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Envisioning Community Benefits Agreements

Additional submitted attachment is included below.



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August 8, 2024

California Energy Commission
715 P Street
Sacramento, CA 95814

RE: Envisioning Community Benefits Agreements

Dear Commissioner Gallardo:

Jobs to Move America (JMA) is currently working with frontline community organizations to win Community Benefits Agreements (CBAs) in Imperial County. These agreements can make positive impacts in a variety of ways. For example, CBAs can maximize returns on government investment in the transition to a green economy; transform communities through stronger, more equitable economies; help companies deliver on promises to local governments, workers, and communities; and advance racial and gender equity by creating training and apprenticeship opportunities for women, people of color, veterans, and systems-impacted people who have historically been left out of good jobs in the manufacturing sector. CBAs are a win-win for communities and developers.

Enclosed you will find JMA's article "Envisioning Community Benefits Agreements: An Opportunity for California's Lithium Valley" published in the Sierra Club's Desert Report. In this article, we describe how CBAs can potentially impact Imperial County.

The article highlights how the CBA can do the following:

- cultivate and develop a local, inclusive high-road workforce;
- address racial, economic, and gender equity;
- create job access and eliminate barriers to employment through innovative provisions; and
- center tribal cultural resources and environmental protection

I hope that you find this article insightful. Please do not hesitate to contact us, and we look forward to continuing working with you.

Sincerely,

Theo Figurasin
California Research Manager
Jobs to Move America



DESERT REPORT

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APRIL 14, 2024 UNCATEGORIZED

Envisioning Community Benefits Agreements

An Opportunity for California's Lithium Valley

by Theo Figurasin, Senior Researcher, Jobs to Move America

Introduction and Background

On January 26th, 2024, hundreds gathered on the outskirts of Niland, near the southeastern shores of the Salton Sea, to witness the inception of Lithium Valley. After more than a decade of anticipation, Australian-based company, Controlled Thermal Resources (CTR), finally broke ground on their \$1.85 billion dollar Hell's Kitchen Project, the United States' first of potentially many integrated geothermal renewable power and lithium coproduction facilities in the region. Lithium serves as a crucial component powering ubiquitous devices like cell phones, electric vehicles, and large-scale clean energy storage systems, and a recent Lawrence Berkeley National Laboratory report found that there could be enough lithium in Imperial County to fuel an astonishing 375 million electric vehicle batteries - more than enough to meet the United States clean energy goals.¹

Nevertheless, for many Imperial County community members, their outlook on Lithium Valley is one of “cautious optimism.”² Some fear that the Imperial Valley region will be used as a sacrifice zone for the nation’s clean energy goals with benefits unequally distributed to the lithium companies and purchasers.³ Residents have also witnessed similar promises in the past, as previous renewable energy projects, like solar and wind, delivered only marginal gains, leaving them understandably wary of anticipated outcomes and touted benefits.⁴

Given the region’s history of the unfulfilled benefits of new technology, how then can community needs be prioritized in the Lithium Valley vision? Can there be a Lithium Valley that centers the interests and needs of Imperial Valley residents? One viable approach is through the establishment of legally deliverable community benefits agreements with the various lithium developers.

Envisioning a Community Benefits Agreement for Lithium Valley

A community benefits agreement (CBA) is a legally enforceable agreement between a private company and a coalition comprised of community organizations, labor unions, tribal entities, or other stakeholders. It details commitments to and steps for achieving goals for the parties involved. These agreements have the ability to shift power back to local community organizations by providing them with a level of decision-making to shape how large-scale projects impact the region and help to hold the company accountable in delivering substantive, quantifiable benefits.⁵ In turn, companies also benefit from the CBA because, not only can the company learn from the community coalition’s intimate expertise of the region, but they are also working with them in an active, engaged partnership invested in the project’s long-term success. Together, all parties to the CBA share decision-making to address issues as they arise and a commitment to working on shared goals so companies do not have to do it all alone.

For a CBA to be effective, it must be led by a coalition that authentically represents the interests and needs of impacted community members. The coalition must survey and conduct extensive outreach in the region to hear from all community voices and comprehensively identify concerns. During the CBA negotiation process, coalition partners should have clearly defined roles and responsibilities and remain transparent, inclusive, and accessible to the community. Provisions should then be specific, concrete, and meaningful. Lastly, a CBA should have a clearly defined implementation structure and formal means by which all parties are working together to ensure accountability to obligations and deliverability of goals.⁶

Local Imperial County-based organizations have already called on the various lithium developers to sign a CBA to address region-specific needs. In 2023, Imperial County sat at an unemployment rate hovering around 16% highlighting the need for high-quality job opportunities.⁷ County residents are also exposed to very poor air quality due to particulate matter causing high levels of asthma and risks to pregnant women and people with heart disease.⁸ Environmental justice advocates and nearby tribes have also expressed concerns that the lithium developments will hurt longtime efforts to restore the Salton Sea and encroach on tribal cultural resources.

