Before the North Dakota Public Service Commission

Laborers District Council of Minnesota and North Dakota
(LIUNA Minnesota & North Dakota)

Northern Divide Wind Energy Center - Burke County

Case Nos. PU-19-376 and 19-377

Testimony of Steve Cortina

on behalf of LIUNA Minnesota & North Dakota

April 15, 2020

Exhibit I-2

Q. Please state your name, the name of your employer, and your business address.

A. My name is Steve Cortina. I work as a Marketing Representative for LIUNA, the Laborers International Union of North America, and my business address is 2210 East Broadway Ave, Bismarck, North Dakota 58501.

Q. What is the purpose of your testimony?

A. The purpose of my testimony is, first, to explain the safety risks on wind projects, what the union does to make the work safer, and why we are especially concerned about safety now with wind construction hitting new records; second, to explain how the union monitors wind construction projects and estimates how many of the construction workers are local or not; and third, to explain the benefits of putting Local Laborers to work on wind energy projects for building construction careers, and explain why we believe that developers can do a better job putting local people to work.

Q. What is your role with LIUNA?

A. I have worked as a Marketing Representative with the LIUNA Great Lakes Region Organizing Committee since 2012, and I am also a 13-year member of LIUNA Local 563.

My responsibilities as a Marketing Representative include recruiting new apprentices and journeymen, signing up contractors with the union, helping to dispatch members to construction jobs, monitoring construction activity, investigating problems, and advocating for local construction jobs that provide good wages and benefits and a safe workplace. I spend a lot of my time talking to union and nonunion workers and contractors, and visiting construction sites.

Q. What experience did you have in the wind industry prior to taking your current position?

A. I spent five years working as a Laborer and Foreman for a large wind energy construction contractor, M A Mortenson Construction beginning in 2007. I started off in the wind projects as a local hand on the Tatanka Wind Farm. I helped build that project from the ground up.

After my work on Tatanka, I traveled with Mortenson and worked on other wind projects around the country. By the time I left Mortenson in 2012, I was a foreman responsible for four to five crews that did everything from grouting to tower cleaning to washing to mechanical completion.

After that, I traveled with Mortenson and worked on other wind projects around the country. I have worked on wind projects as a local hand, and as a traveler, and I've

worked on both union and nonunion projects. I would say that I worked on almost a dozen wind energy construction projects during my career.

Q. Since you took your position as a LIUNA Marketing Representative, what has been your involvement in the wind industry?

A. I helped to recruit workers for Sunflower Wind, which was another big wind project in North Dakota that put a lot of local Laborers and other crafts to work. I monitor wind energy construction projects and talk to wind construction workers and technicians about their jobs, they're pay and benefits, and whether they're staying safe on the jobs. I also talk to superintendents or whoever is in charge to find out how it's going and if they are looking for manpower. Finally, I attend public meetings and Public Service Commission hearings to learn about upcoming projects and to testify about what I know.

Q. How did you get your start in the wind energy construction industry?

A. I had very little construction experience when I got a job on Tatanka. I had worked on wash-downs at a local power plant for about four months, and before that I was a kitchen manager at Applebees.

I was called out to the job because my name was on my union's out-of-work list. They asked me about my experience, and they put me out in one of the most basic positions out there. By the time the project was done, I was a lead guy.

Q. How significant was that first wind energy job opportunity to your career and your ability to make a living?

A. Getting on that Tatanka wind project made all the difference for me and my family. I kept gaining skills and experience during the project because I was mentored by the leaders out there, foremen and lead guys who taught me. They added to the safety and skills training I received through the union. They showed me how the projects work and how to do the work correctly.

I served for 6 years in the United States Air Force which is how I came to live in North Dakota. I was honorably discharged in 1999, but when I came out, there weren't a lot of good jobs available. What I made in the kitchen wasn't enough for my family. It wasn't until I started working wind projects that I made enough to support my family, plus I had health care and I started building up my pension. I wouldn't be in my current job if it weren't for that first job on Tatanka.

Today my son is doing the same thing, working in the wind industry. Right out of high school, he got on the Sunflower wind project, which was another project that hired local workers. The guys out there loved him, and before you know it, he was one of their

regular hands. Now he's traveling with Mortenson. I wish he could stay around here, but it's not feasible for him because not enough wind projects are hiring local workers.

Q. Do you know other local workers who were able to advance their careers by working as local hands on wind construction projects?

A. Yes I do. We put about 30 locals to work on their first wind project. Many of them are still working construction and would love a chance to work on another wind farm.

Q. What would you say are the key safety hazards in wind energy construction?

A. The safety hazards in wind energy construction are what OSHA calls the "Big 4": electrocution, falls, being struck by vehicles or objects, and caught between machinery, vehicles or other heavy objects.

