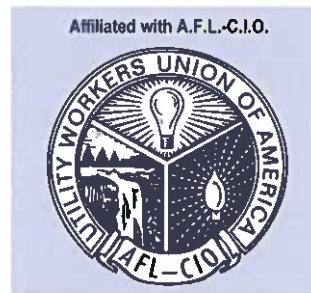


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August 13, 2021

Ms. Amanda Lefton
Director, Bureau of Ocean Energy Management
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Comments on the Atlantic Wind Lease Sale 8 (ATLW-8) for Commercial Leasing for Wind Power on the Outer Continental Shelf in the New York Bight—Proposed Sale Notice

Docket No. BOEM-2021-0033

On behalf of the 45,000 members of the Utility Workers Union of America, AFL-CIO, we thank you for the opportunity to submit these comments to inform the Bureau of Ocean Energy Management's (BOEM) proposal to offer for sale eight lease areas (Lease Areas) in the New York Bight.

The Utility Workers Union of America (UWUA) is a national labor organization whose members work in the electric, gas, water, wastewater, and municipal services sectors of the economy. With respect to our nation's electric sector, UWUA members operate and maintain coal-fired power plants, natural gas-fired power plants, nuclear power plants, hydro-electric power plants, onshore wind turbines, and utility scale solar farms. UWUA members also operate and maintain parts of this nation's electric transmission and distribution grid.

In addition to other areas of the country, UWUA members work for electric and gas utilities in states across the country including Connecticut, Massachusetts, New Jersey, New York, and Rhode Island. UWUA membership includes workers who have seen or will see their employment terminated due to fossil fuel and nuclear plant closures.

The UWUA is also an active partner of the BlueGreen Alliance and note that we fully support the comments the BlueGreen Alliance has provided under this docket.

The UWUA requests that BOEM implement a leasing process that advances the policy priorities described by the White House in its recent offshore wind Fact Sheet:¹

¹ White House, FACT SHEET: Biden Administration Jumpstarts Offshore Wind Energy Projects to Create Jobs, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/29/fact-sheet-biden-administration-jumpstarts-offshore-wind-energy-projects-to-create-jobs/>

“The President recognizes that a thriving offshore wind industry will drive new jobs and economic opportunity up and down the Atlantic Coast, in the Gulf of Mexico, and in Pacific waters. The industry will also spawn new supply chains that stretch into America’s heartland...

“...the Administration is taking coordinated steps to support rapid offshore wind deployment and job creation:

1. Advance ambitious wind energy projects to create good-paying, union jobs
2. Investing in American infrastructure to strengthen the domestic supply chain and deploy offshore wind energy
3. Supporting critical research and data-sharing.”

Further, these policy priorities were also detailed in the President’s January 27, 2021, Executive Order:²

“Even as our Nation emerges from profound public health and economic crises borne of a pandemic, we face a climate crisis that threatens our people and communities, public health and economy, and, starkly, our ability to live on planet Earth. Despite the peril that is already evident, there is promise in the solutions — opportunities to create well-paying union jobs to build a modern and sustainable infrastructure...

“It is the policy of my Administration to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure.”

Congress enacted the National Labor Relations Act (“NLRA”) in 1935 to protect the rights of employees and employers and to encourage collective bargaining. In its findings, Congress declared that it is the “policy” of the United States to encourage the practice and procedure of collective bargaining and by protecting the exercise of workers of full freedom of association.³

Furthermore, this fact was spelled out under Section 1, Policy and Findings, in the President’s April 26, 2021, Executive Order on Worker Organizing and Empowerment.

² January 27, 2021, Executive Order 14008 “Tackling the Climate Crisis at Home and Abroad” <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>

³ The National Labor Relations Act (29 U.S.C 151-169) <https://www.nlr.gov/guidance/key-reference-materials/national-labor-relations-act>

From a practical standpoint, workers are a significant stakeholder in policy development and implementation of new forms of energy and climate goals. A nation’s climate ambitions are nearly impossible to achieve without complementary policies that address economic inequalities, high road job preservation and development of and access to good-paying jobs in the “clean” or “green” energy economy. Development of incentives to ensure that the jobs created in the offshore wind sector of the economy are high-road jobs, which are at least equivalent in quality to the fossil fuel jobs that have been and are certain to be replaced is critical in achieving climate ambition and growth in new sectors of the economy. This matters because high-road jobs provide family sustaining wages, access to affordable health care, attention to worker safety and opportunities for skills training and advancement. Job quality is crucial in ensuring communities are supported.

As referenced in a November 15, 2019, Memorandum provided to U.S. Representative Kathy Castor, Chair of the House Select Committee on Climate Crisis regarding “Policy Options for Attaching Labor Standards to Employment in the Clean Energy Technology Sector”⁴

“A report by the American Sustainable Business Council found that “[v]alues-based business leaders say incentives would help them adopt more high-road practices—and they believe incentives and regulations are needed to motivate other firms in their industries.”⁵

In Docket No. BOEM-2021-0033, the Agency stated:

“To the extent that it is consistent and allowable within BOEM’s statutory authority and applicable laws, BOEM is considering lease stipulations to direct benefits to underserved communities and to better develop the workforce needed to design, construct, operate and maintain offshore wind farms. BOEM is soliciting information to develop lease stipulations concerning but limited to:

- i. Workforce training and development.
- ii. Contracting and supporting the development of minority and women owned businesses.
- iii. Programs that promote and deliver environmental justice.

The UWUA believes these are the correct questions to ask. Since it appears to the UWUA that BOEM may be a regulator of offshore wind development and the federal government writ large a proprietor, given federal land is to be leased under a financial arrangement, the UWUA is not

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https://law.uoregon.edu/sites/law1.uoregon.edu/files/policy_options_for_federal_energy_sector_final_11142019.pdf

⁵ https://www.asbcouncil.org/sites/main/files/file-attachments/asbc_building_the_high_road_report_2017.pdf

offering a legal opinion on BOEM's authority. The UWUA does believe however, that if stipulations to lease sales are not possible, then the Agency should consider lease sale incentives to developers and owner-operators which give additional weight to or credit for bidders and/or developers who agree to high-road job standards which include the following:

- A. Locally Prevailing Wage and Fringe Benefits
- B. Project Labor Agreements (PLA's)
- C. Labor Peace Agreements (LPA's)
- D. Locally Sourced Employment
- E. Targeted Hiring – BIPOC, women, formerly incarcerated, displaced energy workers
- F. Responsible Contractor Provision, which also cover subcontractors⁶
- G. Community Benefit Agreements
- H. Workforce Skills – which include skill development across the supply chain, through the use of pre-apprenticeships, apprenticeships, other labor-management partnerships, and connections through local institutions of technology and higher learning

The goal of all of these commitments or standards is to ensure workers and communities also benefit from a robust development of an offshore wind industry. The UWUA believes this is necessary for the United States to achieve its climate ambitions and is directly aligned with the President's goal of creating "millions of construction, manufacturing, engineering, and skilled-trades workers to build a new American infrastructure and clean energy economy."

We appreciate your effort to solicit stakeholder input into the leasing process.

Sincerely,



James Slevin
National President
Utility Workers Union of America, AFL-CIO

⁶ Responsible contracting policies establish a basic set of qualifications that all firms must meet in order to bid on public construction or private construction projects that: receive public funding, require public approvals, or benefit from public investment. See: <https://www.forworkingfamilies.org/page/policy-tools-responsible-contracting#:~:text=Responsible%20contracting%20policies%20establish%20a,benefit%20from%20public%20investment>.