

THE BUILDING TRADESMAN

Official Publication of the Michigan Building and Construction Trades Council



VOL. 73, NO. 24

Since 1952 • Serving the highly skilled men and women in Michigan's building trades unions 65 Cents

November 29, 2024

SHORT CUTS



New apprentice ratio for plumbers likely

LANSING – The Michigan House on Nov. 13 adopted Senate Bill 740, which would limit the ratio of apprentice plumbers to 2-1 who could work with one journey plumber or one master plumber.

Introduced by state Sen. Darrin Camilleri (D-Trenton), the bill would impose a fine of \$5,000 for first-time violations, a \$10,000 fine for the second, and a 90-day suspension for the third offense. After 90 days, according to the legislation, the plumbing contractor may have the license reinstated if the contractor passes the state's plumbing contractor examination.

The legislation was adopted by a 56-53 vote along party lines, with all Democrats in support. It now goes back to the state Senate for final approval.

There is no current limit to how many apprentices a single plumber can train simultaneously. The House Fiscal Agency's Legislative Analysis said "some believe that, as a result, some plumbing contractors are placing too many apprentices at a job site without proper supervision, which prevents the apprentices from receiving the necessary training and on-site experience to prepare them to fulfill their job duties safely and correctly." All of Michigan's pipe trades union locals expressed support for the new ratio.

Opposition came from the Associated Builders and Contractors and other business groups, who have complained about the additional costs they anticipate that will be associated with the new ratio.

Similar legislation limiting electrical apprentice-to-journeyman ratios awaits action in the Legislature in December.

ABC hails 'exciting day' with Trump win

The anti-union Associated Builders and Contractors issued the following statement in response to President-elect Donald Trump's win in the presidential election, and what the group called "the election of a merit shop (Republican) majority in the U.S. Senate."

"This is an exciting day for our industry," said ABC President and CEO Michael Bellaman. "ABC is optimistic about the future of America's construction industry and the opportunities to advance policies that protect free enterprise, reduce regulatory burdens and expand workforce development. With leaders and lawmakers committed to promoting economic growth and supporting the principles of fair and open competition, we are confident that the construction industry will thrive and all workers will be given the opportunity to build America with fewer obstacles."

"ABC looks forward to working with the Trump administration and Congress to advance policies that solve the issues that the construction industry faces, including the skilled labor shortage of more than half a million, widespread regulatory burdens and inflation and tax challenges," said Bellaman. "We also welcome the opportunity to work with a president who is willing to welcome all of the U.S. construction industry to rebuild America."

Quotable

"Showing gratitude is one of the simplest yet most powerful things humans can do for each other."

—Randy Pausch (1960-2008)



SETTING BOX TRIM on a fourth floor window at the Residences @ 150 Bagley project in Detroit is Evan Boyajian of Glaziers and Glassworkers Local 357. He's employed by Universal Glass.

Residential conversion continues at historic 150 Bagley tower

By Marty Mulcahy
Editor

DETROIT – Floor by floor, the transformation of the former 18-story United Artists office building into space for 148 apartments is currently in various stages of construction, but it's moving along toward completion next year.

Opened in 1928, and empty since 1974, the United Artists building was once home to business offices – furriers, tailors, beauty salons, travel agents – with the last tenant being AAA-Michigan. It has been the last significant tower in downtown Detroit to be renovated after developer Dan Gilbert funded a spree of renovations to derelict buildings over the past two decades.

The \$75 million "Residences @ 150 Bagley" project took a different path to renovation, with work undertaken by the Detroit-based, African American-led Bagley Development Group. "It's a beautiful old building, and transforming old buildings isn't easy," said Bagley Development Group managing partner Emmett Moten. "It's been a struggle, but

(Continued on Page 13)



COMPLETED IN 1928, the former United Artists Building in Detroit was originally an office building. Today it's being converted into 148 apartments, the "Residences @ 150 Bagley." Abandoned in 1974 along with the demolished United Artists Theater that was in the rear of the building, the tower has now been empty longer than it was in use – but thankfully it remained in good condition structurally for redevelopment.



WE ASKED Marty Neasz of Elevator Constructors Local 36 to step out of the dim elevator cab he was operating to serve tradespeople in the Residences @ 150 Bagley tower, and have his photo taken in the light of the building's fifth floor elevator lobby. He's employed by Metro Elevator.