   Wind turbines are live once the blades start turning and everything's connected, so there's danger of electrocution. You have people going up and down and working on top of towers that are hundreds of feet tall. At the same time, you also have people working on the ground who could be hurt or killed if something drops from a tower or from a crane that's lifting a nacelle or a blade, sometimes in high winds.

   The last thing is you have trucks and cranes and other heavy equipment moving all over the place either on gravel roads or across farm fields, and that can be dangerous for the operators and the men and women on the ground. That's how most of the deaths have happened on wind farm projects: a worker gets hit by a truck or a piece of equipment, or an operator gets crushed when he rolls his crane over.

Q. What does your organization do to ensure that workers and bystanders are kept safe on wind energy construction projects?

A. As a union we train our members about what the risks are and what to do on the job, whether it's OSHA 30 which is a 30-hour overview of construction safety, CPR, fall protection, blood or pathogen training. We also monitor safety on wind projects and keep track of incidents where workers get killed or seriously injured. We also check on projects and talk to workers about safety.

   As a foreman, fall protection was a must. We climbed up the towers and fall protection was our means of protecting ourselves.

Q. Based on your experience in the industry, what concerns do you have about how current record levels wind construction activity could affect safety performance?

A. With so much work needing to get done, I worry about some of these contractors getting spread too thin with their crews if they don't have enough experienced local hands to help them out. When I worked as a traveler for Mortenson on union projects, we would get local guys with construction experience and some had even worked wind projects before. Those experienced local guys were a big help to me as a lead man or a foreman because I could count on them to do the job safely and do it right without me watching over their shoulder.

   When we worked nonunion, we didn't have those local experienced guys so we had to use more of our travelers who had been with the company for a while. But when you're a wind contractor like where I used to work, you only have a certain number of experienced guys who travel with you and it's not that easy to find more.

   If you get a year like this year, and possibly next year, when you're maxed out, contractors could end up spreading their key guys across too many projects, and if they don't have good local help, someone could get hurt. You have everyone racing to meet these deadlines so the contractors and the owners don't lose money, and you basically only have five contractors to do most of the work, so it could be a real problem.

   The major wind contractors have mostly done a good job of keeping projects safe in the past. But two years ago we lost two workers on wind projects in Iowa, and last year you had a truck driver who died last month in Minnesota transporting a wind turbine as well as a worker in Texas who had to be flown to the hospital when she fell from a tower.

Q. What does your union think about the use of local workers on wind energy construction projects in North Dakota?

A. We think the wind industry has not put enough local people to work on construction projects, and that's hurting the local economy, it's hurting local workers, and it could end up getting workers hurt if these contractors get stretched too thin with so many projects being built.

   When you put local workers first, you're creating jobs and opportunity for North Dakotans which is what most of these projects claim they're going to do. You're also helping our economy because local workers are going to spend their money close to home. Finally, as I said before, every time you put a local worker with construction or even wind experience to work, it's less pressure on the experienced company hands to cover all the projects a company has going.

Q. You have indicated that you worked on wind projects both as a local hand and as a traveler. How did that affect your local spending?

A. When I worked on Tatanka, of course I was living at home in Bismarck and spending pretty much my whole paycheck there. Of course, when I was on the road, I've still got to pay my bills back home. My next project after Tatanka was in Montana and I had expenses out there, but I also had to pay for my house back home, my son, my wife.

   When you're traveling on a wind project, you usually get two checks: your hourly check and your per diem allowance. I always tried to live on my per diem and send my hourly check home.

Q. In your experience, did most of your co-workers also tend to spend their per diem in the local and send their paychecks home?

A. Yes, most of the guys I worked with tried not to spend their paycheck when they were on the road. You would always have some guys who dipped into their own pockets and other guys who tried to save some of their per diem to take home, but most of us used per diem as money to live on and the paycheck as money to take home. We did a survey of members who travel for work, and most of them said the same thing.

Q. How do you determine how much of the construction work on a wind energy project is being performed by local workers?

A. If the project is union and it's in my area, I know all my Laborers that are out there because we either sent them out, or if they're company hands, I meet them when I go on the job. Our collective bargaining agreement for wind projects lets contractors bring key employees, but the rest have to come from the local union, so part of our job is to make sure at least half of their Laborers are local. Usually it ends up being a lot more than half, even in North Dakota where you don't have as many local workers as you do in Minnesota. I also find out who's on the project by talking to the representatives of other crafts like the Ironworkers and the Operating Engineers.

   If I don't have any members on the project then I usually try to talk to the workers to find out where they're from, and I check the license plates on the personal vehicles. License plates are a good way to tell where workers are from because they almost always drive to the project from where they live.

