



CREATING GOOD JOBS, A CLEAN ENVIRONMENT, AND A FAIR AND THRIVING ECONOMY

August 26, 2019

Comments on Proposed Rule: Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations

Docket RIN No.: 1205-AB85

The BlueGreen Alliance, a coalition of fourteen of the nation's largest and most influential labor unions and environmental organizations, collectively representing millions of members and supporters, urges the Department of Labor (DOL) to withdraw its proposed rulemaking titled "Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations," which would exempt Industry Recognized Apprenticeship Programs (IRAPs) from being used within the construction industry for an indefinite period of time. We urge the Department to instead permanently exempt the use of IRAPs from the construction industry.

Allowing for IRAPS in the construction industry would undermine the entire trade. The construction industry has had great success with its registered, DOL-approved apprenticeship programs and has produced a high quality workforce as a result. This is because many construction unions, such as the United Association of Journeymen and Apprentices of the Plumbing, Pipefitting and Sprinkler Fitting Industry (UA) and International Union of Bricklayers and Allied Craftworkers (BAC), subject their programs to stringent standards and oversight by the DOL's Office of Apprenticeship and Training or a recognized state agency. As a result, the construction industry accounts for approximately half of U.S. apprentices, despite the fact that construction workers make up less than four percent of the nation's workforce.

These apprenticeship programs give workers the training and skills they need to become masons, plumbers, welders, service technicians, and others. IRAPs are poor imitations of the programs already in place and are designed to weaken the construction industry by cutting corners, lowering the quality of work produced, and lowering standards. Additionally, IRAPs are employer-controlled systems that do not require unions or any representation of employees. Employees must be allowed to organize in order to protect themselves, their fellow workers, and the communities around their workplace. Unions provide crucial safeguards for workers: they set fair pay standards, protect them from workplace hazards, and allow employees to safely blow the whistle on issues within the workplace without fear of retribution.

IRAPs could also put employees at risk by undermining prevailing wages and giving a leg up to substandard contractors. IRAPs are able to do this because the Davis-Bacon exemption can be

extended into any IRAP apprenticeship program, meaning that apprentices may receive less than the federally prevailing wage under an IRAP. Additionally, under the proposed rule, contractors would be permitted to provide industry-regulated apprentices with substandard training programs, thus removing the guarantee that quality training and teaching are provided to apprentices.

Apprentices in IRAPs may also suffer from stagnant wages or receive federally approved stipends that fall below the federal minimum wage because IRAPs are not bound by current wage progression rules. All of this allows substandard contractors to avoid paying prevailing wages and gives them an unfair advantage in bidding. Workers deserve fair, family-supporting, prevailing wages and their pay shouldn't be reduced to make contractors richer.

As IRAPs cut corners and lower the quality of work produced, certain safeguards such as environmental standards will also be overlooked. This could lead to toxic contamination of worksites and surrounding areas, endangerment of local (and in some cases endangered) wildlife, the contamination of waterways, and more. Without the stringent regulation already set in place by current DOL-approved registered apprenticeships, IRAPs would be able to do all of this without worry of any regulatory backlash. Deregulation may well be good for shareholder and Wall Street returns in the short-term—it's just not good for anyone else. Rolling back regulations doesn't create good jobs; it takes us in the opposite direction—harming our economy, our environment and our communities.

IRAPs will only hamper the construction industry and its workers. The industry has produced a better trained, better paid, and higher quality workforce thanks to registered apprenticeship programs. The temporary exemption promised in the proposed rule is unacceptable. The DOL should make permanent the exclusion of IRAPs in the construction industry.

Sincerely,

BlueGreen Alliance
Environmental Defense Fund
League of Conservation Voters
National Wildlife Federation
Natural Resources Defense Council
Sierra Club
Union of Concerned Scientists