Michigan's construction employment returns to a happy place

Construction employment in Michigan took a breather in September, dropping a bit for the first time all year. Not to worry, the latest numbers have it back in the plus column.

Michigan's construction industry gained 400 jobs in October – a turnaround from the 1,600 jobs lost in September, which has been the only month this year the

state has lost jobs. All told, over the previous 12 months, hot-spot Michigan has gained 14,600 construction jobs, a 7.7 percent gain that ranks fourth among the states during that period. Only nine states lost construction jobs from October 2023 to October 2024, the fewest states in that category over the past 12 months.

"Year-over-year job growth

has become more widespread in construction despite slowing down in other sectors," said Ken Simonson, chief economist for the Associated General Contractors, when the numbers were released Nov. 19. "Still more states would have posted gains in construction employment if there were enough qualified workers available to hire."

(Continued on Page 2)

Wall completion wraps up '24 work for new Soo lock

SAULT STE. MARIE – The New Lock at the Soo project reached a milestone this fall, with the substantial completion of Phase 2 and the site's upstream approach walls.

"Phase 2 work focused on rehabilitating the upstream approach walls to guide vessels into the new lock and will allow the vessels to moor on the wall," said New Lock at the Soo Project Engineer Ryan Berkompas. "The old approach walls in the northern

channel were the same age as the Sabin and Davis Locks, over 100 years old."

The U.S. Army Corps of Engineers, Detroit District, awarded the \$117 million contract four years ago to Kokosing-Alberici, of Westerville, Ohio.

"Minor electrical work was scheduled at the site in October, with completion of the contract expected by the end of November. A total of 52 coffer cells have been constructed, filled and capped with concrete to make

(Continued on Page 2)



CONSTRUCTION OF MASSIVE new upstream concrete approach walls at the Soo Locks was the main task on this year's agenda for the U.S. Army Corps of Engineers, and it was mission accomplished. Phase 2 work focused on rehabilitating the upstream approach walls, in the center of the photo, to guide vessels into the new Soo lock and allow vessels to moor on the wall.

Photo credit: U.S. Army Corps of Engineers

Captive audience meetings outlawed, for now, by NLRB

By Mark Gruenberg
PAI Staff Writer

WASHINGTON, D.C. (PAI)

–The National Labor Relations Board majority has ruled a key tactic which bosses and their union-busters use against union organizing drives – captive audience meetings – is illegal and unconstitutional.

The board's Nov. 13 ruling follows the lead of nine states, which now ban bosses from disciplining or firing workers who refuse to attend captive audience meetings.

The AFL-CIO cheered the 3-1 ruling, authored by NLRB Chair Lauren McFadden. It helps to balance the scales for workers in organizing drives.

"The NLRB again demonstrated its commitment to working people with the decision to ban captive audience meetings, which bosses regularly use to gain an unfair advantage before union elections," AFL-CIO President

Precedent-setting ruling benefits union organizers, frees workers from 'domination'

Liz Shuler said. "As part of well-funded and aggressive anti-union campaigns – regularly involving threats of discipline, site closure, wage and job cuts, and threatening immigrant workers with deportation – employers force employees to listen to anti-union speeches, often multiple times, preventing employees from asking questions or even politely leaving the meeting."

"These coercive meetings are well-known union-busting tools, and the practice has no place in America's workplaces or in our democracy. Thanks to the NLRB, that ends today."

(Continued on Page 3)

Judge blocks Biden's overtime expansion rule

By Marty Mulcahy
Editor

A federal judge in Texas on Nov. 15 blocked one of President Biden's most significant pro-worker rules before it could take effect: the expansion of overtime benefit eligibility for 4 million lower-paid, salaried workers.

The expanded overtime eligibility rule was due to take effect Jan. 1. Instead, the filers of business-backed lawsuits went judge-shopping to overturn the rule, and got the ruling they were seeking in the court of conservative, Trump-appointed U.S. District Judge Sean Jordan. Jordan wrote in his ruling that Biden's Department of Labor "exceeded the authority delegated by Congress" in issuing the rule in July.

Instead, Jordan wrote, the rules should be based on workers' job duties rather than their salary.

The Labor Department did not immediately comment on the ruling. In April, when the rule was announced, acting Secretary of Labor Julie Su said "too often, lower-paid salaried workers are doing the same job as their hourly counterparts but are spending more time away from their families for no additional pay. That is unacceptable."

