

Implications of Massachusetts Senate Seat Results: Editorial by Pat O'Connor

The recent Massachusetts election has the pundits trying to guess what is next. Interpreting the voters' choice of Scott Brown is everybody's favorite game, with the meaning behind Brown's upset victory endlessly dissected in the media, on the web, within the White House and on Capitol Hill. Post-election polls reveal that the electorate is very volatile, and when the electorate is volatile, anything can happen. Thus, extrapolating from a Massachusetts election in January to nationwide elections in November can be a dangerous game. There is also a danger in assuming that there is political advantage in legislative paralysis versus compromise and accomplishment.

What does all of this mean for IWLA and its members? Clearly, there is little desire left in the Congress today to tackle such issues as health care and climate change. Elements of health care could be repackaged into a limited bipartisan bill, but probably not. With respect to climate change, Congress and the White House may look at other options for incremental gains on climate change. Transportation may be vulnerable as Congress acts on reauthorization of the federal surface transportation programs. Energy efficiency standards for new and existing commercial buildings, including warehouses, are also in play. In fact, weeks before Massachusetts, the White House began a study of their existing legal authorities to mandate increased energy efficiencies in commercial buildings.

After last Tuesday's election the AFL-CIO has fallen further away from the 60 Senate votes needed to pass the Employee Free Choice Act (EFCA). However, there are EFCA "compromises" that could get 60 votes if we are not careful. The two most controversial EFCA compromise proposals involve instant elections and expanding union access to employees during the work day. Other aspects of labor law reform could also slip through the legislative process.

Also, we must remember that bipartisanship exists within the Congress on certain issues that impact the third-party warehouse industry. A case in point is pending food safety legislation, which, as drafted, holds the warehouse as liable as the manufacturer for a product recall. This legislation passed the House by a vote of 283-142.

Compromise and accomplishment, not paralysis, will be desperately needed to address the unemployment rate in the U.S. – but can Congress drop their partisan views to form a meaningful jobs bill? A step in the right direction for the third-party warehouse industry would be for Congress to approve the Korean, Colombia, and Panama Free Trade Agreements – yet Congressional Democrats are in no mood for Bush-era trade agreements, leaving these trade pacts to languish for another year.

So, we enter the 2010 legislative year with more questions than answers. For IWLA, it will be a year of challenge, as we pursue our course and defend our ground in very uncertain and shifting terrain.