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Feedback on Assembly Bill (AB) 3 Scoping Document

Additional submitted attachment is included below.



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California Energy Commission
Docket Unit, MS-4
Docket No. 25-AB-03
715 P Street
Sacramento, California 95814

RE: Feedback on Assembly Bill (AB) 3 Scoping Document

Brightline Defense is an environmental justice (EJ) organization with a mission of promoting sustainable environments and empowered communities throughout California. Low-income communities and communities of color have long borne the brunt of fossil fuel pollution and environmental degradation. Often referred to as EJ communities, these populations face disproportionate and increasing climate, health, and economic burdens. The transition to a clean energy future must not exacerbate these burdens, but rather propel resilience and transformation. As California embarks on offshore wind development, it must avoid harms and maximize benefits for EJ communities.

We commend the California Energy Commission (CEC) for its leadership in advancing offshore wind to date including proposing that up to 3% of funds from the Offshore Wind Waterfront Facility Program be reserved for capacity building for local communities, and another 3% for capacity building for Tribal Nations. This will play a key role in unlocking equitable and inclusive offshore wind development, and we encourage the state to continue supporting capacity building efforts, including by improving public transparency and comprehensive planning.

We appreciate the opportunity to provide feedback on the AB 3 scoping memo for reports on seaport readiness and in-state assembly, supply chain, and workforce. Our recommendations focus on ways for the CEC to support public health, workforce development, and community benefits in its research and drafting of these reports.

Recommendations for Report 1: Offshore Wind Seaport Readiness Plan

1. Add a Key Topic: Air Quality and Public Health

We urge the CEC to incorporate a new key topic on “Air Quality and Public Health” to better plan for clean, zero-emission port development and operations. Port operations are known to

increase air pollution, traffic accidents, noise, and other dangers to communities and workers.¹ While many of California's ports will need to be expanded to support offshore wind, these developments risk exacerbating pollution in port-adjacent communities. To prevent increasing burdens on these communities, the CEC should prepare a detailed inventory of zero-emission (ZE) technologies currently or soon to be available for port operations (e.g. battery-electric rubber-tired gantry cranes, electric crew transfer vessels), along with non-technology approaches to reduce pollution (e.g. improving operational efficiency, implementing environmentally sensitive dredging practices, and adopting traffic routing plans, curfews, and physical noise buffers).

The CEC should then use this inventory to estimate the total non-energy costs and benefits across a range of potential port pathways to support offshore wind, from a baseline scenario that assumes developments happen with currently standard technologies and approaches, to a greenest (and highest electrification) scenario. Based on these cost estimates, the CEC should assess how California Prop 4 Climate Bond funding for port upgrades (\$475 million) could support investments in the greenest pathways. The CEC should do this analysis for all ports being considered to support offshore wind, but prioritize those being considered for Staging and Integration (S&I)—the Port of Humboldt and Port of Long Beach—since they require the largest developments. These assessments will provide greater public transparency into the options available to reduce local pollution, while considering technological and economic feasibility.

Finally, the CEC should outline best practices for port authorities to monitor, measure, and mitigate environmental and community impacts throughout the entire lifecycle of port developments and operations. First and foremost, this should include gathering baseline data about current port operations including impacts to air quality, water quality, species, habitats, and public health. Understanding baseline environmental and social conditions is vital before any new development, as this data will help accurately assess the project's future impacts. To monitor a project's impacts over time, the CEC should also help ensure port authorities partner with trusted community-based organizations for outreach to local communities, hold public meetings with adequate notice and follow-up, offer compensation and accessibility accommodations (e.g. translation services, childcare, and remote access), and clearly communicate how feedback will be used to inform decisions.

2. Add a Key Topic: Community Benefits

We recommend that the CEC add a new section on “Community Benefits” to drive greater benefits in port-adjacent communities. In this section, the CEC should review mechanisms like community benefits agreements (CBAs), co-ownership structures, and revenue-sharing models, and assess how to best apply them in the context of California's upcoming port developments. As

¹ Korfmacher, Katrina Smith. 2019. “THE Impact Project: Trade, Health, and Environment around Southern California's Ports.” In *Bridging Silos: Collaborating for Environmental Health and Justice in Urban Communities*. (p. 171 - 173) The MIT Press. <https://doi.org/10.7551/mitpress/12136.001.0001>.

part of this assessment, the CEC should consider proposing a baseline “floor” of benefits that port authorities should give to impacted communities. This floor may be determined through an assessment of the scale and scope of port developments, their impacts to communities, total project revenues, and/or other factors.