Under the federal law, nearly all hourly workers in the U.S. are entitled to overtime pay after 40 hours a week. But many salaried workers are exempt from that requirement – unless they earn below a certain level – and that level has bounced around quite a bit in recent years.

Biden's proposal would have made for a significant expansion of overtime. For decades only salaried workers who earned less

(Continued on Page 3)

To unify the working class, put workers first

By Jimmy Williams Jr.
General President,
International Union of
Painters and Allied Trades

Union leaders have a duty to tell members the truth about politics and how they affect our union. As the president of the International Union of Painters and Allied Trades, I did: I spent all of October and the first few days

Viewpoint

of November traveling through Pennsylvania, Ohio, Michigan, and Wisconsin to get out the vote for Vice President Kamala Harris.

I visited worksites and union meetings – and I knocked on doors and made phone calls – to meet thousands of members, connect with them about the issues that matter to them and their families, and learn their thoughts about the presidential election.

What I found did not surprise me. Our members are concerned about inflation and how much things cost; they're worried about making ends meet. They are no different than the rest of the voting public – I met some staunch Kamala supporters, some die-hard Trump

(Continued on Page 13)

Viewpoints



Awake, working class

Friends,
 Trump is saying the election gave him a “very big mandate.” Rubbish. It wasn’t a mandate at all. It wasn’t even a “red shift” to Trump and the Republicans. It was a blue abandonment.
 We now know that 9 million fewer votes were cast nationwide in 2024 than in 2020. Trump got about a million more votes than he did in 2020 (700,000 of them in the seven battleground states). That’s no big deal.
 The bigger news is that Harris got 10 million fewer votes than Biden did in 2020 (400,000 fewer in the battleground states). Harris campaigned hard in the battlegrounds, so her erosion from Biden’s vote there wasn’t nearly as much, proportionately, as it was everywhere else across the country. The biggest takeaway is that Biden’s 9 million votes disappeared. Why?

It couldn’t have been because of virulent racism – because we elected a Black man, twice. It couldn’t have been misogyny, since Hillary Clinton got 3 million more votes than Trump in 2016, and Clinton’s actions and statements probably triggered more misogyny in 2016 than did Harris’s in 2024.

There’s no evidence of illegal vote tampering or of voter suppression nearly on this scale. In fact, it was easier to cast a ballot this year than in 2020. So what happened to the 9 million?

We can’t know for sure but it seems most likely that those 9 million potential voters – mostly working class – said to themselves, “I won’t vote for Trump because he’s an asshole. But I won’t vote for the Democrats either, because they don’t give a damn about me.”

The task for the Democrats is what it should have been all along: remaking the party into the party of the bottom 90 percent – the party of people who don’t live off stocks and bonds, of people who are not CEOs or billionaires like Mark Cuban, the party that rejects Elon Musk and the entire American oligarchy.
 Instead, the Democratic Party must be the party of average working people whose wages have gone nowhere and whose jobs are less secure. Blue-collar private-sector workers earned more on average in 1972, after adjusting for inflation, than they are earning now in 2024. This means today’s blue-collar workers are on average earning less in real dollars than their grandparents earned 52 years ago. Yet the American economy is far larger than it was 52 years ago.

Where did the additional money go? To the top. So what’s the Democrats’ task? To restructure the economy toward more widely shared prosperity. This isn’t a blue-state versus red-state phenomenon. It’s a class phenomenon.

In Missouri, one of the reddest of the red, voters passed an amendment to raise the minimum wage to \$15 an hour by a wide margin, even as they overwhelmingly rejected Harris. It looks like they did the same in Alaska.

In ruby-red Nebraska, roughly 75 percent of voters backed a measure to institute paid sick leave, although they rejected Harris. (Nebraskans also came close to unseating their incumbent senator in favor of Dan Osborn, a union activist who ran as an independent and railed against corporate overlords.)

Americans across the board want a fairer economy. Trump Republicans won’t deliver one. Instead, Trump and his allies are readying more tax cuts for big corporations and the wealthy and regulatory rollbacks. They’re preparing to hand the country over to billionaires.

Democrats! This is your opportunity! Take it!

