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Abstract

This report explores a comparative analysis of eight cities in the United States and Canada that have implemented sweat-free procurement policies. Ranging in policy scope, purchasing methods, and implementation processes, the cities of Albuquerque, Bangor, Boston, Milwaukee, New York, North Olmstead, Olympia and Vancouver, British Columbia provide a variety of experience and insight to implementing effective sweat-free procurement codes of conduct. In the past eight years, 30 municipal governments around the United States and one in Canada have adopted ethical codes of conduct and sweat-free procurement legislation. As stated by Larry Weiss, president of SweatFree Communities “Governments’ bulk purchasing power creates the leverage to influence practices of vendors and suppliers and, ultimately, create real improvements for sweatshop workers” (Seely). Having passed the “No Sweat” procurement ordinance in November 2004, Los Angeles is in the beginning stages of implementation and is at an extremely pivotal position. Along with Los Angeles, this analytical report functions as a tool for the use and benefit of cities that are interested in joining the movement in adopting sweat-free purchasing policies.

gowns, and when asked where these gowns were made, she pointed to the back room. When I asked if we could meet these people she said we were not allowed. I will never forget the small window through which I peered, to find rows of Asian and Latina women hunched over sewing machines. The doors covered these women, making them faceless laborers that daily produced these gowns, while Vera Wang stood beautifully dressed in the front room and in top fashion magazines receiving all the credit for their energy and labor. This form of silencing sparked my frustration and passion for labor rights. Yet it was not until I began my college experience at Occidental that the memory of this specific injustice manifested itself into action.

Through my work at Occidental, my internship last year at Service Employees

be sweat-free. Yet, through interviews, it appears that this code is not known by members of the campus community and that it is not being implemented to its fullest potential.

Occidental has national recognition for being the first college campus to sell union made t-shirts and prides itself in its “sweat-free” bookstore and as a member of the Worker Rights Consortium (WRC). Yet through the numerous inventories I made this year of the college bookstore, I found many labels from China, El Salvador, Honduras, and Bangladesh, known internationally to have some of the lowest labor standards in the world. The commitment to implementing the “Sweat-free” purchasing policy by Anne Wolf, Occidental Bookstore manger and Diane Jackson, textbook and soft goods buyer are noteworthy in moving towards the goal of making Occidental a sweat-free campus. Yet, the apparel procurement process is complex and requires continuous monitoring and a strategy for implementation. The WRC func

create a balance and redefinition of what these changes could look like, I begin with the process of my senior comprehensive project. While I was exploring a variety of topics to research, I was always drawn to centering my work in the anti-sweatshop movement. This stems from the hope to live to the day where the meaning behind sweatshop will be debated in a world with high human labor standards and living wages, where people are respected and honored over profit margins. Moving towards this goal, I continue my work in this effort.

sweatshop movement started within the labor force in the early 1900's but did not achieve full recognition from consumers, governmental agencies and monitoring agencies until the early 1990's. One hundred years later laborers are still fighting the same battles in even larger globalized contexts, yet with the same underlying message that worker's rights with respect to wages, healthcare and safety standards need to take precedence over high productivity and profit margins.

United States tenement sweatshops began to emerge again. Coupled with the fierce competition between contractors and immigrants' need for employment, wages and labor standards were forced to be low, as hours and exploitation maintained high. In 1995, ILGWA and the Amalgamated Clothing & Textile Workers Union (ATCWU) came together to form the Union of Needle Trad

billion in annual revenue for such companies as Nike, Reebok and Fruit of the Loom

on corporate approaches that sought to improve the image of the industry, students led a movement on college campuses challenging colleges and universities to sign on to this independent monitoring agency. The 129 colleges and universities that are currently signed on to the WRC, signed a code of conduct that requires licensing companies to monitor small garment companies the school does business with and to disclose the names and addresses of all factories engaged in production. The hope is to create a large network of responsible vendors, and find connections and overlaps of schools that are using the same companies that violate labor standards. The purpose of the WRC is to create a system of licensee verification that maximizes the respect of human rights and accountability to their constituents.

Since its inception, the WRC has sought to put pressure on the retailers and the contractors due to the codes of conduct required by the monitoring agencies. The WRC has been a pivotal player in the anti-sweatshop movement, as it acts as a legal body that holds companies accountable for their contracted or subcontracted factory labor laws. An excellent example of the pressure put on manufacturers has been the union organizing at Kukdong (Mexmode) factory in Atlixco, Mexico. In January 2001, 800 workers went on strike at Kukdong International Factory. Kukdong makes apparel for Nike and Reebok under licensing agreements with a number of United States universities who have adopted sweat-free purchasing policies (Featherstone 2002). While a USAS worker was in Kukdong, workers went on a three-day strike, and recognizing the name of the factory as disclosed under the WRC Code of Conduct at his school, he relayed the information to activists in the United States. Together, the WRC, USAS, International Labor Rights

immigrants in the United States has lead to the insurgence of sw

International Labor Organization (ILO), over 200 codes have been adopted by multinational enterprises. The code campaigns can be seen as a failure of governments to help ensure a fair distribution of trade benefits and small producers. Sweatshops proliferate in highly competitive markets. Big retail and apparel companies are in a global race to increase profits by driving down production costs. As they source merchandise from all over the world, they search for places where workers are paid the lowest wages, human rights are trampled, and environmental protection is ignored. Current trade laws encourage companies to make their products in places with the worst conditions and the lowest wages, places where workers are not fr

Larger Government Factors

Governmental policies play a back and forth game in regards to trade procurement and imports. Passed in 2002, H.R. 3005, Trade Promotion Authority allows the president to sign trade legislation with minimal input from Congress. The president is more responsive to corporate concerns, so laws that are unfriendly to labor are more likely to be passed as a result of TPA. With legislation like this, the anti-sweatshop movement is a continual work in progress. But as government trade policies such as the North American Free Trade Agreement (NAFTA) signed in 1994, or the “Trade Promotion Authority” also known as Fast Track are passed, local laws and legislations meet it half way in the battle. Out of the college anti-sweat movement emerged the city anti-sweatshop movement, which then spurred the adoption of sweat-free city procurement legislation.

