



LIKE US ON FACEBOOK 'WV STATE BUILDING TRADES' - FOLLOW US ON TWITTER @WVSBT

A Division of the WV State Building Trades, AFL-CIO | Chuck Parker, *President* | Dave Efaw, *Secretary-Treasurer* | Steve White, *Director*

# All Occupational Licenses Under Legislative Attack

At least two bills attacking craft licensing were introduced on the first day of the session and more are likely.

HB 2008 would weaken all craft related licenses such as HVAC, Plumber, Crane Operator, Electrician, and Elevator Mechanics.

The proposed bill would effectively wipe out the WV crane operator's certification which has been in place since 2001. It would also eliminate the fire damper installer license.

For other licenses the bill dramatically lowers standards needed to be fully licensed. For example, a person wanting a Master Electrician license currently must show they have five years' experience. HB 2008 would lower that to two years.

Similarly a person wanting a journeyman electrician license must have four years' experience today but if the bill passes would only need one year.

"The Journeyman can work independently and may be in charge of the new person on the job," said John Epperly, Business Manager for IBEW Local 466 in Charleston. "To say after one year a person is ready

for that responsibility is alarming," said Epperly.

HB 2007 would allow individuals with licenses in other states automatically get a license in West Virginia even if the other state refuses to accept a WV license.

The West Virginia State Building and Construction Trades has launched another phase of their public awareness campaign to inform people about the benefits of occupational licensing and the dangers of an unlicensed workforce.

This month, the State Building Trades began mailing cards to electricians, plumbers, and HVAC technicians who could be affected by potential changes to professional licensing laws.

**Cont. on p. 2>>**



Postcard's like this one were recently mailed to West Virginians holding an electricians license. Similar cards went to Plumber and HVAC license holders.

## 2021 Legislative Session Underway

The 60-day 2021 legislative session started on Wednesday, February 10 to conclude on Saturday, April 10.

The month delay from the normal starting time of early January is written into the state constitution following each election for governor.

This session has the largest majorities ever for the Republican Party with 77-23 in the House of Delegates

and 23-11 in the Senate.

Eliminating or weakening occupational licenses are one of the top targets for Republican leaders.

At least two bills attacking licensing were introduced on the first day of the session and more are likely. (See story above).

HB 2006 changes contractor licensing by increasing the amount

needed for a contractors license from the current \$2,500 to \$50,000. It also removes contractor licensing duties from the WV Division of Labor.

Also of concern to the Trades is the fate of the West Virginia Jobs Act.

The law requires companies who get state construction contracts to hire 75 percent local workers.

Key to enforcement is a payroll

document that must be turned in.

"Not only have we caught companies violating the Jobs Act with payrolls, we have also caught companies who don't pay income taxes, don't have a contractor's license or hire illegal workers," said ACT's Steve White.

Bills to weaken the Act failed by slim margins in prior sessions.

**Cont. on p. 3>>**

# WV Gets Pollution, Danger from US Methanol – Louisiana, Texas, Oklahoma Get Jobs

The US Methanol project at Institute near Charleston has gone from bad to worse for construction local workers and the nearby community.

Major piping and electrical subcontractors, both from Louisiana, are now onsite and they are staffed primarily with imported workers.

“There are more than 200 cars in the parking lot and very few from West Virginia,” said Craig Mosteller, Business Agent for Plumbers and Pipefitters Local 625 after driving through the lot in early February. “We see plenty of cars from Louisiana, Texas, and Oklahoma.”

According to Mosteller a number of local, qualified pipefitters and welders applied to work at the project and were turned down.

The project has seen numerous delays, lawsuits, and contractor changes since it was first announced in August of 2016.

In the news story the owners talked about their plan to dismantle a plant in Brazil and reconstruct it at the Institute location. They had hoped to have it installed by July of 2017.

In September of 2017 news reports had a new production date set at “the second half of 2018” and the

announcement of German owned and nonunion Bilfinger-Westcon as the general contractor.

A quote from their CEO said most of the construction workers hired would be from the local area which he defined as a 200-mile radius.

