



CREATING GOOD JOBS, A CLEAN ENVIRONMENT, AND A FAIR AND THRIVING ECONOMY

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**Re: Commercial Leasing for Wind Power Development on the Outer Continental Shelf (OCS)
Offshore Oregon - Call for Information and Nominations [Docket No. BOEM-2022-0009-0001]**

On behalf of the BlueGreen Alliance, our partners, and the millions of members and supporters they represent, we thank you for the opportunity to comment on wind energy leasing offshore Oregon in response to the Call for Information and Nominations.

The mission of the Bluegreen Alliance (BGA) is to unite labor unions and environmental organizations to solve today's environmental challenges in a way that creates and maintains quality jobs and builds a clean, thriving, and equitable economy. Offshore wind energy presents a unique and integral opportunity to accomplish this mission if developed in a way that lifts up the middle class with high-road employment practices, equitable career pathways, maximum job creation, and creation of a domestic supply chain.

We appreciate the Bureau of Ocean Energy Management (BOEM)'s concerted effort to achieve the Biden-Harris Administration's national goal of deploying 30 GW of offshore wind energy by 2030 and set us on a pathway to continuously scale up the U.S. offshore wind industry in the coming decades, including in the Outer Continental Shelf (OCS) offshore Oregon.

Oregon Clean Energy Goals

Last year, Oregon committed to transition to 100% clean energy by 2040 by enacting HB 2021. The law requires utility companies to convene a "Community Benefits and Impacts Advisory Group", cap ratepayer increases in energy cost at 6%, and maximize job training opportunities for communities of color, rural communities, and low-income communities. The law also established "Responsible Labor Standards" requirements for developers, contractors, and subcontractors of large-scale energy projects of 10 megawatts or greater. Under this law, all contractors and subcontractors must:

1. Be registered training agents with State Apprenticeship and Training Council with Bureau of Oregon and Labor Industries;
2. Complete 15% of total construction hours with apprentices of a registered State Apprenticeship and Training Council and with graduation rates equal to or higher than the national average for each respective trade;
3. Set an aspirational workforce equity goal that 15% of total work hours be performed by individuals who are either women, people of a minority group, veterans, or people with disabilities;
4. Have policies in place designed to limit or prevent workplace harassment and discrimination and that promote workplace diversity, equity and inclusion for communities who have been underrepresented in the clean energy sector, including women, veterans, and Black, Indigenous, and People of Color;
5. Maintain a history of compliance with state and federal laws and remain in good standing, including wage and hour laws;
6. Pay all workers a prevailing wage, including health and retirement benefits; and
7. Utilize a project labor agreement.¹

Responsible Development of Offshore Wind & Quality Jobs

The White House has identified the offshore wind industry as a catalyst for spawning new supply chains and strengthening existing capabilities and creating tens of thousands of good-paying union jobs.² Additionally, a 2022 White House Report on Worker Organizing and Empowerment³ states that public support for a union in their workplace is higher than it's been since 1965, with 68% of people supporting labor unions. Support rises to 74% for workers aged 18 to 24, 75% for Hispanic workers, 80% for Black workers, and 82% for Black women workers. And, if all these workers had the union representation that they say they want, union membership would be four to five times higher than it is right now.⁴

Unionization can also ensure greater safety for workers, which is one of the requirements under the Outer Continental Shelf Lands Act (OCSLA). One analysis from the Journal of Labor and Society found that higher rates of unionization results in greater worker safety.⁵ A 2021 Canadian study found that unionization in institutional, commercial, and industrial construction, maintenance, and repair work was associated with a 25% lower lost-time injury rate, 23% lower incidence of musculoskeletal lost-time injury claims, and 16% lower incidence of critical lost time injury claims.⁶ Requiring supplier codes of conduct can also help improve worker conditions and unionized suppliers are more likely to improve working conditions than nonunion,⁷ especially following an audit.⁸

¹Oregon State Government, Energy Project Responsible Labor Standards Attestation, 2022. Available online: <https://www.oregon.gov/energy/energy-oregon/Pages/LSEP-Labor-Standards.aspx#:~:text=Passed%20by%20the%20Oregon%20Legislature%20in%202021%2C%20HB,made%20to%20these%20requirements%20in%20HB%204059%20282022%29>