Additionally, on January 1, 2005, under the WTO’s Agreement on Textiles and Clothing (ATC), the Multi Fiber Agreement (MFA) was fully phased out. The agreement was enacted in 1974 to protect the United States textile and apparel industry from losing jobs. It specifically puts quotas on how many garments can be imported from each country per year. As a result, over 130 countries are engaging in apparel and textile production. And while labor conditions in many of these countries are horrific, apparel and textile exports play a key role in providing jobs for the country’s economy. Yet after January 1, 2005, United States retailers and manufacturers will be free to source wherever they please, leaving many countries with high labor standards, meaning high costs, and loss of jobs, as outsourcing will go to the countries with the lowest labor costs per unit of production.

Chapter 2: The Context of Los Angeles

The Los Angeles Apparel Industry: Sweatshop Capital of the US

In an interview conducted with Nancy Steffan of the WRC, confirmed by the US Department of Labor, 61% of all garment factories in Los Angeles that “sew” on “Made in USA” labels violate minimum wage laws and 75% violate health and safety codes. Yet times are changing in this globalized world, and sixty-percent of all garments sold in the US are imported, mostly from Asian countries, followed by Latin American and Caribbean countries (Ross 1997). In 1980, 70 percent of all apparel purchased in the U.S. was produced domestically (Kernaghan 1997). Competition is intense among the tens of thousands of global contractors seeking markets through the large retail chains and corporate name brands.

While Los Angeles resides in a nation with higher labor standards than most countries, it does not speak well for the United States, as Los Angeles has the highest concentration of sweatshops in the United States. If Los Angeles is any reflection of the world labor practices, the reality is harsh. While there are a variety of sweatshops that produce a variety of niche market items, the garment industry is overwhelmingly the biggest. The current Garment Textile Industry in California is a \$24.5 billion industry with 62,000 garment employees in Los Angeles that produce 80% of garment production in California (LAEDC 2). In 2000, a U.S. Department of Labor survey concluded that two-thirds of garment factories in Southern California did not comply with federal minimum wage and overtime laws and 3/4 violate healthy and safety codes (USDL).

Although it is evident that Los Angeles apparel firms are increasingly shifting production to Mexico, employment has remained high. One obvious factor that keeps jobs in Los Angeles is the availability of low-wage, immigrant labor. Two other factors that account for the thriving garment industry in Los Angeles are “cultural-product industries” and the existence of a well-developed infrastructure that provides exceptional support for the apparel industry (Bonacich and Appelbaum). According to Allen Scott and David Rigby of the Geography Department at UCLA, the apparel industry extends to a larger complex of what they call “cultural-product industries” (306). These products include apparel, textiles, furniture, printing and publishing, sporting goods, and

advertising, all of which the city of Los Angeles purchases. Whether or not city purchases these items directly from Los Angeles-based companies and whether the local governments that keep the industry from leaving is crucial to identity and evaluate for sweat-free advocates.

The main argument against setting standard labor conditions for city procurement is financially based. If contractors cannot meet the wage and benefits of their workers, or if they are not as high as the rate set by the legislation, contractors may be unable to disclose the information, or could be forced to either sever ties with certain subcontractors, or may forego business with the city altogether. Given the potential costs of complying with the legislation, many contractors could simply refuse to do business with the City, shrinking the pool of potential city contractors and driving up the contract prices for city taxpayers.

Movement Towards Los Angeles

It is crucial to look at the domino effect of the tragedy in El Monte, the adoption of AB 633 in California, and the dedicated non-profits such as Global Exchange, No More Sweatshops and the Garment Worker's Center against sweatshops. Specifically, in California the passage of AB 663 in 1999 was a landmark bill was designed to specifically combat sweatshop abuses in the California garment industry. Its provisions hold contractors, manufacturers and retailers legally responsible for labor abuses, which have enabled numerous garment industry employees to collect unpaid wages.

In 2003, the California Senate passed SB 578 which established a statewide sweat-free procurement policy mandating that all apparel, garments and equipment procured by the state must have no trace of sweat labor (SB No. 578, Chapter 711).

subcontractors do not employ child labor or sw

The process of creating the sweat-free ordinance was a two year process. It went through a variety of drafts before passage at the Economic Development committee. The committee's members include Garcetti, Alex Padilla, Ed Reyes, and newcomers Martin Ludlow and Bernard Parks. Union activists, community groups, students and people of faith campaigned to pass this ordinance, including No More Sweatshops! headed up by Tom Hayden and Erica Zeitlin who spearheaded the campaign, Progressive Jewish Alliance, and UCLA Labor and Center's director Victor Narro. In reference to their motivation behind this type of organizing, Hayden asserts "The role of the public sector should be to support workers' struggles and set an example for the private sector. Your tax dollars are keeping people in peonage in places you'd be horrified to let your own children see, let alone work in" (Seely).

Passed on November 10, 2004 the ordinance establishes a sweat-free procurement policy and to establish compliance procedures for the City's Contractor Code of Conduct. The ordinance covers all manufacturing materials, supplies including apparel and accessories, along with equipment and laundry services. This is applicable to all contracts over \$25,000 and over three months of procurement or rental equipment. City Contracts for apparel and related accessories total about \$3 million annually (LA CAO). According to Josh Kamensky, Communication Deputy to Councilmember Eric Garcetti, the city's annual budget of apparel purchases is \$1 million.

The language of this ordinance falls under the guidelines of all applicable Los Angeles laws including wage, health, labor, environmental and safety laws relating to discrimination in hiring, promotion and compensation. This includes human and labor rights imposed by treaty on country of assembly, including those relating to child labor, slave labor, forced labor, or sweatshop labor.

A local Los Angeles preference is given to all contracts who commit to responsible production in the city. Competitive bids for apparel procurement are given preference for purposes of that bid where the price bid by such bidder is not greater than 10 percent higher than the lowest price bid by an otherwise responsive and responsible bidder (LA Ordinance).

The wage standard is referenced as the 'procurement living wage' in the ordinance established by the UNITE. Under this formula, the 2004 procurement living wage for domestic manufacturers would be a minimum of \$9.04 per hour without health benefits, or \$7.53 per hour with health benefits of at least \$1.51 per hour. The Ordinance applies the procurement living to contracts involving the procurement of garments, uniforms, foot apparel, and related garment accessories.

The ordinance instructs the Controller to transfer \$50,000 initially from the Reserve Fund to the Unappropriated Balance, which will then be appropriated to the

procurement living wage for relevant geographic areas. Furthermore, the city staff position requires enforcement activities such as networking with advocacy groups, labor organizations, and public agencies, while assisting in development and conducting supplier performance hearings and appeals from non-responsible vendors and suppliers. Organizing a consortium of public agencies throughout the country that have enacted anti-sweatshop legislation is also crucial. The city position must also track on-site audits of factories by independent monitors and investigate claims of non-responsibility (Ramos).