Robert Reich
 Professor of Public Policy
 University of California, Berkeley

New Soo lock work wraps up for 2024

(Continued from Page 1)

up the eastern portion of the approach walls. A combined 4,800 linear feet of walls were rehabilitated and 62,000 cubic yards of concrete were used.

The New Lock at the Soo project is being built in three phases. Phase 1 (Upstream Channel Deepening) was completed in 2022 and Phase 2 (Upstream Approach Walls) is substantially complete.

“Phase 3 construction began in late 2022 and given efficient funding and favorable weather is on track to be complete by 2030,” New Lock at the Soo Senior Project Manager Mollie Mahoney said. “The New Lock at the Soo will be constructed in the footprint of the Sabin Lock and will be the same size as the Poe Lock (1,200 feet long, 110 feet wide, 32 feet deep).”

The Phase 3 contractor is demolishing the existing Sabin Lock chamber and beginning bedrock excavation in the footprint of the Sabin Lock. In the Davis Lock they are excavating for a new pump well and filling the Davis Lock with excavated material. The contractor is also constructing a new bridge to a new power plant and a new utility access structure.

The Soo Locks allow vessels to transit the 21-foot elevation change at the St. Marys Falls Canal. Over 88 percent of commodity tonnage through the Soo Locks is restricted by vessel size to the Poe Lock, which opened in 1968. The New Lock at the Soo



THE NEW LOCK at the Soo is nearly a decade-long project that will eliminate the existing Sabin and Davis locks, replacing them with a lock that will twin the size of the Poe Lock.

Photo credit: U.S. Army Corps of Engineers

project will construct a second Poe-sized lock, allowing for warm-weather maintenance and a backup lock in case of mechanical problems or sabotage.

With the passage of bulk goods grain, stone, cement and iron ore on freighters traversing the Great Lakes, a 2015 Department of Homeland Security study

estimates a six-month Poe Lock closure would temporarily reduce the U.S. gross domestic product by \$1.1 trillion, resulting in the loss of 11 million jobs.

Happy place for construction employment

(Continued from Page 1)

New York lost the most construction jobs during the past 12 months (-9,200 jobs, -2.4 percent), while the biggest jobs gain came in Texas, +38,800 jobs

(+4.7 percent).

“Our members can’t help develop the economy if they don’t have enough people to complete infrastructure and development projects,” said Jeffrey D. Shoaf,

the AGC’s chief executive officer. “Encouraging and preparing a new generation of construction workers will help workers and support economic development.”
 Meanwhile, the Dodge Construction Network’s “Momentum Index,” which measures the value of nonresidential building projects going into planning, dropped 5.3 percent from September to October, the group announced Nov. 7. Still, the index was 13 percent higher than in October of 2023.

Sarah Martin, associate director of forecasting at Dodge Construction Network, called it a “moderate pullback” and “regardless, owners and developers remain confident in next year’s market conditions, and the planning queue remains poised to spur stronger construction activity in 2025, following deeper rate cuts by the Fed.”

“It’s very strange when the life you never had flashes before your eyes.”
 –Terri Minsky

Lilly fought injustice, and won for everybody

By Jim Hightower

Forget the cartoonish “Great Man” version of American history, nearly all social progress in our country has been spurred by unheralded “nobodies” who felt a sting of injustice – and resolved to right the wrong.

Lilly Ledbetter, who recently died at 86, was one such trailblazing rebel, and it’s worth remembering her gutsy stand for “paycheck fairness.” After 20 years as a supervisor at Goodyear

Tire in Gadsden, Ala., Ledbetter was stunned in 1998 to learn that she had routinely been paid about 40 percent less than men doing the same job – robbing her of some \$200,000. She promptly sued Goodyear for back pay... and won. Justice!

But Goodyear unleashed a pack of lawyers to drag Lilly through spirit-sucking years of legal appeals, including to the Supreme Court. There, Sam Alito, the far-right judicial extremist absurdly decreed that she should have filed her claim of sex discrimination when it first started 20 years ago.

Never mind that she had no way of knowing back then that she was being gouged, Alito is not one to let reality interfere with

his political agenda. So, she lost.

But sometimes you win by losing. Stung by the injustice, Ledbetter became a modern day Mother Jones, launching a fiery national campaign for workplace fairness. Backed by women’s groups and labor, her tenacious organizing finally compelled Washington to enact the 2009 “Lilly Ledbetter Fair Pay Act,” eliminating the sex discrimination loophole exploited by the likes of Alito and Goodyear.