Advocates for a Lithium Valley agreement could look to existing CBA language and provisions to inform their own. While the specific community benefits can vary depending on the community involved and the region's needs, these agreements can typically cover a wide range of commitments from hiring priorities for residents, Project Labor Agreements (PLAs) for construction work, specific high-quality job standards, race and gender-based equity measures including inclusive hiring practices, workforce training and development, and environmental protection and management. The following are examples of CBA provisions that local advocates could use for Imperial County:

Cultivating and developing a local, inclusive workforce

Jobs to Move America (JMA) is a strategic policy center focused on raising job standards through the creation and enforcement of progressive policy and through negotiation of effective CBAs. In Southern California's Antelope Valley, JMA helped lead a coalition of community and labor organizations to negotiate an agreement with the world's leading electric vehicle manufacturer, BYD, rivaled only by Tesla. Signed in 2017, this Antelope Valley CBA established guidelines for collaboration with a focus on developing a well-trained, diverse workforce and retaining them through internal professional development and promotion. This CBA resulted in the creation of the nation's first electric bus manufacturing apprenticeship program, training a new generation of Antelope Valley workers, and thereby ensuring that there is a skilled local community workforce that can do this specialized work. The parties also collaborated to recruit and place workers who have been historically disadvantaged in the manufacturing industry, including women, people of color, returning citizens, and veterans.

The transformative impact of the CBA has been evident in the lives of Antelope Valley residents and the company, prompting a renewal of the agreement in 2020.⁹ Over the course of six years, the workforce at BYD has undergone a significant shift, with over 70% of the workforce now comprised of individuals from communities historically underrepresented in manufacturing – surpassing the CBA's initial goal of 40%. While the national average for women working in manufacturing is around 8%, BYD has closer to 30% women workforce at their facility. In a collaborative effort, the involved parties successfully secured a million-dollar High Road Training Partnership grant from the California Workforce Development Board.¹⁰ This kind of lasting partnership has been looked on favorably by government agencies committed to ensuring that public investment results in both growing the clean energy technology sector and creating high-quality jobs as part of the transition. Earlier this year the California Energy

Commission remarked on their support for these kinds of partnerships when they voted to award BYD's bid for a \$30,000,000 grant to develop a dedicated electric school bus manufacturing facility in Lancaster, CA, thus creating more job opportunities for Antelope Valley residents.¹¹

Models like the Antelope Valley CBA can inform how Lithium Valley advocates can forge their path of partnership that not only supports the growth of the lithium industry but also provides meaningful, inclusive workforce opportunities for local community members, ensuring they are not left behind.

Addressing racial, economic, and gender equity.

By engaging in collaborative efforts through a CBA, communities play a crucial role in identifying region-specific issues and creating solutions to them. In 2022, the Alabama Coalition for Community Benefits and JMA signed a landmark multi-state CBA with New Flyer, the largest bus manufacturer in North America. The CBA focused on addressing racial, economic, and gender inequities, and in particular, removing barriers to employment and career advancement, so as to allow New Flyer to utilize the full potential of the local workforce. In the agreement, New Flyer committed to ambitious, measurable hiring and promotion goals aimed at removing barriers to the plants for historically disadvantaged groups in Anniston, AL, and Ontario, CA. Specifically, the CBA requires that at least 45% of new hires and at least 20% of promotions at each New Flyer plant shall be from historically disadvantaged communities. To reach this goal, the CBA outlines that the coalition and New Flyer work together to implement a program to build outreach, recruitment, and training for historically disadvantaged people. The CBA also gives prospective applicants a fair chance at employment by postponing background checks until after extending a job offer. Finally, in order to ensure workforce retention, the coalition and New Flyer

implemented a new system addressing discrimination and harassment claims, offering employees filing such complaints an independent advocate.¹²

Job access through innovative provisions.

