, the firm infamously known for evading taxes and orchestrating the mortgage meltdown.

Mr. Rivas testified in Sacramento on behalf of drivers up and down the state, before submitting postcards from over 1,000 drivers from Southern California who demanded to be rightfully recognized as employees.

“Our ports are one of California's most valuable engines of economic growth and prosperity, and AB 950 will make sure the vital activity at our ports is conducted safely by trucking companies that are playing by the rules,” Speaker Perez said, adding, “AB 950 will also help get the state's fiscal house in order by allowing for the collection of millions of dollars in payroll taxes that trucking companies can dodge by illegally misclassifying their drivers.”

Patricia Castellanos, the Los Angeles Chair of the Coalition for Clean & Safe Ports, agreed on behalf of the unprecedented “blue-green” alliance in California's port cities and nationwide: “We support AB 950 and we will continue to fight until we achieve a stable and sustainable port trucking market that is no longer subsidized by the lungs or livelihoods of drivers and port residents.”

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*The **Coalition for Clean & Safe Ports** is a unique partnership of environmental, public health, community, labor, faith, business, civil rights, and environmental justice organizations that promote sustainable economic development at ports coast to coast to make the port trucking system a less polluting, more competitive generator of good quality jobs for residents, workers, and business alike. We are over 150 organizations strong nationwide. Visit us at www.cleanandsafeports.org to learn more about our efforts at the federal level and in Los Angeles, Long Beach, Oakland, Seattle, Tacoma, New York, Newark, and South Florida.*