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NEWS

## The Weakest Link

Seattle Truckers Are Getting Screwed in the Global Supply Chain

by JAKE BLUMGART

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For four years, Giray Yonas has been working as a short-haul trucker at the Port of Seattle, transporting cargo containers from docked freighters to inland railheads and warehouses.

Every day he lines up with hundreds of his compatriots, their trucks idling in the neighborhoods surrounding the docks, waiting for the next job. Like most of the other 2,000 local truckers, Yonas is a first-generation immigrant who started working at the port with the expectation that it would provide a fair, decent living.

Things haven't worked out that way.

"You work to pay the bills, that's it; there is nothing you can [afford to] do after that," says Yonas, who is paid per delivery, not by the hour. He estimates that his total earnings are significantly less than what they would be if his income was subject to Washington's \$8.55 per hour minimum wage, which would also include overtime pay after 40 hours. "Every day has become a dark day for us," he says.

It's hard to argue against him on that point. The typical port trucker often wakes before 4:00 a.m., works 12-hour days five days a week, and brings in \$400 to \$500 at week's end—after expenses. And expenses take up more than half of a driver's net income. Due to the 1980 federal deregulation of the trucking industry, port truckers can be labeled "independent contractors," even though they work for the same trucking firm every day. (Many trucks even bear the company emblem, but their drivers still aren't acknowledged as employees, meaning no hourly wage, no health insurance, no vacation time, and no unemployment benefits.) As for the exact number of independent contractors, no one knows for sure. Some specialty firms, such as refrigerated-trucking firms, employ their drivers, but as far as the Washington division of the Coalition for Clean & Safe Ports (CCSP) can guess, more than 80 percent of the truckers are independent contractors.

This legal technicality allows trucking companies to shift all the costs to the drivers: gas, insurance, maintenance, permits, parking, and road taxes—all taken out of the driver's income.

Meanwhile, everybody else involved makes good off the deal, including us bargain-hunting consumers. According to Heather Weiner, a consultant for CCSP, the shippers negotiate rates with the companies (Wal-Mart, Costco, and Home Depot are big ones). The rate is \$350 per container. Not bad for a short trip. Except that the truckers, whose cut hasn't changed in 15 years, only get \$40 to \$45. The shipper keeps the rest. Wal-Mart and other companies save a bundle by dealing with trucking companies whose prices remain stable (why should the companies up their rates if they don't pay any expenses?), and customers get cheap prices at Wal-Mart. Everyone wins, except the truckers, who get stuck with the bill.

The utter inequity of this arrangement can be explained by the truckers' place in the global supply chain that provides American consumers with foreign foodstuffs, whizbang gadgetry, and Chinese mass-produced toys. International shipping conglomerates that need to get their goods to big-box retail stores, which keep their prices ridiculously low by grossly underpaying everyone who works for them, including the trucking companies, dominate the product-delivery network. The truckers are caught between these behemoths, fragmented by their owner-operator status—in fact, it is illegal for independent contractors to unionize—and slaving for the unscrupulous trucking companies that endlessly cut corners to stay in the game.

The port truckers aren't the only ones getting screwed by this calculus. Because the truckers are entirely responsible for their vehicles, the only trucks they can afford are the oldest, cheapest, dirtiest ones in the fleet. And because their companies won't pay for parking, the truckers idle while waiting for work in the neighborhoods around the port, where their old, fuel-inefficient trucks spew pollutants over the low- and middle-income communities of Georgetown and South Park.

"The harms of diesel pollution are not debated," says Howard Greenwich, research director for Puget Sound Sage, a low-income-community advocacy group. "We know from studies done in Oakland and L.A. that communities around those ports have extremely high rates of asthma, lung cancer, and early death, all directly linked to diesel pollution. And Georgetown and South Park have the highest rates of asthma hospitalization in King County and lower life expectancy." The residents of the two neighborhoods have average life expectancies 2.5 years shorter than the county overall, he says. And while other industrial activity in South Seattle also contributes to poor air quality, the trucks add to pollution in the area.

After years of pressure from community groups, including Puget Sound Sage, the port finally addressed the problem last spring, passing a plan that will ban all trucks made before 1993 from port property starting in 2011. The port is offering to pay \$5,000 for outmoded trucks to help drivers buy new, cleaner vehicles. The offer may seem thoughtful, but it's actually kind of dickish. New trucks cost \$100,000 or more, and low-income drivers generally lack sterling credit ratings. According to Sage, 400 truckers are expected to lose their jobs under the plan.

Critics say the port is shirking its responsibility by forcing impoverished truckers to pick up its slack. "The port put forward a solution that will make people who can't afford it pay for the environmental upkeep," says Brady Montz, chair of Seattle's Sierra Club. "That isn't sustainable. We need a long-term solution, where we aren't just cleaning up the trucks this year, but next year and the year after that, where we consistently increase the quality of the equipment. You need to have centralized control and responsibility to achieve that."

An alternative to the port's plan is being promoted by the national CCSP, an organization composed of groups like the Sierra Club, the Teamsters, and a host of other progressive organizations. The Los Angeles Harbor Commission enacted a clean-truck program last year that requires 80 percent of the drivers to be hired as full-fledged employees by port trucking companies. The plan also made companies responsible for ensuring that their trucking fleets remain environmentally friendly. The program was an unequivocal success, replacing 2,000 high-emission trucks with cleaner rigs and reducing diesel pollutants by almost 80 percent. New trucking firms even invested heavily in entirely new trucks for their drivers.

But any plan that attempts to shift costs up the ladder is almost certain to provoke a backlash from business lobbyists. In L.A., the American Trucking Association (ATA) filed an injunction, which argued that those pesky 1980 deregulation laws prevent ports, or any other local political power, from requiring trucking firms to do much of anything. The case goes to trial next year in a federal district court, where a judge will rule on the legality of the plan. Whichever side wins, the other plans to appeal, resulting in a battle that could drag on for years. In short, the feds broke the port trucking system, and they'll have to fix it. Congressional legislation is currently being hashed out in Washington, D.C., and could be introduced before summer.

In the meantime, the injunction against the L.A. clean-truck program has effectively stopped Seattle, and every other port in the country, from attempting to fix its own port trucking problems. But if by some minor miracle, Congress can pass a bill to close the ATA's legislative loophole, Seattle will be in a good position to move forward. One of the newly elected port commissioners, Rob Holland, supports a clean-trucks program that would ensure "burdens don't fall on the truck drivers." Before the election, he even told the King County Labor Council that he would attempt to bypass the current legal snafu by "looking at alternative avenues to ensure that such a program is implemented." There probably aren't any, but it's good to know where his heart lies.

Until Congress acts or Holland's alternative proposal goes somewhere, Seattle's port truckers will continue to suffer.

Yonas, for one, isn't sure things will ever change.

"Where I'm from, you can't ask for your rights," Yonas says. "This is supposed to be America, but here, it's the same thing. We aren't trying to be rich, we're not here to upset the company; we just want to get a fair start. Instead, we get hurt." ★

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