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Opt-In Should Build a Battery Industry with Good Jobs and Real Community Voice

The Opt-In Program Should Center Workers and Communities

Californians are facing two overlapping crises. Climate change demands rapid decarbonization, and the cost of living, driven by rising oil prices and electricity bills, is straining households more acutely here than almost anywhere. Affordability is most Californiansâ€™ top concern,1 and one survey found 85% prioritize it over emissions,2 not because they doubt climate action, but because they doubt the state can deliver it without harming jobs or the middle class. Left unaddressed, this tension puts public support for the energy transition at risk.

The California Energy Commissionâ€™s (CEC) Opt-In Program is an important effort to resolve that tension. By speeding the permitting of clean energy infrastructure while incorporating community feedback, the program can jumpstart an overhaul of our energy system and build the public support needed for the transition to last. Revising the Opt-In process is a chance to ensure that benefits flow to workers and their communities. The UAW Center for Manufacturing a Green Economy (CMGE) recommends that the CEC strengthen rules related to the community benefits requirement laid out in statute.

Improving the Community Benefits Provisions of the Opt-In Program

Under the Opt-In Certification Programâ€™s existing regulations, developers have often failed to engage with communities to address their priorities and concerns. Instead, they have typically fulfilled the community benefits requirement through an agreement with a single community group, rather than developing thorough community benefits agreements.

We appreciate that the Commission has acknowledged these issues in the present rulemaking and has proposed changes to improve the community benefits requirements. Specifically, the proposed amendments establish minimum required monetary contributions that correspond to the scale of the project and also direct to the Commission to consider the â€œnumber of agreements and diversity of benefits to be provided to local communities when considering whether to approve the project.â€

These changes can be improved to fulfill the statuteâ€™s intention to require bona fide community benefits agreements pursuant to Public Resources Code section 25545.10. The statute requires that applicants enter into â€œlegally binding and enforceable agreementsâ€ as a condition of certification, and suggests that agreements address

â€œwages and benefits, employment status, workplace health and safety, scheduling, and career advancement opportunitiesâ€ as well as job access provisions, â€œinvestment in workforce training and education, and worker voice and representation in decisionmaking.â€

In exchange for the loss of local discretionary authority, AB 205 provides local communities with the opportunity to address local concerns and project impacts through the community benefits process. In keeping with the statute, we respectfully request that the Commission require, as a condition of certification, that all applicants engage in meaningful outreach and engagement to residents and stakeholder in communities near the project site in order to identify community benefits that are priorities to the community. In addition, the Commission should decline to approve any community benefits agreements that does not contain enforceable commitments to substantive terms, including statutorily enumerated job quality and job access standards.