Ledbetter never got a penny of the money the system cheated her out of, but with the passage of this law, she rightly said: “I have an even richer reward.” Yes... and so does America.

Via *otherwords.org*



ALL BUILDING TRADESMEN

Notice of Asbestos Health Hazards in Michigan

BRICKLAYERS BOILERMAKERS ELECTRICIANS INSULATORS PIPE FITTERS
 PLUMBERS SHEET METAL WORKERS

- ◆ Mesothelioma
- ◆ Lung Cancer
- ◆ Asbestosis
- ◆ Pulmonary Fibrosis
- ◆ Throat Cancer
- ◆ Colon Cancer

As pioneers in asbestos litigation, GPW has filed asbestos lawsuits since 1984, defending the rights of hardworking men and women throughout Michigan, Pennsylvania, Ohio, and West Virginia.

Exposure to asbestos can cause deadly diseases such as MESOTHELIOMA, LUNG CANCER, ABESTOSIS, PULMONARY FIBROSIS, THROAT CANCER, and COLON CANCER.

Many building tradesmen worked with or near asbestos. Some are not aware they were even exposed. Family members may be at risk of bystander exposure.

\$1.8 MILLION VERDICT

GPW obtained a **\$1.8 million** verdict in a Lung Cancer claim, the **largest Asbestos Verdict in the history of Michigan Asbestos Litigation.**

For more than 30 years, GPW has helped thousands of Michigan workers. We have represented mesothelioma, lung cancer, and asbestos disease victims, obtaining over \$1 billion in compensation for our clients.

CONTACT GPW TODAY TO RECEIVE YOUR FREE COPY OF 100 QUESTIONS & ANSWERS ABOUT MESOTHELIOMA!

For nearly 20 years GPW has offered this FREE resource and guide to mesothelioma victims. Call 800-799-2234 or visit www.gpwlaw-mi.com to request a FREE copy today!



Contact us today:

800-799-2234

www.gpwlaw-mi.com

Please don't delay, protect yourself and your family before it's too late. You may be entitled to claim money damages from the responsible members of the asbestos industry. Call for a FREE consultation.



THIS GROUP OF LABORERS gathered for a photo on the east side of the Residences @ 150 Bagley project in Detroit. They include (l-r) Carey Hammons (Local 1191), Maurice Smith (Local 1076) and Julian Gerald (Local 1191). They're employed by L.S. Brinker.

150 Bagley renovation

(Continued from Page 1) it will happen, and it's going to be nice for the city."

Ground broke on the project in March 2022, but progress has been slowed by several factors. About 45 tradespeople are currently working on the project, which is funded by a diverse group of lenders, including the AFL-CIO Housing Investment Trust, whose involvement assured the hiring of 100 percent union labor on the project. The work is being managed by Brinker-Christman Joint Venture,

"It's a great historic building, and it's cool seeing everything come together," said Project Supt. Kyle Price of L.S. Brinker, who said the project is now headed for a "late spring" completion. "The idea is to preserve as much of the original building as possible."

Fortunately, the floor plates of the 200,000-square-foot United Artists office tower lent themselves to relatively easy renovation into residential space – and that's not always the case. The development team has created space for 148 one- and two-bedroom apartments in the building, with 20 percent of them designated as affordable housing.

"The human tendency to regard little things as important has produced very many great things."

– Georg Christoph Lichtenberg (1742 - 1799)



SETTING UP THE APPLICATION of insulating spray foam on 18th-floor walls of the 150 Bagley project is Eric Soave of Heat and Frost Insulators Local 25. He's employed by Stony Creek Services.

The building will feature smart-home technology in every apartment, with high-capacity streaming services, controlled access, first-floor retail, and a 24-hour virtual concierge service. The tower is on the western edge of downtown Detroit, offering nice views in all directions.

While there was a significant amount of loose exterior brick on the southwest side of 150 Bagley, structural elements of the tower were in good condition, despite

the building not having any tenants for a half-century.

The attached theater, however, was another story. The United Artists Theater opened at the same time as the office tower, but the elements and neglect ruined the 2,070-seat theater beyond the point it could be renovated. The theater also closed in 1974. The former footprint of the demolished theater on the northwest side of the site will include green space, as well as some loading and parking areas.



