

LA TIMES Opinion Editorial

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Ports clean-up plan threatened

*A labor-environmental alliance threatens to sink efforts to decrease pollution at the L.A. and Long Beach facilities.
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Pollution, death and economic stagnation. These catastrophes are being brought to you by the Natural Resources Defense Council and the International Brotherhood of Teamsters.

Growth at the economically vital ports of Los Angeles and Long Beach has been slowed for years as environmental concerns stalled expansion projects. Two years ago, it seemed the ports were close to a deal that would both allow expansion to proceed and reduce the diesel emissions from ships, trucks and trains that kill an estimated 1,200 Southern Californians a year. Yet now, thanks to a dispute that has nothing to do with pollution and everything to do with an unholy alliance between environmentalists and organized labor, the deal is in danger of unraveling.

The most controversial component of the Clean Air Action Plan, which until recently was a joint project of the two ports, is an effort to replace most of the 16,500 trucks that call there. The trucks in question are old models that spew deadly diesel exhaust, mostly owned by independent operators who can't afford the \$100,000 to \$120,000 cost of a new one. The initial plan for solving this problem was to restructure the industry, eliminating independent contractors and requiring all port truckers to be employees who drive company-owned trucks. The ports would use container fees and bond funds to help companies buy new, less-polluting models. Yet when experts predicted this would cause an initial drop-off of truckers, creating serious cargo backlogs, port officials went back to the drawing board.

The Port of Los Angeles is still doodling. On Tuesday, the Port of Long Beach sensibly approved a cleanup plan that would defray the cost of new trucks -- but doesn't eliminate owner-operators. That's a deal-breaker for the Teamsters, which wants truckers to be employees so they can be organized.

Behind the scenes, the NRDC and the Teamsters have been pressuring politicians, port officials and shipping companies to approve the labor component of the original plan. It's clearly working at the Port of L.A., but not next door. So the NRDC has filed a notice of intent to sue the Port of Long Beach, ostensibly because it hasn't acted quickly enough to implement its clean-air plan.

Here's how all this is likely to shake out: The NRDC will sue the Port of Long Beach, delaying the clean air program, and any expansion projects, indefinitely. Meanwhile, if the Port of Los Angeles passes a plan that calls for employee truckers, it will be sued by the American Trucking Assn., which will have a very strong case. Federal law prohibits states or agencies from passing laws that affect the prices,

routes or services of truckers. The end result is that both plans could be stuck in court for years. Everyone in Southern California will pay the price as expansion stalls and pollution worsens.

The NRDC claims it's backing the employee trucker plan because without it, the effort to upgrade to newer models can't possibly work. This is demonstrably untrue. Under a lease-to-own program, a nonprofit or other organization could buy new trucks and lease them to truckers, charging low fees that would be subsidized by the ports. The Port of Long Beach plan calls for such a program, though how and by whom it would be run is still unclear.

The employee trucker model would improve living conditions for truckers and simplify the monitoring process for the ports, but it's legally suspect and impractical -- and also not worth the delays it's causing. Environmental groups sometimes team up with organized labor when their interests coincide, yet in this case they don't. If the NRDC sues the Port of Long Beach, it will be actively harming the environment by stalling a well-thought-out cleanup program. The organization is going to have to decide where its priorities lie.