Additionally, the CEC should adopt a clear definition of “meaningful community benefits” that ensures local needs are adequately met, and recommend its use in all state-wide programs and processes. Benefits that are vague, aspirational, and lack accountability mechanisms or that fail to reflect community interests often lead to unsuccessful implementation and unsatisfied communities.² In coming up with its definition CEC should consider definitions such as the one adopted by the California Department of Conservation in guidelines to its Multibenefit Land Repurposing Program that require that benefits are “direct, tangible, substantial, and measurable” and that they “directly respond to the community’s expressed needs.”³

Finally, building off its excellent leadership in proposing that up to 3% of funding from the Offshore Wind Waterfront Facility Program be reserved for capacity building for local communities, and another 3% for Tribal Nations, the CEC should outline additional ways for California to support local communities in port developments. For example, the CEC should analyze demographic and project impact data to assess methods for sustained capacity building in impacted regions. Obtaining information from offshore wind developers about voluntary funding they contribute toward local capacity building, as would be required by AB 1417 (Stefani, 2025), would improve accuracy in this analysis. In addition, the CEC may consider creating a centralized platform for information and data sharing across the various stakeholders involved in expanding ports across the state.

3. Strengthen a Key Topic: Workforce Opportunities

We support the “Workforce Opportunities” topic in the scoping document, and AB 3 requirements to develop siting criteria that minimize harms and maximize economic and workforce benefits. This is especially crucial in the offshore wind sector, given its potential to create thousands of jobs and add billions to the state's economy.⁴ Based on Brightline’s

² Common Challenges in Negotiating Community Benefits Agreements. Community Benefits Law Center and Partnership for Working Families, 2016.

<https://www.powerswitchaction.org/resources/common-challenges-in-negotiating-community-benefits-agreements/>.

³ “Multibenefit Land Repurposing Program.” California Department of Conservation, April 21, 2025.

https://www.conservation.ca.gov/dlrp/grant-programs/Documents/MLRP%20Round%20%20Guidelines_Amended%20April%202025.pdf. See Appendix E, p. 48; This definition is also endorsed by the Leadership Counsel for Justice and Accountability (LCJA). See Claiborne, Michael, Nayamin Martinez, Catherine Garoupa, et al. “Ensuring That The Darden Clean Energy Project Supports A Just Transition And Provides Meaningful Community Benefits.” May 27, 2025.

<https://docs.google.com/document/d/1aNVdHjqiIBDzPOa8SdaJmD8j0HIGC7pkA-zSqHWs0mg/edit?tab=t.0>.

⁴ Etherton, William T., Arne Jacobson, Schatz Energy Research Center, and California Sea Grant. 2025. “California Floating Offshore Wind: Evaluating Workforce Analyses and Assessing Professional Labor.” Edited by Aaron Mamula, Steven Hackett, and David Narum. Schatz Energy Research Center. <https://schatzcenter.org/docs/2025-OSW-R1-workforce-SchatzCenter.pdf>. California Energy Commission.

experience promoting resilient economies in clean energy development, we urge the CEC to focus on strategies that empower local EJ communities facing barriers to employment. In particular, port developers and others in the offshore wind space should be encouraged or required to meet hiring targets for local and EJ communities,⁵ and do targeted outreach through mailers, local advertisements, and partnering with community-based organizations (CBOs).⁶ They should offer these communities comprehensive wraparound career services, such as pre-apprenticeship programs, Vocational English as a Second Language (VESL) programs, and continuing education, as well as childcare, housing assistance, and other retention support.⁷ The CEC should also assess the role of state agencies in encouraging, requiring, and/or enforcing worker benefits through mechanisms such as Project Labor Agreements (PLAs) and Community Benefits Agreements (CBAs).

4. Incorporate Additional Resources to Literature Assessment

To support recommendations for Report 1, we encourage the CEC incorporate the following resources into its literature assessment:

- **Brightline Defense’s “A Path Forward” Report (2023)**⁸ – This report provides critical insights into community-centered approaches to offshore wind development, highlighting a path towards ensuring that seaport readiness plans align with environmental justice principles.
- **CALSTART’s Zero-Emission Technology Inventory (ZETI)**⁹ – This is a global repository for commercially available zero-emission off-road and non-road vehicles and cargo equipment, including those pertinent to floating offshore wind port electrification.
- **California Air Resources Board (CARB)’s “Update on Concepts to Minimize the Community Health Impacts from Large Freight Facilities” Document (2018)**¹⁰ – This outlines CARB’s research and regulatory strategy to reduce pollution and health risks from major freight facilities by advancing zero- and near-zero emission regulations.

⁵ Chinese for Affirmative Action and Brightline Defense Project. "The Failure of Good Faith: Local Hiring Policy Analysis and Recommendations for San Francisco." August 2010. P. 16

https://www.reimaginerpe.org/files/The_Failure_of_Good_Faith-CAA_and_Brightline.pdf.

