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October 28, 2011

Jill Savery
Head of Sustainability
America's Cup Event Authority

Re: *Brightline Comments to America's Cup Draft Sustainability Plan*

Dear Ms. Savery,

Thank you for the opportunity to provide written comment to the America's Cup Draft Sustainability Plan. Our comments initially mirror our testimony from the September 27 Commission on the Environment and October 25 America Cup's Event Authority presentations, but then diverge from those sentiments.

At those two prior meetings, we expressed our alarm and borderline distress that neither the spirit of environmental justice nor the phrase "environmental justice" appears in the America's Cup Sustainability Plan. While the Plan makes reference to a definition of "sustainability" that includes "optimizing the social, economic and environmental impacts of our activities in delivering the 34th America's Cup, to enrich the communities we visit and protect and support natural ecosystems," there is no acknowledgement of the fact that low-income communities and communities of color bear a disproportionate share of the yacht race's environmental impact.

We also testified that a robust local community hiring strategy on America's Cup construction, with prevailing wage, benefits, and journeyman upgrade training required for all workers, will create what we call "sustainable working conditions." In this way, targeted high-road job opportunities can be used as a tool to mitigate the environmental impact on San Francisco's communities, particularly on low-income neighborhoods in the southeast and northeast parts of the City. Unfortunately, the Plan is overly reliant upon the long-delayed America's Cup Workforce Development Plan in addressing workforce issues under its "Inclusion Theme" (p. 34), instead of proposing a jobs strategy to promote sustainable communities under a separate "Environmental Justice Theme."

In our comments we were prepared to argue against the lingering and misguided belief that America's Cup is somehow different from other types of public construction efforts because of the private nature of the America's Cup Event Authority and that the City's local hiring law and prevailing wage protections somehow do not apply. But a recent discovery has us striking a different tone, one of excitement and optimism as the City prepares to host the upcoming America's Cup yacht race and boating regatta:

The San Francisco Local Hiring Policy for Construction and prevailing wage laws apply to all aspects of America's Cup construction and construction-related activity, from building up our waterfront to erecting event staging areas and assembling America's Cup sign and display.

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That is because our research has uncovered the fact that the structure of the City's proposed gift of public funds, from rent credits to multiple-year leases to leases for one dollar and other peppercorn consideration, does not release the Event Authority from the obligation under Administrative Code section 6.22(G) to target employment for our local disadvantaged communities and the requirement under Administrative Code 6.22(E) to pay prevailing wages and provide benefits to workers instead of driving a race to the bottom on America's Cup construction.

You therefore have the opportunity to take bold leadership in support of our local communities and San Francisco's working men and women in creating a separate "Environmental Justice Theme," one that acknowledges that San Francisco's local hiring and prevailing wage laws must form the core of a strategy to mitigate the America's Cup environmental impact on our disadvantaged communities.

Accordingly, we believe that all America's Cup construction and construction-related work should be performed by a unionized workforce. The working conditions we have described as "sustainable" are most certain to be realized under the context of opportunities to work as members of our local trade unions. We therefore desire to see all, and not "certain," of the "required AC34-related infrastructure improvements (short-term development), AC34 event staging, and other AC34 event-related activities" described on page 33 of the Plan built union.

To summarize, environmental justice is a necessary principle of sustainability and we request a separate Environmental Justice Theme in the Plan. You are likely aware that when the Plan was previewed on September 27, Environment Commissioner Angelo King called local hiring an "inherently sustainable practice." Therefore, and in furtherance of the Plan's goal to "maximize legacy benefits for the City's residents and businesses," we ask you to acknowledge within this new section the applicability of both San Francisco's local hiring law and all prevailing wage protections that ensure a sustainable work environment on all America's Cup construction and construction-related activity.

The America's Cup promises excitement and thrilling races for San Franciscans and a worldwide audience. A revised Sustainability Plan will further ensure that the vast gift of public funds proposed for the event delivers the additional benefit of jobs for our local communities with prevailing wage protections on all aspects of America's Cup construction and event staging.

Sincerely,



Joshua Arce
Executive Director

CC: Mayor Edwin Lee, San Francisco Board of Supervisors,
Office of Economic and Workforce Development, Port Commission,
Department of the Environment, Community and Labor Partners