WIRING AN ELECTRICAL box in a 14th floor apartment at the 150 Bagley project in Detroit is Frank Licavoli of IBEW Local 58. He's employed by Edgewood Electric.

To unify the working class, put workers first

(Continued from Page 1) supporters, members who were on the fence, and some who said they probably wouldn't vote at all.

It is not always easy to have these conversations with our members. We don't feel the same about every issue, and it can be awkward to disagree. But it's my job to lead our union and engage our members on all of the issues that matter to working people. Part of that responsibility is supporting politicians and candidates who support the working class, and making sure our members understand that process and are involved in those decisions.

Not good enough any more. I am not a Democrat – I'm a fourth-generation union member, and that's how I vote. I've long been open about my dissatisfaction with the Democratic Party. That's because the Democratic Party has failed to prioritize a strong, working-class message addressing issues that really matter to workers. The Democrats did not make a positive case for why workers should vote for them, only that they were not Trump.

That's not good enough anymore! Rather than offer a positive agenda on what immigrant workers bring to our country, they bought into the punitive, "tough," anti-worker messaging that is championed by Trump, even though we know it's the bosses' fault.

They claim to be the party of the working class, but for the past few decades, they've made choices that don't reflect their commitment to my class: passing

the North American Free Trade Agreement, moving away from us and to college-educated suburban voters, and not making any progress on labor law reforms, like the Employee Free Choice Act and the Protecting the Right to Organize Act.

I've gotten pushback for talking about this stuff publicly because pundits and politicians take unions' support for Democrats for granted, but my most important job as a union leader is to be honest with members and organize to deliver economic justice, no matter who is running for office or who is in the White House.

A failure to communicate. I want to be clear that Joe Biden was the most pro-union President of my lifetime, and delivered huge gains for working people across the country, including the union trades. The CHIPS and Science Act and the Bipartisan Infrastructure Law improved our economy and put so many construction workers to work. But the previous Democratic administrations' lack of commitment to the issues that matter to us are hard for members to forget.

Adding to that, the Biden administration and Harris campaign both failed to convey the importance of these wins for workers. Donald Trump is a union-buster and a scab, and does not have workers' interests in mind – Project 2025 and a Republican trifecta will be disastrous for union members and for all working people. But Trump is a talented communicator who

speaks to the discontent and fear that many working people are feeling.

The Democrats failed to address inflation, saying that it wasn't a big issue or that the pain that working people feel right now isn't real. So while we were able to get many of our members out to vote for Harris, others went to Trump or sat it out entirely.

Of course, racism and sexism play a role in this as well, and we need to continue challenging our members (and the rest of our country) on these issues. But Vice President Harris' loss this election was too large for us not to take a cold, hard look at the Democratic Party's failures and where we go from here.

Most union members voted Harris. As the elected leader of 140,000 painters, glaziers, and other skilled tradespeople, I will always work to make sure our members vote their union values first. And that's what they did this election—union members, including members of the IUPAT, showed up for Vice President Harris. Exit polls are pointing to a nearly 20 percent increase in union turnout for Harris in 2024 over Biden in 2020.

But we can't carry the entire election for the Democratic Party. There's simply not a large enough labor movement to do it.

The message that the majority of voters gave is that it's up to the Democrats to change course if they want to be the party of the working class. Let's hope they listen.

(From LaborNotes)

ZAMLER, SHIFFMAN & KARFIS, P.C.

Representing the men and women of the building trades who have been exposed to ASBESTOS

PROUDLY SERVING THOSE WHO SUFFER WITH:

Mesothelioma | Lung and Other Cancers

FROM PAST WORK IN:

Refineries | Manufacturing Plants | Chemical Plants | Steel Mills

YOU MAY BE ENTITLED TO MONEY DAMAGES:

Boilermakers | Pipefitters | Plumbers | Laborers | Electricians
Carpenters | Bricklayers | Other Trades

GREAT LAKES STEEL | DETROIT EDISON | FORD MOTOR COMPANY | MCLOUTH | DOW

FACT:

Asbestos cancers and diseases can occur 20–60 years after a person first breathes asbestos dust.