Procurement

Upon submitting a bid to the city for their services, the contractor must sign and Contractor Code of Conduct. Contractors and subcontractors found in violation of the ordinance will be subject to ramifications, starting by providing access to independent human rights monitors and training to bring the workplace into compliance. There is public disclosure of manufacturing sites. If a company's factory is under suspicion of violating labor codes of conduct, the city may require an independent investigation, followed by on-site employer/employee education to ensure future compliance. The city can retain all monies until compliance is achieved. In that case remediation is not successful, the city may assess penalties and terminate contracts.

There are also a number of commitments that are not in the language of the ordinance. There is a commitment to develop networks with advocacy groups, labor organizations, and public agencies. There is commitment to explore development of the consortium of public entities to share monitoring and enforcement by independent monitors. There is also the support to create a database of potentially non-responsive manufacturers.

Currently, police officers and fire fighters receive an annual uniform allowance, which is used to purchase uniform items from a list of department-approved vendors, or any other vendor they choose as long as department uniform specifications are met (Fujioka 4). The ordinance instructs the Police Department and Fire Department only to include on the list of approved apparel vendors those that have signed the Vendor Code of Conduct. The City Purchasing Agents has contracts with Long Beach Uniforms and

workplace conditions for the company that ran the infamous El Monte sweatshop, the most notorious worker-abuse case in recent memory (Murray 2).

The city's General Services Department, which reviews the applications in a complex, multi-step process, is well aware of the sensitivity of the issue. There's a lot at stake, says the department's acting general manager, Debbie Ramos. "This is something that there's been a lot of interest in with advocates," she says. After a three-year process, they want someone who can do the job. "Unless we have enforcement, there's no teeth" (Murray 3). The decision will be taking place in May of 2005.

Garcetti deputy, Josh Kamensky emphasizes the greater possibilities of the ordinance. The measure includes provisions for the city to link up with other big-dollar public purchasers to compare records and develop a database of good-business-practice companies, as well as what Kamensky calls scofflaws. Plus, it's good for business, he says, because lawful companies will not have to compete with others who hold their costs down by cutting standard regulatory corners. "It's enforceable, it's funded, and it links up

Chapter 3: Comparative Sweat-free Cities: 8 Case Studies

Methodology

A questionnaire (see Appendix A) was created to supplement the primary original research conducted in this project through phone and email interviews with city staff, labor advocates and community members. The purpose of the survey was to discover the scopes of the policy or legislation, its procedures, and implementation of comparable cities and to compare that to Los Angeles. The cities selected for this survey were based on four criteria: population of the city, community involvement in the policy, scope of the policy and enforcement. There are thirty some cities that have passed sweat-free legislation, but due to accessibility of information and connections that I was able to make, I finally narrowed the case studies to eight municipalities.

In relation to the size of the cities, populations range from 31,473 in Bangor to 8,008,278 in New York (US Census 2000). In a larger sized city, it might be harder to implement(e)u2ds Awglpe71jwed the case stud

procurement officers, I found their contact information. In my research, I found a variety of different community groups and advocates.

I was able to get in contact with some of the community members and union organizers, but in a few cities such as Boston, I was unable to get a hold of the key

Law Enforcement / Food procurement, is in charge of police, fire, corrections and senior affairs departments. This includes purchasing of police and fire gear and equipment, corrections supplies, institutional supplies, institutional equipment, linen service, linen supplies, uniforms, rental clothing, and janitorial services (City of Albuquerque).

Yet, according to Laura Mason, director of the City Council office, the memorial as it states, is not being implemented. When passed as a memorial in 2000 by the city council, Mason was present on the council, but does not recall its passage. She suggested that it was perhaps passed in order to mollify a certain group of activists. She is confident that the city would not use any shallow language and is going to follow up with me to find out who sponsored the memorial. After these inquiries were made, the City removed the memorial from its website, and Mason had not followed up at the time this report was completed. The city is currently not implementing any sweat-free procurement practices.

Bangor, Maine

In 1996, The Bangor Clean Clothes Campaign launched a community-based anti-sweatshop campaign with the aim of creating a public consensus that clothes sold in Bangor should be made in accordance with internationally recognized standards of ethical production. Over the past 25 years, Maine lost many garment-industry jobs due to the migration of apparel production to Central America. It was the goal of the coalition to show both the U.S. and global south workers that they were at the mercy of the same corporations, and would counter the image of the Third World poor “stealing our jobs” and lay the basis for cross-border alliances (Claeson). In June 1997, the City of Bangor supported the first board statement about the issue with its Clean Clothes resolution in June 1997. The commitment urged Bangor area retailers to sell sweat-free clothing, referencing to workplace standards endorsed by the UN and the ILO. Though the resolution is not legally binding, over 30 small merchants have signed the Clean Clothes Campaign (Claeson).

In 1999, the campaign gained momentum and the Clean Clothes purchasing policy was passed at the city level. This purchasing resolution then led to the passage of

the state of Maine's Anti-Sweatshop Purchasing Bill (LD 1748). This bill was provided \$100,000 to support a "clean clothes" staff person and a redesign of the purchasing database to facilitate gathering and sharing information about working conditions. The goal of this database is to link it to the Clean Clothes Campaign's database, and make it accessible on the web.

Passed on October 25, 1999, a non-binding resolution established guidelines to address the purchase of covered items from ethical and responsible contractors. In response to the growing global economy, Bangor Councilor Michael Aude stated "Communities and institutions have to think about their roots and their values" (Saucier). The scope of the legislation covers all manufactured items of apparel, footwear, and textiles. The resolution follows the labor standards of ILO and UN codes regarding wages, workplace, health and safety, forced child labor, child labor, and freedom of association. "Passing this policy is the kind of step that can have a real effect on retailers and manufacturers. Worldwide companies that have been under scrutiny in recent year for manufacturing practices are not trying

clothing for the Department of Transportation, and Property Management, as well as jail uniforms for guards and prisoners, and t-shirts for city events (Hannon).