In addition to addressing inequities, the collaborative CBA approach enables the creation of other innovative provisions tailored to increase job access. For example, in the CBAs mentioned above, the community coalitions recognized transportation challenges as a job access need. In response, both CBAs detail strategies for BYD and New Flyer to provide shuttles and ride-sharing programs, synchronized with shift schedules and public transit times. Additionally, to diminish reliance on private vehicles during lunch hours, both manufacturers committed to allowing at least one food truck to serve employees on the plant's premises.

The Antelope Valley CBA with BYD also incorporates other job access needs. To address language barriers for prospective and current employees, the agreement puts in place Spanish bilingual capacities for outreach and recruitment, while current employees benefit from bilingual training materials and workplace communications. BYD is also providing English as a Second Language to facilitate opportunities for career advancement. Lastly, the CBA empowers an Antelope Valley-based coalition partner to work with BYD in providing additional outreach, recruitment, and service coordination with other local advocacy organizations for additional resources, such as housing, medical and mental health access, childcare, as well as soft skill development (i.e. punctuality, communication, to name a few.)

Communities emerge as vital contributors, addressing specific challenges and fostering solutions, as exemplified by both CBAs. Meaningfully addressing specific inequities and increasing job access can open up the full potential of a local workforce to the manufacturer. A Lithium Valley agreement may have different equity and job

access needs from the ones stated above. Thus, CBA advocates should survey Imperial County residents and identify region-specific obstacles to employment in order to create the appropriate CBA provisions.

Centering tribal cultural resources and environmental protection.

More recently in Santa Barbara County, the Santa Ynez Band of Chumash Indians Tribe signed a CBA with Offshore Wind developer Floventis Energy for their floating wind farm project called CADEMO.¹³ This clean technology project is a pilot, and if successful, Floventis will launch hundreds of wind turbines in the Pacific Ocean to provide renewable energy to California.¹⁴

Along with jobs and apprenticeship language, this CBA acknowledges the Chumash people's connection to both the land and the sea. First, the agreement commits Floventis to work closely with the tribe for state and federal environmental impact reviews, ensuring proper consultation. Second, the CBA supports a tribe's study of traditional cultural landscapes. Lastly, the CBA commits to establishing a tribal-run research institute. The institute's purpose is to help tribes cultivate oceanographic expertise, develop environmental strategies to co-manage offshore and nearshore resources, and grow expertise in managing one of the tribe's proposed projects, the Chumash Heritage National Marine Sanctuary. The sanctuary aims to "preserve marine and cultural resources along 156 miles of Central California Coastline."¹⁵

While the results of the Chumash Tribe CBA are still to be seen, this agreement sets tribal resources and environmental provisions that advocates can model. Tribal communities near the Salton Sea hope to protect and recognize tribal cultural resources and the natural environment. Environmental health advocates have raised concerns about Direct Lithium Extraction (DLE), the new technology that will be utilized by CTR and other lithium companies. While DLE is touted as being more

efficient and environmentally friendlier than traditional lithium collection methods such as evaporation ponds and hard rock mining, there are fears about its environmental impact, especially since DLE is a newer technology.¹⁶

At some point, the coalition will have to decide the CBA's purpose and the topics it will cover. In order to create an inclusive CBA that covers a range of topics, advocates should make sure the coalition membership reflects wide interests. Inclusion of environmental experts and tribal voices in a coalition could help inform provisions that build upon the ones created between the Chumash Tribe and Floventis.

Conclusion

As Lithium Valley unfolds, the adoption of community benefits agreements emerges as a pivotal strategy. These legally deliverable agreements are a new way of doing business that makes communities and workers part of the decision-making in a company's large-scale development, ensuring the delivery of meaningful, substantive local benefits. Drawing inspiration from diverse examples such as Jobs to Move America's CBAs with BYD and New Flyer, as well as the agreement between the Santa Ynez Band of Chumash Indians Tribe and Floventis Energy, the Lithium Valley vision can be refocused to center the interests and needs of Imperial Valley residents.

The promise of Lithium Valley is not just one to the United States for a national clean energy transition. But it is also a promise to the local people of Imperial Valley that they are deserving of just opportunities, elevating them beyond the role of a mere site of extraction. They are a community deserving to be a meaningful part of shaping their home, undiminished of their self-determination.

Theo Figurasin is a Senior Researcher supporting Jobs to Move America's California program, which includes working with frontline Imperial County organizations. He has over a decade of experience building and implementing dozens of successful national

community and labor campaigns that have resulted in higher job quality standards and benefits to public health. Theo has a B.S. in Industrial and Labor Relations and a certificate in Strategic Corporate Research from Cornell University in Ithaca, NY.

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