Also in September of 2017 a local citizens group called People Concerned About Chemical Safety challenged an air permit granted by the state DEP.

An affidavit from the groups expert witness, James Rogers, a Regents Professor and director of the West Texas A&M University Environmental Science Program, raised many questions about the potential danger of the plant.

“In my opinion, to a reasonable degree of professional certainty, the risks associated with the proposed methanol plant include catastrophic explosions (Observation E) which are exacerbated by my observations A-D, the potential for large-scale methanol releases well in excess of protective levels as indicated by dispersion modeling of an unplanned event such as a rupture of even one large storage tank,” stated Rogers in a six-page affidavit dated September 8, 2017.



A quick survey in early February of the parking lot at US Methanol in Institute showed almost all of the 200 plus vehicles were from outside of West Virginia.

The DEP rejected the appeal.

In May of 2018 a news report said the state Economic Development Authority approved a one-year commitment extension for its \$10 million loan to US Methanol’s Liberty One plant in Institute at its monthly meeting Thursday.

It is unclear if the loan has ever been made or will be made at a future date.

In June of 2018, another news report quotes the US Methanol CEO saying the plant will be in production in late 2019.

In 2018 a financial advisory firm Bordeaux Capital Inc sued US Methanol Corp and US Methanol LLC alleging breach of contract and evading their contractual obligations by playing shell games with their assets.

In 2019 US Methanol LLC filed a lawsuit against CDI Corp alleging a breach of contract relating to the construction of a foundation for a methanol plant in Institute.

While Bilfinger-Westcon seemed

to have the construction contract for the project based on 2017 news reports a second round of bids took place in late 2019 where they again appeared to get the award.

In late 2020 a third round of bidding took place, this time without Bilfinger-Westcon.

Nonunion APTIM from Louisiana was selected for the piping portion.

In September of 2020 Plumbers and Pipefitters Local 625 along with other local workers, demonstrated in front of the project and US Methanol’s Charleston office to complain about the lack of local hiring.

“From the piping side we have seen this project bid three times and each time think we have a fair shot at getting the work,” said Mosteller. “We were even told our numbers were good, but they still want to import workers rather than hire locally.”

“I think local people take more care about the quality of work because they live here.” ■

## Occupational License

*Continued from Page 1*

This is not the first time licensing has been a target for lawmakers in Charleston.

Last year, legislative leadership pushed bills to allow electrical projects under \$2500 and plumbing projects under \$5000 to be performed by unlicensed workers.

These bills ultimately failed, but legislative leaders were successful in lowering the number of required hours for fire protection workers (sprinkler fitters) to operate on their own.

These laws were put in place for a reason: to keep people safe. Weakening licensing laws puts the public’s health and safety at risk.

This would also increase the likelihood of on-the-job errors and potentially result in fatal consequences. It makes it easier for out-of-state

businesses to import workers and take jobs away from West Virginians.

“We are open to looking at all licensing laws to improve them,” said Epperly. “However, we oppose changes that put anyone’s life or property at risk.”

“Weakening licensing laws would diminish the value trade programs offer to interested applicants,” said Epperly. “If legislators truly want to promote the trades, help workers, and keep West Virginians safe, they should strengthen occupational licensing laws by requiring E-verify and drug testing to prevent unqualified and illegal workers from working in our state.”

Log on to [www.licensesworkWV.com](http://www.licensesworkWV.com) and sign the petition to say NO to any changes that would put West Virginians in jeopardy. ■

# MOA Signed on \$125 Mil. on Solar Project

Wild Hill Solar and the North Central WV Building Trades entered into a Memorandum of Agreement (MOA) last month for a 92.5-megawatt solar project in Jefferson County.

The agreement says that any contractors hired to build the \$125 million project will use local union construction workers.

Industry experts estimate the actual output on solar projects will be around 20-25 percent of the nameplate (maximum) capacity.

On Thursday, January 28 craft representatives from the Jefferson County area made public comments in support of the project during a virtual public hearing held by the State Public Service Commission (PSC).

