

**SIDE LETTER OF AGREEMENT TO AMEND THE JUNE 29, 2018 AMENDED PROJECT LABOR AGREEMENT  
FOR THE EXIDE CLEANUP PROJECT**

This Side Letter of Agreement (“Side Letter”) is made by and between the California Department of Toxic Substances Control (“Department”), the Los Angeles/Orange Counties Building and Construction Trades Council (“Council”) and the following trade unions and district councils: Asbestos Heat & Frost Insulators (Local 5); Boilermakers (Local 92); Bricklayers & Allied Craftworkers (Local 4); Cement Masons (Local 600); Electricians (Local 11); Elevator Constructors (Local 18); Gunit Workers (Local 345); Iron Workers (Reinforced – Local 416); Iron Workers (Structural – Local 433); District Council of Laborers; Laborers (Local 300); Operating Engineers (Local 12); Painters & Allied Trades DC 36; Pipe Trades (Local 250); Pipe Trades (Local 345); Pipe Trades (Plumbers Local 78); Pipe Trades (Sprinkler Fitters Local 709); Plasterers (Local 200); Plaster Tenders Local (1414); Roofers & Waterproofers (Local 36); Sheet Metal Workers (Local 105); Teamsters (Local 986); and Southwest Regional Council of Carpenters (collectively, “Trades”), pursuant to Paragraph 2.6 of the June 29, 2018 Amended Project Labor Agreement (“Amended PLA”) between the Department, the Council, and the Trades (collectively, the “Parties”), and is effective upon execution by a representative from the Council and a representative of Department.

**RECITALS**

WHEREAS, on or about August 23, 2017, the Parties entered into a Project Labor Agreement (“PLA”) for the Exide Cleanup Project<sup>1</sup> to facilitate efficiency and the timely execution of the cleanup of lead-impacted soil in residential communities surrounding the former Exide Technologies, Inc. lead-acid battery recycling facility located in the City of Vernon, California;

WHEREAS, on or about June 29, 2018, the Parties entered into the Amended PLA, which, among other things, facilitated future amendments to the Amended PLA by providing as follows:

“2.6 Amendments: The Parties anticipate that this Agreement may be amended to apply to any subsequent phase(s) of cleanup evaluated by the EIR. Any amendment to this Agreement may be effectuated by having a representative from the Department and a representative from the Council sign a Side Letter of Agreement setting forth the amendment (e.g., re-defining “Project” to include the additional work sought to be included). Such a Side Letter of Agreement does not require the signature of the individual signatory Council Craft Unions or District Unions.” (Amended PLA, §2.6.);

WHEREAS, the Amended PLA requires the Department to include a Targeted Hiring Program in all Prime Contracts with the following percentage goals for Project Work hours for Employers:

- (a) Community Residents: 20%
- (b) Local Residents: 30%
- (c) Transitional Workers: 25%
- (d) New Environmental Workers: 50% of work performed within the California Department of Industrial Relations’ “Asbestos and Lead Abatement (Laborer)” prevailing wage classification. (Amended PLA, §7.5.1.);

WHEREAS, the Amended PLA defines “New Environmental Worker” as “an individual who either (i) **within the past year prior to being hired** on the Project graduated from the Department’s WERC Program, or (ii)

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<sup>1</sup> The definitions provided in the Amended PLA apply to all capitalized terms that are not specifically otherwise defined in this Side Letter.

is a Community Resident who, **within the past year prior to hiring on the project**, became newly certified by the California Department of Public Health to perform lead-related construction work in California.” (Amended PLA, §1.11, Amended PLA, Attachment C [Craft Request Form], §6, Emphasis added.); and

WHEREAS, as the Parties anticipate the Project Work will occur over a period of time longer than one year, the Parties desire to ensure that the definition of “New Environmental Worker” includes WERC Program graduates who graduated more than a year prior to being hired on the project and Community Residents who became newly certified by the California Department of Public Health to perform lead-related construction work in California more than a year prior to being hired on the Project to ensure that said workers continue to be prioritized for hire on the Project.

**AGREEMENT**

NOW, THEREFORE, in consideration of the foregoing, and other good and valuable consideration, the Parties hereby agree as follows:

1. Section 1.11 of the Amended PLA is deleted and replaced with the following:

1.11 “New Environmental Worker” means an individual who either (i) graduated from the Department’s WERC Program on or after September 26, 2017, or (ii) is a Community Resident who, within the two years prior to being hired onto the Project, became newly certified by the California Department of Public Health to perform lead-related construction work in California.

2. The sixth paragraph of Attachment C [Craft Request Form] to the Amended PLA is deleted and replaced with the following:

**New Environmental Workers: 50% of work performed within the California Department of Industrial Relations’ “Asbestos and Lead Abatement (Laborer)” prevailing wage classification.** “New Environmental Worker” means an individual who either (i) graduated from the Department’s WERC Program on or after September 26, 2017, or (ii) is a Community Resident who, within the two years prior to being hired onto the Project, became newly certified by the California Department of Public Health to perform lead-related construction work in California.

**CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

Dated: 5-2-19


By: 

Name: Francesca Negri

Title: Chief Deputy Director

**LOS ANGELES /ORANGE COUNTIES BUILDING AND CONSTRUCTION TRADES COUNCIL**

Dated: 2-7-19

By: 

Name: Ron Miller

Title: Executive Secretary