²The White House, "Fact Sheet: Biden Administration Jumpstarts Offshore Wind Energy Projects to Create Jobs," 2021. Available online: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/29/fact-sheet-biden-administration-jumpstarts-offshore-wind-energy-projects-to-create-jobs/>

³The White House, "White House Task Force on Worker Organizing and Empowerment," 2022. Available online: <https://www.whitehouse.gov/wp-content/uploads/2022/02/White-House-Task-Force-on-Worker-Organizing-and-Empowerment-Report.pdf>

⁴ Ibid, page 12

⁵ University of Michigan Working USA, The Journal of Labor and Society, "Right-To-Work Laws and Fatalities in Construction," 2011. Available online: <https://deepblue.lib.umich.edu/bitstream/handle/2027.42/98283/j.1743-4580.2011.00334.x.pdf?sequence=1>.

⁶ Institute for Work and Health, "Updating A Study of the Union Effect on Safety in the ICU Construction Sector," 2021. Available online: https://www.iwh.on.ca/sites/iwh/files/iwh/reports/iwh_report_union_safety_effect_construction_update_2021.pdf

⁷ Organization Science Pubs Online, "Coupling Labor Codes of Conduct and Supplier Labor Practices: The Role of Internal Structural Conditions," 2019. Available online: <https://pubsonline.informs.org/doi/10.1287/orsc.2018.1261>

⁸ Harvard Business Review, "Manage the Suppliers That Could Harm Your Brand," 2021. Available online: <https://hbr.org/2021/03/manage-the-suppliers-that-could-harm-your-brand>

Maximizing use of union labor for offshore wind development can also ensure the best return on investment for taxpayers and support the administration's equity goals—union households earn up to 20% more than non-union households and workers of color and workers with a less formal education see even greater advantages. Furthermore, decline in union density is cited as a reason for growing economic inequality, growing wage gaps for women and workers of color, and declining voice in our democracy for working class Americans.⁹ In particular, the decline in U.S. manufacturing has been devastating to the middle-class, especially for Black and Hispanic workers and other workers of color who disproportionately do not hold college degrees and whom experience discrimination limiting access to better-paying jobs.¹⁰ Manufacturing wages are substantially larger for median-wage, non-college-educated employees, with Black workers in manufacturing earning 17.9% more than in non-manufacturing industries; Hispanic workers earning 17.8% more, Asian American Pacific Islander (AAPI) earning 14.3% more; and white workers earning 29% more.¹¹

Although manufacturing has the proven ability to provide pathways into the middle class for millions of workers and families, and support millions of high-skill, high-wage jobs, it has not always delivered on that promise. Today, those opportunities are increasingly unavailable for too many Americans, and the stakes are high. We need to increase domestic manufacturing which directly employs about one in eleven American workers and contributes \$2 trillion a year to the gross domestic product (GDP). And, GDP data doesn't fully cover the impact of this critical sector that generates demand for other goods and services. According to 2014 data from the Bureau of Economic Analysis, manufacturing is by far the most important sector of the U.S. economy in terms of total output.¹²

Building out a robust domestic supply chain for the growing offshore wind industry can help reverse this trend. The National Renewable Energy Laboratory (NREL) underscores the importance of U.S. manufacturing for offshore wind energy in their March 2022 report.¹³ Analyzing the path to deploying 30 GW of offshore wind by 2030, one of the greatest risks NREL identifies is supply chain constraints caused by global bottlenecks.¹⁴ The modeling in the report also shows that average and maximum job creation utilizing 25% domestic content versus 100% domestic content in offshore wind projects results in a difference of approximately 30,000-40,000 jobs from 2023-2030.¹⁵ According to analysis from Brookings, having onshore suppliers is also a "key tenet" of supply chain resilience.¹⁶

⁹ Ibid, page 3

¹⁰ Economic Policy Institute, "Botched Policy Responses to Globalization Have Decimated Manufacturing Employment With Often Overlooked Costs for Black, Brown and Other Workers of Color," 2022. Available online: <https://files.epi.org/uploads/239189.pdf>

¹¹ Ibid, page 3

¹² Economic Policy Institute, "The Manufacturing Footprint and the Importance of U.S. Manufacturing Jobs," 2015. Available online: <https://files.epi.org/2015/bp388-manufacturing-footprint.pdf>