“We have lots of members in Jefferson County and surrounding areas that would love to go to work on this project,” said Rodney Rice, Business Manager of IBEW Local 307.

Rob Reckart with the Eastern Atlantic States Regional Council of Carpenters had similar comments. “It’s simple, I said we were in full support of the project because the proj-

ect means good paying jobs for our members and other local construction workers,” said Reckart.

The project developer, EDF Renewables from California, has applied for a siting certificate at the PSC for the project located on 795 acres of agricultural land.

Wild Hill would sell the power on the wholesale market, not directly to West Virginia customers.

On the following day, testimony from ACT’s Steve White was presented.

White noted the positive economic impact the project would bring to the workers and region because of the \$9-10 million in wages and benefits expected to be paid to local construction workers.

The MOA was also part of the evidence submitted showing the developers’ written commitment to make sure local workers got the jobs.

There would be additional benefits from property taxes and other employment besides construction.

The MOA is similar to those signed by many project developers

who have yet to select a contractor but want to make sure their project has the skilled construction labor needed to make it successful.

Once a contractor is selected by the developer, which is often referred to as an EPC (Engineering, Procure-

ment and Construction) they are required to negotiate a Project Labor Agreement.

Once all permits and financing are in place the construction could begin towards the end of the year and will take more than a year to complete. ■

## Legislative Session

*Continued from Page 1*

And with more than two-thirds majorities in both the House and Senate the Republican Party has the votes to completely control what bills are on any agenda, what amendments are made and what new laws pass.

They can even suspend constitutional rules, like having three days to consider a bill, whenever they want.

To make the session even more challenging public access has been limited due to covid-19 concerns.

“It will be hard to make our voices heard, even if we can find those who will listen to us,” said White.

According to White, in prior sessions having members from across

the state at the Capitol talking with their legislators has been effective.

“Seeing citizens in the committees and in the gallery made some legislators think about what they were being asked to do,” said White. “But ‘out of sight, out of mind’ may be the story of this session.”

Other top agenda items appear to be spending limitations on the Governor during emergencies, elimination of the state income tax, immunity for business owners from covid related lawsuits, expanding broadband services, Charter Schools, and a constitutional amendment concerning property taxes. ■

# Florida Company Loses Bridge Project Bid

A company with prior problems on projects, Seminole Equipment Inc. from Tarpon Springs, Florida, was the apparent low bidder on a bridge painting project but never got the award.

Their January 12 bid of \$872,840 to repaint the Lick Creek Bridge in Summers County was protested by second place bidder Reglas Painting Company, Inc.

In a letter to the West Virginia Department of Transportation Reglas pointed out irregularity of Seminole’s bid as compared to other bidders.

Reglas, a contractor that uses local union workers, was among five bidders within a \$200,000 range.

Their \$1,130,000 second place bid had the third, fourth, fifth and sixth place bidders close behind.

Reglas also pointed out Seminole was recently on probation with the Society of Protective Coatings from

April of 2019 until April of 2020.

They further noted Seminole has serious past tax compliance problems.

Seminole was the focus of attention a few years ago when Painters District Council 53 discovered through payroll documents that Seminole had not pay state income taxes in WV for approximately 10 years.

After numerous public demonstrations by the Painters DC 53 to force the tax department and DOH to look at the documentation eventually two tax liens were filed against Seminole in March of 2018 for the amounts of \$163,915 and \$3,382 for unpaid taxes.

The larger lien only referenced 2017 and it appears to be for the unpaid income taxes.

The Tax Department did not go any further back than the one project

they were on at the time of the protests.

The smaller lien referenced unpaid taxes other than income taxes from 2013 and 2014.

“It’s amazing to me that a company could have been cheating for ten years, be caught with solid documentation, but the Tax Department appears to have done nothing about the prior years,” said Brian Stanley, Business Manager of Painters District Council 53.

“I doubt you or I would be afforded that same forgiveness.”

It is not clear Seminole ever paid the taxes. Public records show the liens were withdrawn by the Tax Department in November of 2018. They cite state code which provides for two reasons to withdraw a lien.