The ordinance strongly supports the procurement of union made apparel. It provides for a written declaration that each garment to be purchased must have a union label affixed to it, or a Wage Affidavit Form that each manufacturer, contractor, or subcontractor involved in production of the garments in a specific bid will sign (Section 4F). The prevailing wage rates are determined by the State Department of Labor and Workforce development based on collective bargaining agreements. All bidders, manufacturers, contractors, and subcontractors involved in the production of a garment specified in a bid must keep accurate records of each employee showing names, the address, occupation, hours worked, and wages paid. Upon request, successful bidders must provide a copy of these records.

More specifically when making a bid to the city, the vendors have two options in filling out prevailing wage instructions, depending on if the items are union or non-union made. Bidders that are supplying non-union made items must fill out at GMT 1 form (list of Manufacturers and Contractors) and for each manufacturer, contractor, or subcontractor complete a GMT 2 (Wage Affidavit). This form must be completed and signed by an official of the company who hold signatory powers. In accordance with the General Laws of Massachusetts contracts or orders for items are be given to established contractors that pay prevailing rates of wages. Attached to the declaration is the prevailing rate of wages for the Boston area. The forms asked the bidde

In terms of implementation tools, a contractor's sworn disclosure of names and addresses of manufacturing and laundering facilities are turned in with each bid request. Names and addresses of the owners of the facilities, as well as wages of workers are disclosed. This contractor's sworn affidavit must also include that facilities meet or exceed sweat-free standards.

Yet there is nothing in the ordinance that requires an independent monitoring agency to look for labor violations in factories from which the city procures. Therefore, informally, the local Milwaukee Clean Clothes Campaign community members monitor contracts and bring allegations of violations to attention of City. Mike Howden specifically feels a lot of pressure to uphold the ordinance, as he worked so diligently to support its passage.

Milwaukee Clean Clothes Campaign has other organizing techniques as well. The campaign distributes sweat-free shopping guides for the city and worked to pass a more effective sweat-free procurement policy for the school district, which outlines the same working policy of the city. The campaigns next goal is to move on to organize the county of Milwaukee to adopt a similar ordinance.

New York, New York

This ordinance was conceived and crafted by UNITE and former City Council Speaker Peter Vallone (D-Queens), but relied extensively on the support of the city employees union, the American Federation of State, County and Municipal Employees (AFSCME). The bill attempted to set up a cont

York would not allow taxpayer money to be used to support sweatshops. The hope was that this new law would become a useful tool in the fight against sweatshops, and would also level the playing field for responsible New York City garment manufacturers that had, for too long, been subject to unfair competition from sweatshops (UNITE 1).

The ordinance covers procurement of textiles, and footwear and any contracts that exceed \$2,500. The legislation outlines three main provisions somewhat similar to provisions outlined for colleges in the WRC; one that ensures no tax dollars to apparel companies that have violated labor and safety laws. A second provision states that no public money may go to producers that pay below the poverty line for a family of four. A third provision stipulates that companies have no hidden factories and disclose the location of each of their contractor and subcontractor factories. Dan Hennefeld, formally representing UNITE, asserted that "the ordinance will ensure that not a single police uniform, hospital linen or firefighter's boot in New York City will be made with sweatshop labor"(Greider 26).

Companies that operate sweatshops at home or abroad are ineligible for public money from New York City. New York City government spends over 70 million dollars annually on apparel and textiles for police officers, firefighters and hospitals. In reference to its fiscal effect, Hennefeld adds "A sizable chunk of money [will be] lost to any company that thinks they can save a few dollars by using sweatshop labor"(Greider 26). Also explaining that the sweatshop ordinance is one that is so strict, with provisions for living wages and human working conditions, it is suggested that only suppliers with UNITE or other union contracts are the only businesses that will be eligible to supply NYC with apparel.

The City Comptroller mandates the acceptable wage and health benefits received by apparel contractors and subcontractors. For contractors and subcontractors operating in the United States, the Comptroller would be required to set the wage and health benefit level at a minimum of \$8.75 per hour. This wage and benefit level, far in excess of the Federal and New York State minimum wage, would have to be paid to every employee in any way involved in the manufacture of apparel destined for a City agency. Mayor Giuliani found it problematic. "If an apparel contractor were to employ a subcontractor to ship goods to the City, and the shipping subcontractor were to pay some of its

North Olmsted, Ohio

Passed in February 1997, the resolution was the first anti-sweatshop legislations to be passed at the municipal level in the United States. The council acted after revelations that Kathie Lee Gifford's line of clothing was subcontracted to sweatshops in Central America (Bole). Then mayor Ed Boyle said, "The Gifford story really got my wife going, It's occurred to use that the city could very easily be spending taxpayers' money on sweatshop products." Ed Boyle work in solidarity with Archbishop Theodore McCarrick of the Catholic Archdioceses of Newark, New Jersey.

The 1.4 million member Archdiocese of Newark enacted an anti-sweatshop clause relation to its contracts with vendors. "We want to look at everything we buy, to make sure we're not contributing to injustice and indignity in the workplace. McCarrick started by checking out the companies that supply uniforms to the archdiocese's 60,000 students (Bole). The church officials began working with the New Jersey Department of Labor to weed out any distributors doing business with sweatshops that operate locally in the northern New Jersey. The region has about 300 garment factories that are not registered with the state and most of these are believed to be sweatshops (NJ Department of Labor). This form of solidarity was being matched by cities around the United States at this time. The New York-based National Labor Committee distributed thousands of "I Care" stickers, along with cards for shoppers to leave with store managers that included questions like "In which countries do you source production? Are human rights respected?" (Bole).

The resolution requires all procured items of apparel to be sourced from responsible vendors and manufacturers. It was passed as an emergency measure immediately necessary for the preservation of public health, safety and welfare for the people of North Olmsted. A city of 36,000 people spends \$44 million a year on items ranging from soccer ball to police and firefighter uniforms (Bole). The city is prohibited, to the extent possible, from purchasing, leasing, renting or taking on consignment goods, which were produced under sweatshop conditions. City vendors must guarantee that their manufacturers pay a just wage defined by the minimum wage mandated in the country. Employees must not be forced to work more than 48 hours a week, and must be provided a safe working environment free of physical, verbal or sexual harassment.

After the ordinance was passed, the Clerk Council notified all businesses and residents of the city. The city notifies city's suppliers of the policy and inquires about

items at competitive prices, and the timing and means of including additional items under the purchasing guidelines. In regards to enforcement, an informal process takes place between the city and South Sound Clean Clothes Campaign when problems arise.