FREE CALL | FREE ADVICE

Call 1-800-LAWYERS (1-800-529-9377)

OVER 50 YEARS OF LEGAL EXPERIENCE SINCE 1969

PERSONAL INJURY | SOCIAL SECURITY DISABILITY | WORKERS' COMPENSATION



BINGHAM FARMS

Bingham Building 5, 30150 Telegraph Rd., Suite 100, Bingham Farms, MI 48025 | WWW.ZSKPC.COM



Outdoors



50 years of protecting wildlife

By Casey Warner
Michigan DNR

What if bald eagles or Kirtland's warblers or lake sturgeon no longer existed?

Fifty years ago, this hypothetical question could have become a reality. Populations of these iconic wildlife species – and many others – were dwindling and in danger of disappearing.

In the mid-1900s, with unregulated overharvest of species like the passenger pigeon, which went extinct earlier that century, and the effects of the pesticide DDT decimating other species like bald eagles and peregrine falcons, concern for the future of wildlife was growing in Michigan and around the county.

Conservation efforts grew from this concern, and a need to protect wildlife species emerged. In 1973, Congress enacted the Endangered Species Act, which provided protection to important and non-game species – those that aren't hunted for sport, fur or food – like the Kirtland's warbler, which was known to rely on Michigan's jack pine for breeding habitat.

On Sept. 1, 1974, Michigan enacted its own endangered species law, Part 365, Endangered Species Protection, as it is called today.

The primary difference between the federal and state laws is their geographic scale. For instance, a plant or animal rare in Michigan may be common elsewhere in the United States, so it could be on the state list of threatened and endangered species but not the federal list. Part 365 was enacted to help protect plants and animals listed as federally endangered and to develop programs to protect and conserve Michigan's rare species. It provides protections for plants and animals by prohibiting take of species listed as threatened or endangered.

To take fish or wildlife means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct." To take a plant means "to collect, pick, cut, dig



A KIRTLAND'S WARBLER is shown in its Michigan jack-pine habitat. The species is one of the state's biggest recovery success stories.

up, or destroy in any manner."

The state law protects listed species wherever they are found in Michigan, on both public and private lands, to help conserve the diversity of plants and animals across the state. It also allows for conservation, protection, restoration and propagation of endangered and threatened species of fish, wildlife and plants in cooperation with the federal government and for the establishment of programs and acquisition of land or aquatic habitat for managing endangered or threatened species.

Threatened species are those in danger of becoming endangered. Endangered species are those in danger of extinction or extirpation, or disappearance from a specific region like Michigan.

"The law is really about keeping the cool plants and animals that are native to our state here – because it is what makes Michigan unique," said Amy Derosier, Planning and Adaptation Section supervisor for the Michigan Department of Natural Resources Wildlife Division.

The Kirtland's warbler was one of the first species to be

recognized as being so rare and dependent on Michigan habitats for its survival that conservation efforts for this bird started in the 1950s, years before Michigan's threatened and endangered species law. The songbird was listed as endangered on Michigan's first list and was among the first species to be listed under the federal Endangered Species Act.

Due to significant habitat management efforts and decades-long collaborations, Kirtland's warbler was federally delisted in 2019. As a conservation-reliant species, it remains on the state list as threatened, but was moved down from endangered in 2023.

Other notable species on the first list included peregrine falcon, lake sturgeon, marbled and small-mouth salamander, Indiana bat and several freshwater mussel species.

There were 78 plants and animals on Michigan's first threatened and endangered species list.

Today, there are 407 listed plant and animal species – nine mammal, 12 amphibian and reptile, 22 fish, 25 bird, 30 insect, 35 mollusk and 274 plant species that are native to the state. Last

updated in 2023, Michigan's list gets revised approximately every 10 years. "The list is longer today partially because we know more and have done a lot of work to understand how native fish, wildlife and plants are doing and where they are," Derosier said.

Another reason the list has grown so much is that Michigan has a lot of unique plants and animals that rely on rare ecosystems, due to the diversity of the state's natural systems.

There are also more threats to wildlife than there were 50 years ago. Habitat continues to be fragmented, new pollutants continue to be released into the environment and our climate is changing. More details about threats to the state's vulnerable species, and work to conserve wildlife and their habitats, can be found in Michigan's Wildlife Action Plan. "Even with increased threats, we can be successful in recovering species when we focus on them," Derosier said.

These uncommon fish and wildlife also provide valuable information about the health of Michigan's water, land and air. "Endangered species are great canaries in the coal mine – they

tell us the health of our environment might be compromised," Derosier said.