   You get some travelers who will get a ride to work with other guys they're staying with, so you will probably miss a few travelers by counting license plates. But most of the workers I worked with and talk to drive their own vehicles to work, and the state on the license plate says is where they live.

Q. What would be your estimate of the share or percent of local and out-of-state workers that worked on the Tatanka project where you started your career in the wind industry?

A. Tatanka was a pretty big project, around 120 towers, in North Dakota and South Dakota. For Laborers, we had about six crews of five or six workers per crew between concrete, dirt, grout, tower cleaning, so that's about 30 or 36 in total, we had around 20 or 25 local members out there. Then there were a lot of Operators, Ironworkers, and Millwrights, so in total we probably had about 225 or 250 craft workers, and I would say a good 150 of them were local.

Q. You also mentioned that Sunflower employed local workers. What would be your estimate of the local share of workforce on that project?

A. SInce I used to work for Mortenson, which built the project, I was in good communication with their superintendent. I dispatched Laborers out there and visited the project. I would say local workers mader up a majority, maybe 60% of the crews, not just Laborers but all the crafts.

Q. You described monitoring other wind energy projects in North Dakota. Do you have an estimate of the share of wind farm construction that is currently being performed by North Dakotans or residents of neighboring states?

A. I would say less than 20 percent based on the projects I have seen and the workers I have talked with. Except for Tatanka and Sunflower, the best I have seen is about 20 percent for North Dakota workers. I would say you are looking at 15 percent overall for North Dakotans and it's still less than 20 percent even if you throw in Montana, South Dakota and Minnesota.

Q. Have you had the opportunity to monitor projects being built by Blattner Energy in North Dakota, and if so, what conclusions have you drawn about their construction practices?

A. From my experience, I believe Blattner is a good company and they know how to build wind farms. But in terms of using local workers to build projects in North Dakota workers, what I have seen didn't look so great.

I watched them build Emmons Logan for NextEra, which was a 298 megawatt project in Emmons and Logan Counties. From observing that project, I estimate that six or seven percent of the workers were from North Dakota or a neighboring state, and from what I saw I would guess up to 40 percent at any given time were from Texas. When you looked at the yard, you saw license plates from Texas, California, Idaho, Utah, Oklahoma, Kansas, but hardly any from North Dakota.

Q. Do you believe the primary reason that contractors are not hiring many North Dakota workers is that there are not enough qualified local workers available to perform the work?

A. No, I don't. We have qualified North Dakota workers available, and companies like NextEra and Blattner could be putting a lot more of us to work. I worked on Tatanka and I helped to recruit local Laborers for Sunflower Wind, so I have seen it first-hand. Both of those projects were in rural areas of North Dakota and both hired mostly local workers.

   We have built big wind and pipeline projects with mostly local workers in North Dakota even when unemployment is low, because there are plenty of workers out there who want a better career including some who would like to get back in the wind industry. If there were more projects we wouldn't have any problem recruiting more workers, that's what we do.

   I also know NextEra and Blattner could put more North Dakotans to work because that's what they say they are going to do in Minnesota. Blattner is supposed to build a wind project for NextEra in Southwest Minnesota that will provide power for Great River Energy, and they have a goal of 60% local workers on that project. Southwest Minnesota is a lot like Northwest North Dakota. If Blattner can do it there, they can do it here.

Q. Do you know if any of your members have attempted to apply for work on other wind projects?

A. Yes, after Sunflower I had members who had worked on that project apply for wind construction work, but they said they never even got a call back. I even took one to a contractor's office to apply. They told him he had to apply online, so he did, but he said he didn't get any reply back, none of them did. Three of them said they called to make sure their application was received and tell the contractor they had experience and were really interested in working on wind farm projects. But they said there was no reply.

Q. Many or your North Dakota members work in coal-fired power plants, is that correct?

A. That's right. Hundreds of our members have worked in the coal plants, and hundreds of other trades' members.

Q. How do our members who work in coal-fired power plants and are watching some of them close feel about contractors relying on out-of-state workers to build wind farms?

A. They're awfully frustrated. They know that the coal industry is hurting so they want to make sure that these renewable energy are a viable option as we lose more and more work at the coal plants. Coal-fired has been our number one bread and butter. We put a lot of Laborers to work in these plants. Our industrial contractors do the general maintenance and tending, and we help rebuild inside the power plants.

   Power plants have already started to close, and we want to make sure we can keep our North Dakota workers working. When members ask me, "Steve, what do you have

next?", I want to get them into wind projects, get them into pipelines. They ask, "what jobs do we have on wind farms," and I'm sad to tell them not very many.

Q. Does this conclude your testimony?

A. Yes