⁶ Gross, Julian, Greg LeRoy, and Madeline Janis-Aparicio. *Community Benefits Agreements: Making Development Projects Accountable*. Good Jobs First and the California Partnership for Working Families, 2005.

[https://proggov21-uploads.s3.amazonaws.com/uploads/asset/asset_file/CBAStudy\(1\).pdf](https://proggov21-uploads.s3.amazonaws.com/uploads/asset/asset_file/CBAStudy(1).pdf).

⁷ Chinese for Affirmative Action and Brightline Defense Project. "The Failure of Good Faith" P. 22-24

⁸ Ahn, Eddie, Merha Mehzun, Aaron Saliman, Sarah Xu, and Rebecca Aronson. 2023. *A Path Forward*. Brightline Defense.

<https://static1.squarespace.com/static/62a3cf9943d092298cc7dec6/t/645a6cabbad9cc203a721a81/1683647667379/Brightline-OSWReport-final-May-2023.pdf>.

⁹ CALSTART. n.d. "Off-Road Zero-Emission Technology Inventory (ZETI)."

<https://globaldrivetozero.org/tools/zeti-offroad/>.

¹⁰ Update on Concepts to Minimize the Community Health Impacts from Large Freight Facilities. 2018. California Air Resources Board (CARB).

https://ww2.arb.ca.gov/sites/default/files/2018-10/revised_freight_facility_concepts_advance_materials_03142018.pdf.

- **BW Research’s “Floating Offshore Wind” Manual¹¹** – This provides detailed insights into logistics requirements, workforce impacts, permitting timelines, and cargo-handling equipment needs that are involved in the manufacturing and transportation of various floating offshore wind turbine components.
- **UC Berkeley Law’s CLEE’s “Offshore Wind & Community Benefits Agreements in California” Report (2024)¹²** – This includes takeaways from existing CBAs and a summary of considerations for CBA structure, processes and representation, and oversight and accountability.
- **The Sabin Center for Climate Change Law’s “Expert Insights on Best Practices for Community Benefits Agreements” Report (2023)¹³** – This resource sets out comprehensive recommendations for developers and communities negotiating CBAs for clean energy projects. This includes drafting CBA language that supports inclusivity, equitable benefit distribution, and compliance and enforcement.

Recommendations for Report 2: In-State Assembly, Supply Chain, and Workforce Feasibility Study

1. Strengthen a Key Topic: In-State Manufacturing and Supply Chain Capacity

We support the CEC including a topic on “In-State Manufacturing and Supply Chain Capacity” in this report, and recommend strengthening it to guide California’s commitment to sustainable materials and practices in port developments and operations. Specifically, we urge the CEC to outline ways to prioritize environmentally sustainable supply chain practices and minimize impacts on natural resources, particularly those of cultural significance to Tribal Nations. This includes scrutinizing material sourcing to ensure raw materials are ethically and sustainably harvested; demanding cleaner, zero-emission and lower-carbon manufacturing processes; and optimizing transportation logistics to reduce greenhouse gas emissions and local air quality impacts.

2. Strengthen a Key Topic: Workforce Development

We support the CEC including a topic on “Workforce Opportunities,” and encourage strengthening it by uplifting strategies to maximize workforce development in local EJ communities, as written in Recommendation 3 for Report 1.

¹¹ Hughes, Nicole, Casey MacLean, Phil Jordan, Julian Ugalde, and Sophia Nelson. 2024. Floating Offshore Wind Manual. Renewable Northwest and BW Research.

<https://www.bwresearch.com/reports/BW-2024RNWFloatingOffshoreWindManual.pdf>.

¹² Bedsworth, Louise, and Katherine Hoff. *Offshore Wind & Community Benefits Agreements in California: CBA Examples*. University of California, Berkeley Center for Law, Energy, and the Environment, 2024.

https://www.law.berkeley.edu/wp-content/uploads/2024/06/Offshore-Wind-CBAs-in-CA_Final.pdf.

¹³ Eisenson, Matthew, and Romany Webb. “Expert Insights on Best Practices for Community Benefits Agreements.” *Sabin Center for Climate Change Law*, September 1, 2023.

https://scholarship.law.columbia.edu/sabin_climate_change/206.

Conclusion

Brightline Defense appreciates the opportunity to provide comments on the CEC's Scoping Document for AB 3. The clean energy future must be built on a foundation of equity and justice. By integrating these recommendations into the forthcoming AB 3 reports and offshore wind planning efforts, California can help guide the burgeoning offshore wind industry to protect and benefit EJ communities. We look forward to continuing to work with the CEC and other stakeholders as this process continues.

Sincerely,

Eddie Ahn

Executive Director, Brightline Defense