In that way, this law and the work being done to conserve threatened and endangered wildlife also support the clean air, water and land people rely on.

Continuing need. Fifty years after it was first enacted, Michigan's threatened and endangered species law is still very relevant.

"Michigan has an amazing diversity of wildlife, fish and plants that we want to keep around for future generations," said Jennifer Kleitch, endangered species specialist for the Michigan Department of Natural Resources. "The species on the state list of threatened and endangered plants and animals need our help to persist."

Some of the species are on the list because they have very specific habitat requirements and are naturally rare. Others are rare because Michigan is at the edge of their range or because they face serious threats such as disease, climate change and loss of habitat to invasive species or development.

"When a species becomes threatened or endangered, it indicates that the balance of nature is being disrupted. When species rise to the level of being endangered, it is often a sign that an ecosystem may be at risk of collapse or is declining in health," Kleitch said. "Healthy ecosystems are the foundation for clean air, water, and land, which are essential for human health. Endangered species can also serve as indicators of environmental health."

For example, declining raptor populations in the mid- to late- 1900s indicated that the environment had been contaminated with DDT. As a result, DDT was banned in 1972, and the result over the past five decades has been an increase in species like bald eagles and peregrine falcons. Without those protective measures, those bird species could have disappeared, and human health would have suffered from effects of the pesticide as well.

When a species is recognized as having population declines significant enough to list it as threatened or endangered, conservation efforts are needed to ensure those species do not suffer further declines or, worse, go extinct. "Once a species is lost to extinction, it is gone forever," Kleitch said.

Michigan added 58 species to its threatened and endangered list during the most recent update last year, including the northern long-eared bat, little brown bat, tri-colored bat, wood turtle and eastern box turtle. Conservation efforts for these species are already underway. These efforts include the Bat Habitat Conservation Plan and development of best management practices for wood turtles on state lands.

"Part 365 gives us the legal authority to create management and conservation programs aimed at assisting listed species and helps bring us together as a community to get on-the-ground conservation work done through partnerships," Kleitch said.

Success stories. Some animals that have recovered after being placed on the Michigan threatened and endangered species list include pine marten, double-crested cormorant, black rat snake and several raptors once affected by DDT – bald eagle, Cooper's hawk, merlin, osprey and red-shouldered hawk.

The 2023 update saw 36 species removed from Michigan's threatened and endangered species list because populations have recovered or more locations of hard-to-find rare species were discovered through surveys. The DNR has also worked closely with partners on conservation efforts that have helped increase the quality of key habitats.

Others have moved off the list to being species of special concern – those that, while not protected by law, are plants and animals we want to continue to watch to make sure they stay recovered. These species include smokey shrew, which went from threatened to special concern because new populations were found through dedicated survey efforts, and trumpeter swan, which went from threatened to special concern due to considerable restoration efforts.

Once extremely rare in Michigan due to unregulated harvest, trumpeter swans are now found statewide. "Michigan doesn't have huge reintroduction programs right now because we've done a really good job of keeping rare species on the landscape. We have been good stewards of some of our rarest plants and animals, and they haven't been extirpated," Derosier said. "When we put effort toward recovery and conservation, we can be successful."

CALL THE LAW OFFICES OF SERLING & ABRAMSON P.C. MESOTHELIOMA • LUNG CANCER

- Represented over 5,000 Michigan Plaintiffs in most all building trades
- Represented auto, chemical, utility and steel plant workers
- Over 200 years of combined experience
- We know the asbestos products that were used in Michigan and where exposures occurred

"From the very first conversation, we knew that the Serling firm would be honest, hardworking and compassionate. We felt so comfortable and protected with the Serling firm."

-Widow of Chrysler Engineer

Experience • Results • Michigan Attorneys • Asbestos Product Experts

Insulators • Pipefitters • Bricklayers • Plumbers • Boilermakers
Electricians • Utility Workers • Steel and Auto Workers • HVAC Workers • Other Trades



Hundreds of millions of dollars collected for Mesothelioma & Lung cancer

MICHIGAN'S FIRST & FINEST



Offices in Birmingham and Allen Park

Can qualify for Lung Cancer case even if you smoked

www.serlinglawpc.com

CALL for a FREE consultation and we will review your claim

(248) 647-6966

(800) 995-6991

Receive our FREE Michigan Guide Book on Mesothelioma and Lung Cancer