A year after the passage of the sweat-free procurement resolution, the implementation is a challenge. In a report to the council, City council member, Curt Povala wrote on the progress the city has made in implementing the clean clothes purchasing guidelines and made suggestions of what needs to be done to ensure ethical implementation. After checking in with city staff, Debbie Krumpolson about the progress the city has made on implementation, he wrote this report to the council. She reported that this policy was not meeting its full potential, and many areas have been identified to assure success, including a request for additional city council support. The request specifically indicates that ongoing education is necessary to assure attention is paid to the policy, and that the database is routinely updated effectively. Krumpolson notes that several staff has changed since July 2004 and some staff is not aware of the database, or not knowledgeable of how to utilize city forms.

The report specifically requests that the city council look at funding an intern for one school quarter annually to “refresh” the database information, in addition to routine employee entries, help identify new sources of clean clothes, offer continuing education, and audit the system for compliance with council intent. If no funding is available, Dick Meyer of the Clean Clothes Campaign has volunteered to host an unpaid intern and coordinate work with the city.

Krumpolson has indicated the “manufacturing facilities questionnaire” is difficult for vendors to get answers to, and staff is unsure what criteria should be used to judge “clean” responses versus unacceptable responses. In the absence of clear answers from vendors or manufacturers about clean clothes assurances, city employees are continuing to make questionable purchases and vendors are not motivated to change. With the intent to show local vendors that the city is serious about this policy the recommendations urge internal communications with city manger and department heads about supporting the policy and support educational trainings of how to accurately implement it. Secondly, it suggests having the city manager communicate with all current city vendors about the policy and that employees will be asked to consult the city database for pre-approved

items. The approved list of clean clothes products needs to be given to all current vendors to encourage them to stock specific items.

The report goes on to suggest that clean clothes purchasing guidelines are not yet

and worked hard to mobilize support from other members of the Community (Sandborn). The city staff entered late in the development of the ordinance, but Terry Corrigan and Larry Berglund from the city purchasing sta

think the financial implications of this are really modest in comparison to the benefits you're going to gain" (Smith).

The policy states that the city will work with suppliers who do not fully comply with the policy to assist them to improve their workplace practices. Where the opportunity exists, the City will work collaboratively with other monitoring organizations. All City of Vancouver suppl

Chapter 4: Comparative Analysis of City Procurement

In this chapter, a synthesized analysis of all nine cities including Los Angeles will be discussed. Focusing on key points of both failure and success of policies, the necessary applications of these policies begin to become salient.

Scope of the Policies

Most municipal policies apply to city purchases of apparel, textiles and footwear. Yet, Albuquerque, Los Angeles, North Olmstead and Vancouver apply to all procured goods. There is substantial common ground in the scope of purchasing codes of conduct. Most policies require compliance with applicable site-of-production labor laws, rules, and regulations, and with the fundamental International Labor Organization (ILO) standards on freedom of association, forced labor, child labor, and discrimination. All policies also specify the treatment of workers, wages and benefits, hours of work, and health and safety as key concerns. Within this common ground, there are three significant types of policies based on, solidarity, preferential purchasing and awareness-raising approaches.

Among the nine cities, four are in the form of resolutions rather than ordinances. Resolutions were passed in Albuquerque, Bangor, North Olmstead and Olympia. A resolution is a binding decision of the council and is used for temporary or administrative matters in relation to the internal affairs of the city. Sweat-free procurement ordinances were established in five remaining cities of Boston, Los Angeles, Milwaukee, New York and Vancouver, British Columbia. An ordinance is a law enacted by a municipal body, specifically the city council in each of these cases. Ordinances are used when a city council intends to pass a regulatory measure, especially when it provides a penalty for violation, but cannot govern matters already covered by state or federal laws. A good sweat-free policy includes the possibility of imposing sanctions to encourage compliance; therefore an ordinance is a stronger legislative tool (Clason).

Solidarity Policies

Solidarity Policies aim to strengthen the position of sweatshop workers who are organizing to improve conditions by linking workers to governments and communities that can actively support their struggles. This approach assumes that sweatshop workers

will initiate campaigns in collaboration with consumer solidarity organizations, and depends on the strength of local sweat-free purchasing groups to support those campaigns. The significant features of these policies include affirmation of sweat-free labor in written code of conduct, factory disclosure, independent monitoring and

undecided whether a board to advise policy implementation and enforcement will be permanently established (Sandborn). It is crucial to look at the ways that Olympia's advisory group functions as a monitor which the city relies on, while Los Angeles's board acts additionally as a space for community voices to be heard.

Preferential Policies

Preferential purchasing policies are the second type of approach. Preferential purchasing policies make an immediate difference by providing an economic incentive for sweat-free manufacturing conditions and expanding the market for goods made by union workers or by workers paid a non-poverty wage. The significant features of these policies include union preference, local procurement and non-poverty wage.

Boston requires manufacturers supplying the city to pay a prevailing wage established by collective bargaining agreements or understandings between organized labor and employers in the apparel industry. While both union and non-union vendors can bid for contracts, this provision provides an incentive for vendors to offer union-made products that, by definition, are made by workers paid a prevailing wage.

Boston also requires apparel production to be performed in the United States if possible. In Los Angeles, competitive bids for apparel procurement are given preference for purposes of that bid where the price bid is not greater than 10 percent than the lowest price bid by an otherwise responsive and responsible bidder (LA Ordinance). Following this trend, the city of Olympia gives a local procurements to o .gives a fices ent and non7 and read i(Boston P6 4

Contractors and subcontractors shall ensure that workers are paid a non-poverty wage, meaning for domestic manufacturers, a base hourly wage adjusted annually to the amount required to produce, for 2,080 hours worked, an annual income equal to or greater than the U.S. Department of Health and Human Services most recent poverty guideline for a family of 3 plus an additional 20 percent of the wage level paid either as hourly wages or health benefits. In order to apply the non-poverty wage to production that occurs outside of the United States, the agency may establish a nationwide wage and benefit level which is comparable to the non-poverty wage for domestic manufacturers as defined above, adjusted to reflect the country's level of economic development by using a factor such as the relative national standard of living index.

In conjunction, the city of Los Angeles bases the wage on the standards of the “procurement living wage” ordinance. The premise is that a living wage is a “take home” or “net” wage, earned during a country’s legal maximum work week, but not more than 48 hours. A living wage provides for the basic needs such as housing, energy, nutrition, clothing, health care, education, potable water, childcare, transportation and savings of an average family union divided by the average number of adult wage earners.

