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Definitive Safety Group LLC Comments on Proposed Opt-In Amendments

Additional submitted attachment is included below.

Definitive Safety Group

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November 10, 2026

California Energy Commission
Docket Unit, MS-4
715 P Street
Sacramento, CA 95814

Re: Docket No. 26-OIR-04 — Comments of Definitive Safety Group LLC on Proposed Emergency Amendments to the Opt-In Certification Regulations (Title 20, CCR §§1875–1882 and Appendix B)

Definitive Safety Group LLC (DSG) appreciates the opportunity to comment on the proposed emergency regulations and the November 2, 2026 staff workshop. DSG is a California DVBE- and SDVOSB-certified environmental health and safety consulting firm based in Antioch. We provide worker safety program development, safety training, and compliance monitoring on energy and infrastructure projects.

DSG supports the Commission's effort to implement SB 254 and SB 283. Our comments focus on worker safety on opt-in projects and on how the Commission and its delegates verify, in the field, that conditions of certification are being met. As projects grow in size and complexity, independent inspections supported by current technology allow third-party monitors to verify compliance on the Commission's behalf more completely, and more often, than walk-through inspections alone.

1. Independence of worker safety compliance inspections

Third-party worker safety monitoring is only effective if it is independent of the party being monitored. Where the Commission or its delegate retains a safety monitor or compliance inspector to verify that a project's construction safety program is being carried out, the project owner and its contractors should not control when, where, or how those inspections occur. DSG recommends the Commission state expressly in the regulations, or in the standard conditions adopted for opt-in projects, that:

- The Commission's staff and delegates, including safety monitors, may inspect at any time, with or without advance notice, consistent with the Commission's existing unrestricted-access compliance condition.
- Any advance notice given to the project owner is for coordination and site check-in only, and does not require that an owner or contractor representative accompany the inspector.
- The project owner may designate an observer, but an inspection may not be delayed, shortened, or canceled because an observer is unavailable.
- The inspector, not the project owner or its contractors, determines the inspection route, scope, and areas to be reviewed, including access to on-site records and personnel.
- Findings are reported directly to the Compliance Project Manager and the delegate chief building official, and the project owner responds in writing within a set period rather than resolving findings informally in the field.
- The project owner and its contractors may not interfere with, impede, or retaliate against an inspector or a worker who speaks with an inspector, and any such interference is treated as a compliance violation.

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These provisions would preserve the cooperative working relationship between inspectors and project teams while ensuring the Commission receives an independent, unfiltered view of site conditions.

2. Technology-assisted verification of conditions of certification

Utility-scale solar and storage sites often cover thousands of acres and cannot be fully walked in a single inspection. DSG uses drones and image analysis in its compliance oversight to extend what an inspector can see and document on the Commission's behalf. DSG recommends the Commission recognize technology-assisted inspection as an accepted method of compliance verification, and specifically:

- Inspectors may use drones operated under FAA Part 107 and site safety rules. A single flight can document conditions across a large site and verify compliance with many conditions of certification at once, including worker safety practices, dust control, erosion and stormwater controls, traffic control, and fencing.
- Drone inspections may carry a thermal camera to identify hot spots in electrical equipment, inverters, and battery enclosures before they become a fire or worker safety hazard.
- Drone imagery may be paired with AI-assisted image analysis to detect and monitor sensitive and listed wildlife in support of the biological resources conditions, in coordination with the project's Designated Biologist.
- Time-stamped, georeferenced imagery collected during inspections may be submitted with monitoring reports to the Compliance Project Manager, giving the Commission a verifiable record of site conditions over time.
- Agency use of drones in safety oversight is already established: federal OSHA authorized its compliance officers to use drones during workplace inspections through a May 2018 enforcement memorandum, particularly for areas that are inaccessible or hazardous to inspectors. Because OSHA's policy requires employer consent before each use, DSG recommends the Commission make consent to drone-assisted inspection a condition of certification, so that it cannot be withheld on a visit-by-visit basis.

3. Appendix B — Worker Safety and Fire Protection (subd. (g)(11)(D))

The new battery energy storage system (BESS) worker safety requirements are a significant improvement. DSG recommends:

- The draft Hazardous Energy Control Program outlines expressly address stranded energy in damaged or isolated battery modules, which remains a hazard after equipment is de-energized.
- The emergency response training offered to local agencies (subd. (D)(iii)) state an expected frequency, such as initial training before commissioning and periodic refreshers, and be updated after augmentation or a change in battery technology.
- The thermal runaway dispersion modeling required under subd. (g)(9)(F) be shared with the fire suppression authority to inform responder isolation distances and protective equipment selection.

4. Post-certification change in ownership or operational control (§1882(f))

DSG recommends that a petition to transfer ownership or operational control also confirm that the site's emergency response plan, worker safety programs, and fire authority contacts will be maintained, that the new owner or operator notify the fire suppression authority of the change within

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30 days, and that the Commission's safety monitoring and inspection arrangements continue without interruption through the transfer.

Thank you for considering these comments. Please contact the undersigned with any questions.

Respectfully submitted,

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Definitive Safety Group LLC