(A) The lien was recorded prematurely, inadvertently or otherwise erroneously; or

(B) The taxpayer voluntarily and through due diligence paid the lien, fulfilled a payment plan agreement, fulfilled the terms of an offer in compromise, timely provided supporting documentation or paid the lien in good faith.

“So maybe they paid it and maybe they didn’t, the Tax Department protects the cheaters and keeps it a secret to taxpayers,” said Stanley. “If you or I didn’t pay our taxes for 10 years we would be in jail and there would be no secret about that.”

At the next round of DOH bids on February 9 Reglas was low on two projects, one in Ritchie and the other Ohio County, while Seminole was much higher. The combined total for Reglas on the two projects was around \$1.67 million while Seminole was more than \$3 million.

“I think the attention is helping fair contractors,” said Stanley. ■



# Black Rock Wind Construction Underway

A new \$200 million wind project has started with local union construction workers and a local contractor ALL Construction.

Located in Grant and Mineral Counties Black Rock Wind will have a 'name plate' capacity of 115 megawatts with 23, 5-MW turbines.

Name plate capacity is the full capacity if the wind blows perfectly all day and all night. Experts say wind projects generate at about 30 percent of the maximum capacity, but that number has been climbing as technology and site modeling have improved.

Clearway Energy Group, based in California, is the project developer. Early in their development process they entered into an agreement with the North Central WV and the West Virginia State Building Trades committing to use local union workers to build the project.

Clearway received PSC approval for a siting certificate in 2019 with an anticipated project start in 2020 but hit a delay.

In 2019 the project was first designed with 29 turbines but evolved to 23 with a possibility of adding six at a later date. Maximum output was first at 130 MW and now is at 115 MW using Siemens-Gamesa tur-

bines on 107.5-meter towers. Output per turbine has increased from 4.5 to 5 MW.

According to news reports a power purchase agreement is in place with Toyota and AEP.

The Black Rock project will also pay significant property and business taxes – around \$15 million over the life of the project.

During construction Black Rock will create around 200 jobs with a local construction payroll estimated at more than \$10 million.

Construction is being led by a joint venture of international construction giant Bechtel, based in Virginia and Reed & Reed based in Maine. This same team will also oversee a second project for Clearway at the existing Pinnacle Wind site in Mineral County.

Pinnacle was built in 2011-12 with a total of 23 turbines and will now go through a re-powering process.

"We understand the towers and turbines will be removed at Pinnacle and new components will take their place," said Chuck Parker, Business Manager of Operating Engineers Local 132 and President of the WV State Building Trades.

Most of the contractors at Black Rock are expected to also build the

Pinnacle re-powering project. That project, which is just a few miles away, will lag the Black Rock project by a few months.

ALL Construction, based in Mt. Storm, is performing the site work for Black Rock and Beaver Excavating, from Canton, Ohio is expected to do the site work for the Pinnacle project.

Callahan Brothers, LLC from Maine, a subsidiary of Reed & Reed, will oversee installing the towers,

turbines and blades for both projects. That phase of the project could start as soon as March.

It is believed Sargent Electric from Pittsburgh will do the electrical for both projects.

"All contractors, no matter where they are from, have agreed to use local union construction workers to build the project and that is a great economic boost to our members, their families and the local communities," said Parker. ■

#### Affiliated Construction Trades

600 Leon Sullivan Way  
Charleston, WV 25301  
(304) 345-7570  
www.actwv.org



Non-Profit Org.  
U.S. Postage  
**PAID**  
Permit # 1374  
Charleston, WV 25301



Operating Engineers Local 132 and Laborers Local 379 members are already working on site prep for the Black Rock Wind project in Grant and Mineral Counties. Other crafts should be on site starting in March.

## Carpenters Blessing Box



Andy Lang, Mayor of Bridgeport (left) and Mike Jenkins, Representative for the Eastern Atlantic States Regional Council of Carpenters, stand in front of a 'blessing box' which contains free non-perishable food goods.

The box is located at the Councils' office in Bridgeport and was created last month.

"This food is available to all in the community who need it, no questions asked" said Jenkins. "These are tough times."