Awareness-Raising Policies

Awareness-raising policies represent the least effective approach in terms of actually implementation and change in procedures. Some policies do no more than communicate civic displeasure with sweatshop labor to vendors, and require them to state compliance with no-sweat production standards. These policies increase awareness among business and government officials. In certain contexts, they may also lead to government investigations of working conditions and public support for sweatshop workers organizing campaigns. An example of this policy is the sweat-free memorial adopted in Albuquerque which is merely a recommendation and therefore, has no effect on law. While interviewing the city council, they were not even aware of the policy being passed, displaying the lack of implementation in awareness-raising policies. Laura Mason, the director of the Albuquerque City Council, suggests that the memorial was intended to appease a certain labor group, but lacks knowledge to identify this group. She was very helpful and interested in finding out more and found it appalling that the sweat-free advocate communities were giving credit to Albuquerque for being a model

sweat-free city. This is a very valid point, as when researching sweat-free cities, Albuquerque does come up frequently. In a similar light, the policy in North Olmstead appears to be acting as a conscious raising tool, rather than an current active resolution. As Copfer asserted in an interview with Bjorn Claeson, the resolution is not being implemented, but rather something that might have helped Ed Boyle be elected for mayor.

Cost

The cost of the legislation is another significant difference between policies. In Albuquerque there is no increased cost. While in Boston, there is an increased cost for administration and estimated increase for contracts due to the increase in wage standards. New York City's policy had an increased es

responsible for buying complete police, fire and sanitation uniforms (Howden). This technique insures more consistency in sweat-free purchasing.

Albuquerque, New York, North Olmstead and Olympia do not explicitly state the purchasing of sweat-free police and fire uniforms is mandatory. In a unique situation, the fire department in Olympia is connected in solidarity to the community and staff working to implement the resolution. This has a major impact on the effect of the policy, as the Chief of the Fire Department is actively monitoring what purchases the department is making, even though it is required by the legislation (Meyers). While Olympia is in this position, the other cities fall culprit to not giving guidelines or methods of sweat-free purchasing of police and fire uniforms. This is an extremely ineffective way of monitoring purchasing and does not give credit to the power of the legislation.

Departments of Purchasing

As there are variants in policies, there are variants in purchasing processes through cities. The more centralized a city's purchasing process, the easier it is to track purchasing compliance to the policy. In a large city like Los Angeles, procurement is overseen by the City Administrative Office (CAO), and the Department of General Services. The Los Angeles Ordinance requires one full time staff person to oversee sweat-free procurement. Similar to Los Angeles, in Bangor a clean clothes" staff person works to redesign the purchasing database and to facilitate gathering and sharing information about working conditions.

In Olympia, there is no central purchasing agent, which makes monitoring very challenging. Each department is responsible for individual procurement, so it is a major challenge to monitor all purchases. The city has given each department access to a database that suggests certified sweat-free vendors, but there is no central monitoring agency that oversees these purchases. In contrast, Milwaukee has a centralized purchasing department that oversees the purchases and contracts of the individual departments. This allows the purchasing office to track department purchases and create a universal database.

Community Solidarity

Particularly where there are cities that have not developed effective implementation strategies, the community involvement is critical to keep policy enforced. Involved community members can play an active role on a task force, educate the community about the policy, and network with solidarity sweat-free campaigns to hold government officials accountable for abiding by the sweat-free policy. Staff members in Olympia openly encouraged community support (Meyers). A large portion of the council saw eye to eye with the community advocates and did not want the resolution to just be a façade (Meyers). It seems ironic that the final policy was passed as a resolution rather than an ordinance; even though it seemed clear the city did not just want to make it a gesture of solidarity towards the anti-sweatshop movement.

In the ways that Olympia utilizes community monitoring, Milwaukee utilizes similar community support. While it is important to include community opinion, the use of community monitoring does not hold the city accountable for holding up the policy. Milwaukee relies on the community monitoring, as there is no funding or effort for the city to have an independent monitor. While this can be positive involvement, it does disable the city from functioning independently. Additionally, community members also have limited resources and time; therefore volunteers should not be responsible for upholding the city policy.

Creating Sweat-free Community Networks

Campaign for Labor Rights is working on an innovative new project to build a national network of activists who are working in their own communities to pass anti-sweatshop or clean clothes initiatives. Groups currently participating in this effort include Bangor (ME) Clean Clothes Campaign, BehindtheLabel.org, Clean Clothes Campaign of Southern Maine Campaign for Labor Rights, Inter-Religious Taskforce on Central America (Cleveland), Maquila Solidarity Network (Canada), Resource Center of the Americas (Minneapolis), New York State Labor-Religious Coalition, South Sound Clean Clothes Campaign (Olympia, WA), and Witness for Peace Great Lakes (Toledo). Many of them have already had some success with anti-sweatshop work in their schools, counties, cities, states, and more. These groups have asked CLR to help coordinate this emerging

network on a national level and to reach out to activists who are doing similar work in their communities.

Local groups working against sweatshops and child labor sometimes experience difficulty in matching the task of building strong local movements with the ebbs and flows of national campaigns. Over the past several years, United Students Against Sweatshops has built a thriving national network based on the logic of students focusing work on their own campuses. Over the past several years, a number of groups have begun local campaigns aimed at persuading public school districts; parochial schools municipalities, counties, and states; workplaces, local businesses, and congregations to adopt sweat-free/child labor free purchasing policies roughly parallel to USAS's efforts directed at universities and colleges. There is a tremendous potential for this work to become an important new arena for work within the anti-sweatshop movement. Currently, however, there exists no national network to help coordinate, promote, or serve as an information/materials clearinghouse for such efforts.

For these reasons, plus the continuing need to spread the scope and depth of the movement, several groups already involved in local initiatives have begun discussions aimed at forming a national network devoted to this type of work. The process is at a very early stage there is no grand plan and no funding other than what the participating groups can contribute in-kind. However, some initial steps have been taken.

Bangor Clean Clothes Campaign in Maine has lined up interns to help take stock of the current situation where have local initiatives been attempted. Campaign for Labor Rights plays a coordinating role. And BehindtheLabel.org has offered to host a web presence for the network. Steps have been taken to develop "how-to" materials and guides for groups wishing to undertake local initiatives (Collins).

