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November 18, 2015

The Honorable Barbara Boxer
United States Senate

Dear Senator Boxer:

We are writing to you as Presidents of the International Longshore and Warehouse Union (ILWU) Locals 13, 63, and 94, representing over 14,000 full-time and casual port workers in the Ports of Los Angeles and Long Beach. We would like to begin by thanking you for your support of working people during your service as a United States Senator, particularly your efforts to pass a multi-year transportation bill to invest in our nation's infrastructure and your earlier fight against the Port Performance provision.

Unfortunately, the Senate bill that is under consideration in Conference includes the Port Performance Provision introduced by Senator John Thune (Republican-South Dakota) which imposes top down federal government productivity metrics on port workers. The bill includes metrics such as counting the number of crane moves that operators are making in each of our nation's largest ports.

If the legislation becomes law there will be tremendous pressure from terminal operators to speed up operations on the docks in order to appear more appealing to shippers. As a result accidents in the ports will most certainly increase leading to more serious injuries and deaths to our union brothers and sisters. The accident rate in our industry is already double the rate for accidents in the coal mining industry according to the Bureau of Labor Statistics. Any member of Congress who values worker health and safety cannot be in favor of this legislation. The U.S. Department of Transportation has stated "The Department's number one priority is safety and we are concerned that creating a new metrics program prioritizing freight efficiency without considering safety and other equities may not best serve the ports community."

Additionally, the U.S. Department of Transportation (DOT) has written a letter in opposition to the Port Performance Provision for the stated reason that the Bureau of Transportation Statistics (BTS) has neither the expertise, nor the budget, to run this new productivity program in the ports. The Association of Port Authorities and the Waterfront Employers Association have come out in opposition to the Port Performance provision as well.

Furthermore, a provision was added to the Senate Bill that lists electronic roads and driverless trucks at a marine facility as a project that could be funded through the Freight Grant Program. These projects would dramatically reduce the number of workers at our nation's ports and do absolutely nothing for productivity. The result of this Senate Bill Provision would be to reduce port productivity while reducing good working class jobs at a time when the US economy is still on a fragile footing, this is a lose-lose proposition for the American economy and American workers.

Finally, the Federal Maritime Commission (FMC) has authorized a stakeholder group to meet regularly in the Ports of Los Angeles and Long Beach as a proactive approach to directly address efficiencies in the ports. This group of stakeholders includes beneficial cargo owners (BCOs), Marine Terminal Operators (MTOs), Non-Vessel Operating Ocean Carriers (NVOCs), the port trucking community, and various interested labor unions who truly understand the needs of the ports and the industry as a whole, please allow this to be done by the people who understand the industry and not a top-down federal mandate.

As you are aware, strong bipartisan opposition in the House to the Port Performance Provision blocked it from being included in the House Highway Bill. We respectfully request the Senate Conferees to agree with the House position and strip these anti-worker provisions from the final bill so that we will have a Conference Report that Labor can support.

We thank you in advance for your attention to this most critical matter.

Sincerely,



Robert Olvera, Jr.
President, Local 13
Longshore



Joe Gasperov
President, Local 63
Marine Clerks



Daniel G. Miranda
President, Local 94
Foremen