

Before the North Dakota Public Service Commission

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

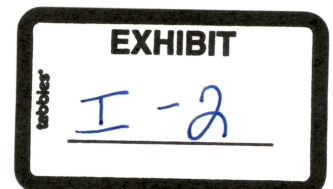
Badger Wind Project - Logan and McIntosh Counties

Case No. PU-22-86

Pre-filed testimony of Steve Cortina

on behalf of LIUNA Minnesota & North Dakota

June 22, 2022



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 purposes of my testimony are, 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 and use of temporary staffing agencies; second, to explain how the union monitors wind construction projects and estimates how many of the construction workers are local residents; 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 15-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.

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.

My son has done 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. He was traveling with M A Mortenson. I wish he could have stayed with them or even stayed around here helping to build the North Dakota Energy Sector, but it's not feasible

for him because not enough wind projects are hiring local workers. Also, being at a young age he wasn't used to traveling that far away by himself.

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 safety on large wind energy projects?

- A. My biggest concern is that we are seeing too many projects where instead of using skilled workforce the contractors are relying on temporary staffing agencies. In our experience, staffing agencies don't do enough to prepare the men and women they dispatch to work safely on the job, and contractors that hire temps won't pick up the slack -- it's almost like they're considered disposable.

Two of the worst wind farm construction fatalities of the past decade involved workers referred by staffing agencies. One was on the job less than two weeks when he rolled a crane and was crushed. The OSHA investigation showed that the contractor didn't adequately enforce seat belt requirements or warn crews about a crane rollover that happened around the same location two weeks earlier. The autopsy also showed that he was intoxicated when the accident happened. The second was a 24-year old who was buried alive trying to help a coworker out of a collapsing trench that wasn't properly shored according to the OSHA report. The contractors were fined more than \$500,000 and the project ended up many months behind schedule.

Q. Do you have reason to believe that there have been safety problems on wind energy construction projects in North Dakota?

- A. Yes. We do our best to monitor safety conditions on construction projects in our area. Based on our investigation, we believe that there were serious safety lapses on the Aurora Wind project. People we interviewed described unsafe conditions, including crews working at night without adequate lighting and crew members dropping or throwing packages down to the ground from the top of the tower.

The information was especially troubling because the company that built Aurora was also responsible for the death of that 24-year old young man who was buried in the trench collapse in Washington State, and it happened the same year. Aurora is also the project where the blade snapped off after it was installed, so that's an example of where we see a connection between safety problems and the quality of what gets built.

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. 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, every time you put a local worker with construction or even wind experience to work, it is that much less pressure on the experienced company hands to cover all the projects a company has going on.

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 in North Dakota whether I was paying my mortgage or buying meat in Wishek on my way back from work. Of course, when I was on the road, I 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 area 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 made 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. In 2020, we think the numbers were even worse.

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 wind companies 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 was 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 wind companies could put more North Dakotans to work because that's what they say they are doing in Minnesota. We heard the same excuses in Minnesota a few years ago, with developers talking about how these are rural areas and unemployment is low and this is specialized work. Then project owners started reporting their numbers, and we started seeing projects where the workforce was 50%, 60%, over 70% local and the developers stopped making excuses. When we started, Minnesota was under 20% local workers, and it's all above 50%.

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. Have you seen any improvement in companies hiring local workers to build wind energy projects recently or when unemployment was high at the beginning of the COVID-19 pandemic?

A. No, it hasn't improved. If anything it got worse. In 2020 there were lots of unemployed construction and oilfield workers, including our own members. But on the two big wind projects, Aurora and Northern Divide, we estimate that less than 10% of the workforce was local. It was probably the worst year we have seen for local labor even though unemployment was the highest it's been for a decade.

Q. What do energy jobs mean for your members, their families, and the communities where they live?

A. A large majority of our North Dakota members support themselves and their families by building and maintaining power plants and pipelines, and we have done that work for generations. Coal plants in particular need maintenance year in and year out, and they're a main source of income for hundreds of our members.

A member working at Coal Creek or another coal plant today is earning about \$28 per hour in pay for straight time, and an additional \$17 an hour goes to pay for full family health coverage and a pension so they can retire with dignity before their body is too broken down to work. Additionally, for every Laborer, you have four or five other crafts like Boilermakers, Pipefitters and Ironworkers earning similar wages and benefits. That's hundreds of jobs right there.

When it comes to energy jobs, the Building Trades side. When you consider all the middle-class jobs in plant operations in the mines and all the related services, you're looking at a huge impact on the communities where our members live and the state as a whole.

Q. How do your members feel about what's happening in the energy industry with coal plants and renewable energy development?

A. Our members are concerned and they are frustrated. They are the people that helped keep the lights on for generations and now they feel like they're being shoved to the side. They understand that markets are changing and North Dakota needs to keep up. They just want a chance to put their skills to work whether it's a CO2 pipeline or a wind farm.

We surveyed our North Dakota members on energy, and even though 90 percent work at coal plants or on pipeline projects, a large majority support wind projects like Badger *as long as they are putting local people to work*. At the same time, they are sick and tired of watching coal plants where they work get replaced by wind farms built by workers from places like Texas.

The worst part is our members aren't just watching this happen -- a lot of the time they are forced to help pay for these projects through their utility bills. For example, a lot of our members are customers of co-ops that get their power from Basin Electric, so they will end up paying for projects like Aurora and Northern Divide that were built with 90% out-of-state workforce.

Q. Does this conclude your testimony?

A. Yes