Doing Business with Union Companies

There is a large pool of existing unionized “sweat-free” manufacturers located in the United States and Canada that produce uniforms, work clothes and related apparel items for public agencies around the country. Collectively, these manufacturers produce a

wide range of products, from basic uniform shirts and pants, to headwear, to gloves, and flame-retardant outerwear. Such manufacturers include Carhartt, Elbeco and Fechheimer/Flying Cross. These are leading brand names in the uniform and work clothes industry. If the garment does not have a union label, affirming that a unionized worker made it, it is unlikely that it has been made by a company that protects its workers. Following the lead of Boston, who emphasizes union made purchasing, all sweat-free cities could insure more ethical purchasing with union made procurement.

Chapter 5: Recommendations for Los Angeles

Through the in depth and analytical research of the eight case study cities and the city of Los Angeles, specific areas have surfaced that need major attention in order to adopt and maintain a purposeful and effective sweat-free procurement policy. The following recommendations are mainly focused on the city of Los Angeles, however, cities around the world that wish to join in solidarity of ethical purchasing can also benefit from these recommendations.

Public Disclosure of Factory Locations

The principal mechanism for enforcement is disclosure. To complete a sale, a company must certify where the goods were made, including locations of subcontractors, and that it was produced by a responsible manufacturer who complies with relevant wage, health, environmental and safety laws, not abusing or discriminating against employees and providing the non-poverty wage determined by geographic context. If a company files a false report and violates standards, it could be

findings of monitoring and third-party audits; and a summary of corrective action taken. A number of major US brands are currently providing this level of public reporting through the Fair Labor Association (FLA). While few if any of these companies are municipal suppliers, these reports provide useful examples of transparent reporting. The Worker Rights Consortium goes further, publicly disclosing full reports from factory investigations of university suppliers.

Corrective Action

If policy is effective, violations of local labor laws and/or ILO standards are likely be found. Policy must require a mandate to require suppliers to take corrective action when violations are identified and to provide verifiable evidence that the violations are being eliminated.

Database for Non-Responsible Users

Utilizing intergovernmental agency records for available information of potential non-responsible manufacturers is crucial to enforce policy. This information needs to be available for other cities as well who are potential customers of these non-responsible vendors. This database would be an extremely effective organizing tool to keep vendors and city officials informed. Such a database has the potential to connect and educate local schools, businesses and places of worship about company violations, which would further enable informed ethical purchasing throughout the City. Los Angeles has the anrgolapbleep ven aspotential to conn.l/MCID 6 >>BDCBT/TT0 1 Tb0P ials infomoTj0 rerage. <</MCID

consumers, if cities have universal information about vendor factories, their leverage as a coalition of cities is extremely influential.

Full Time City Staff Position

Regardless if purchases are made in a centralized department, or if departments individually procure items, a full time staff point person is critical to keep this policy active, affective and beneficial to the community.

Focus on Staff Education to Build Internal Capacity

The city needs to build internal capacity to apply and manage the policy by orienting purchasing staff through the city to key elements of the policy and supporting the procedures. Policy requirements need to be identified and communicated to appropriate staff. On-site training sessions with key purchasing and inventory staff is critical to build understandings of the scope, implementation and the enforcement of the policy.

Codes, Campaigns, and the Right to Know

While government has been slow to act on, if not resistant to, demands for strengthened citizen and consumer access to information legislation, non-governmental initiatives concerning corporate disclosure and the public's right to know need to move forward. Independent monitoring and certification systems could potentially offer consumers increased access to information on apparel manufacturing and labor practices. However, a major issue of contention in negotiations for multi-company and industry-wide codes of conduct has been the degree of public access to information on the suppliers and contractors and to information contained in monitoring and certification reports. Apparel companies have tended to favor monitoring systems in which they maintain control of information, a model in which "professional" private sector certification firms have primary responsibility for monitoring, rather than NGOs, human rights, religious, or labor organizations, and in which monitors are hired by and directly accountable to the company, rather than to a third-party institution that includes labor and NGO representation.

Form a Community Advisory Board

A working group comprised of representative

use this opportunity as a community outreach technique to promot

Chapter 6: Conclusions

In keeping with this sweat-free discipline, there is huge potential for creating sweat-free markets. As suggested by Larry Weiss of SweatFree Communities, “When we create a market for those suppliers who want to do it right, vendors find out they have to improve conditions or they’re going to get cut out of future contracts. It starts moving pieces of the industry into good-guy roles” (Seely). Cities have the leverage and purchasing power to create major influence on sweat-free markets. Sweat-free procurement legislation is a pivotal solution in gaining this leverage, but must to diligently enforced and implemented in order to be effective. As Bjorn Claeson suggests, “On paper it should work, but all of this is still experimental so it still depends on staff doing what they're supposed to do, and advocates being persistent and supportive and vigilant” (Claeson).

As shown by the research, the factors that contribute to the most effective sweat-free policy depend on a stringent, detailed scope, an active city staff with good relations and community involvement, and a full time staff member to maintain the procurement process. Contracting with an independent monitor to conduct on-site factory assessments is by far the most crucial element to enforcement. Approximately 85% of the City’s apparel and related accessories are contracted outside of Los Angeles County, including some international vendors. Therefore, it is only practical to contract with an independent monitor that had the capacities and experience to conduct on-site assessments at target factories.

Depending on population of the city, community involvement, the structure of the procurement departments and city staff support, each city is going to have different experience in creating and sustaining sweat-free legislation. It is important to be cognizant that the global capitalist economy sends the highest rewards to the highest bidding consumer and the lowest bidding producer. Sweat-free cities ordinances are a new approach to combating sweatshops, which have the potential to begin the process of challenging aspects of the global economy (Dreiling).

History has shown that the most effective weapon against the sweatshop is in the organized strength of workers. But corporate-led globalization poses a problem for the continued feasibility of this approach. At least in the short term, workers in the

exploitative oriented export production zones of the global South face extremely tough obstacles to sustaining independent worker organization, much less successful tactics such as strikes. The proliferation of outsourcing of production has crippled workers abilities to demand higher wages and better working conditions at the point of production. However, new opportunities have formed to challenge these arrangements.

While the power and leverage at the point of production has diminished on the factory floor, new opportunities to challenge sweatshops have emerged at the point of consumption. Allies at the point of consumption are fundamental fixtures for the advancement of global workers rights and organizations. Los Angeles stands as the next model city, for many cities to replicate in support of sweat-free procurement. Cities across the nation are consumers and as a coalition have the power to stand against the use

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All bidders, manufacturers, contractors, and subcontractors involved in the production of a garment specified in a bid must keep accurate records of each employee showing names, address, occupation, hours worked, and wages paid. Upon request successful bidders must furnish a copy of these records.

Enforcement Process:

Works in solidarity with UNITE to identify production sites in-state.

Los Angeles, California

Legislation: Passed on November 10, 2004 as an ordinance

Scope: Covers all manufacturing materials, supplies including apparel and accessories, along with equipment and laundry services. This is applicable to all contracts over \$25,000 and over three months of procurement or rental equipment.

Standards: The language of this ordinance falls under the guidelines of all applicable Los Angeles laws including wage, health, labor, environmental and safety laws relating to discrimination in hiring, promotion and compensation. Human and labor rights imposed by treaty on country of assembly, including those relating to child labor, slave labor, forced labor, or sweatshop labor. The non-poverty wage is also applied to apparel and footwear manufacturing as well as laundry services.

Implementation Tools:

Upon submitting a bid to the city for their services, the contractor must sign and Contractor Code of Conduct.

Contractors and subcontractors found in violation of this Ordinance will be subject to ramifications, starting with providing access to independent human rights monitors and training to bring the workplace into compliance.

There is public disclosure of manufacturing sites.

An advisory board including city, advocacy groups and labor representatives oversee this process as a working group.

Enforcement Process:

Full time city enforcement officer in the City Administration Office (CAO)

Independent monitoring agency. Commitment to develop networks with advocacy groups, labor organizations, and public agencies.

Commitment to explore development of the consortium of public entities to share monitoring and enforcement by independent monitors.

Creation of a database for potentially non-responsive manufacturers.

Community Groups: No More Sweatshops! and Garment Worker Center

Milwaukee, Wisconsin

Legislation: Passed in April 2003 as an ordinance

Scope: Manufacturing, rental and laundering of apparel of contracts in excess of \$5,000.

Standards: Non-poverty wages along with applicable local and international labor laws regarding wages and benefits, workplace health and safety, forced and child labor,

Contractor's sworn disclosure of names and addresses of manufacturing and laundering facilities. Names and addresses of the owners of the above facilities, as well as wages of workers are disclosed.

Contractor's sworn statement must also include that facilities meet or exceed sweat-free standards.

Enforcement Process:

Procurement division is responsible for monitoring contract compliance, receiving and investigating complaints, and imposing sanctions such as withholding payments, terminating or suspending contracts, or debarment of contracts.

Informally, the local campaign monitors contracts, brings allegations of violations to attention of City.

Community Group: Milwaukee Clean Clothes Campaign: Mike Howden

New York, New York

Legislation: Passed March 14, 2001 as an ordinance, then vetoed by the state

Scope: Apparel, textiles and footwear with any contract in excess of \$2,500.

Standards: Three main provisions somewhat similar to provisions outlined for colleges in the WRC.

Ensure no tax dollars to corporate criminals, or apparel companies that have violated labor and safety laws.

No public money may go to producers that pay below the poverty line for a family of four.

Companies must have no hidden factories and disclose the location of each of their and their subcontractors and suppliers factories.

Implementation Tools: Inactive

Enforcement Process: Inactive

Community Group: New York State Labor-Religion Coalition

North Olmsted, Ohio

Legislation:

Olympia, Washington

Legislation: Passed March 2004 as a resolution

Scope: Phase I: T-shirts, sweatshirts and baseball caps.

Phase II: Additional items of clothing and footwear.

Standards: ILO Convention of Rights of the Child, UN Declaration on Gender Equity, and UN General Assembly Universal Declaration of Human Rights

Implementation Tools:

The city purchases from a list of manufacturers proven to be free of sweatshop working conditions.

Upon bidding, disclosure of names and addresses of every supply factory is also required.

Independent purchases like those in the Fire Department or Policy Department investigated by fire department.

Enforcement Process:

Informal process takes place between the city and South Sound Clean Clothes Campaign when problems arise.

Community Group: South Clothes Campaign: Dick Meyers

Vancouver, Canada

Legislation: Passed December 17th, 2004,

Scope: The EPP applies to the City's procurement of apparel items and fair trade agricultural products, including coffee. Phase I of a new Sustainable and Ethical Purchasing Policy (EPP) and Supplier Code of Conduct (SCC) was approved.

Standards: The EPP and the SCC work in collaboration with one another. The SCC sets the minimum performance standards for the EPP. The goal of the SCC is to ensure safe and healthy workplace standards upheld in accordance with the conventions of the ILO.

Implementation Tools:

Relies on a combination of approved external independent certifications, supplier disclosures and certifications, and public disclosure of information factory and production facilities.

City will work with suppliers who do not fully comply with the policy to assist them to improve their workplace practices.

Where the opportunity exists, the City will work collaboratively with other monitoring organizations.

Requires that suppliers provide details on factory and production facility locations of suppliers and subcontractors

Enforcement Policy:

Vendor factories information publicly available in the form of annual reports and website postings.

The Manger of Materials Management will respond and investigate credible complaints with respect to violations of the SCC.

Appendix B:
Survey

March 1st, 2005

I am a research associate at the Urban and Environment Policy Institute at Occidental

If yes, are community members on the board?

Yes___ No___

Is there a database of ethical vendors?

Yes___ No___

Is there a database for irresponsible vendors?

Yes___ No___

What items are covered in the legislation?

- a.) Apparel
- b.) Office Supplies
- c.) Sports Gear
- d.) Other

Are the fire department and police department purchases of uniforms and gear included in the legislation?

Yes___ No___

Which compliance mechanism are used to hold fire and police department accountable for their purchases?

- a.) mandatory receipt return
- b.) city suggested ethical vendors
- c.) other
- d.) none

What is the approximate percentage of items covered in the legislation are purchased locally?

- a.) > 20%
- b.) 20% - 50%
- c.) < 50%
- d.) don't know

Who purchases apparel within the city?

- a.) fire
- b.) police
- c.) sanitation
- d.) other: _____

What is the city annual budget of apparel purchases?

- a.) < \$500,000
- b.) \$500,000 - \$1,000,000
- c.) > \$1,000,000
- d.) don't know

How where you notified about this legislation?

Yes___

No___