¹³ National Renewable Energy Laboratory, "The Demand for a Domestic Offshore Wind Energy Supply Chain," 2022. Available online: <https://www.nrel.gov/docs/fy22osti/81602.pdf>

¹⁴ Ibid, vii

¹⁵ Ibid, page 45

¹⁶ Brookings, "How To Build More Secure, Resilient, Next-Gen U.S. Supply Chains," 2020. Available online: <https://www.brookings.edu/techstream/how-to-build-more-secure-resilient-next-gen-u-s-supply-chains/>

Given all of this, we urge BOEM to utilize its authority under the Outer Continental Shelf Lands Act (“OCSLA”) and the National Environmental Policy Act (“NEPA”) to create an offshore wind industry that:

1. Maximizes the creation of quality, family sustaining, union jobs throughout the lifespan of a project;
2. Expands domestic manufacturing along a robust supply chain;
3. Delivers community benefits with attention to:
 - a. Stakeholder engagement, including disadvantaged communities, frontline communities, tribes, fishermen, and other affected ocean user groups; and
 - b. Improving access to benefits, including jobs, for Black, Brown, Indigenous, and People of Color (“BIPOC”) and low wealth communities; and
4. Protects wildlife and marine ecosystems by avoiding, minimizing, mitigating, and monitoring impacts over the course of site assessment and project development, including through the utilization of the best available science and data.

Deploying offshore wind in a way that achieves these four tenets of responsible development is aligned with federal statutes and recent Executive Orders:

Outer Continental Shelf Lands Act (OCSLA)

In the OCSLA, Congress declared that it is the authority of the Secretary (delegated to BOEM) to “grant a lease, easement, or right-of-way on the [OCS]” for activities that “produce or support production, transportation, or transmission of energy from sources other than oil and gas” in a manner that provides for:

- “(A) Safety;
- (B) Protection of the environment;
- (C) Prevention of waste;
- (D) Conservation of the natural resources of the Outer Continental Shelf;
- (E) Coordination with relevant Federal agencies;
- (F) Protection of national security interests of the United States;
- (G) Protection of correlative rights in the Outer Continental Shelf;
- (H) A fair return to the United States for any lease, easement, or right of way under this subsection;
- (I) Prevention of interference with reasonable uses (as determined by the Secretary) of the exclusive economic zone, the high seas, and the territorial seas;
- (J) Consideration of—
 - a. The location of, and any schedule relating to, a lease, easement, or right-of-way for an area of the Outer Continental Shelf; and
 - b. Any other use of the sea or seabed, including use for a fishery, a sea lane, a potential site of a deep-water port, or navigation;
- (K) Public notice and comment on any proposal submitted for a lease, easement, or right-of-way under this subsection; and

(L) Oversight, inspection, research monitoring, and enforcement relating to a lease, easement, or right-of-way under this subsection.”¹⁷

According to a 2021 Memorandum from the Principal Deputy Solicitor Robert T. Anderson regarding the pursuit of these numerous and potentially conflicting goals, the determination was made the statute “require only that the Secretary strike a rational balance between Congress’ enumerated goals, i.e. a variety of uses,” and “in making this determination, the Secretary retains wide discretion to weigh those goals as an application of her technical expertise and policy judgment.”¹⁸

BGA’s core goals for the responsible development of offshore wind touch on a number of the twelve goals of OCSLA—including safety, protection of the environment, conservation of natural resources, protection of national security interests, and a fair return to the U.S.—which we’ve elaborated on in the previous section. We urge you to take these tenets of responsible development into consideration with BOEM’s next steps for wind energy leasing in the Central Atlantic OCS and require developers to commit to utilizing domestic content, employing high-road labor practices, creating equitable career pathways, and protection of the environment.

National Environmental Policy Act

In the National Environmental Policy Act (“NEPA”), Congress declared “that it is the continuing policy of the Federal Government...to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.” People in America are already seeing grave impacts of climate catastrophe,¹⁹ rising temperatures,²⁰ and massive human impacts globally²¹ and in the U.S., with droughts²² and water shortages,²³ extreme weather,²⁴ wildfires,²⁵ mental health,²⁶ and staggering costs.²⁷ To achieve the goals of NEPA in this context requires strong attention to the benefits that offshore wind can provide to people in America in terms of economic advancement, national security, and public health.

Within this landscape, it is critical that we utilize domestic content in our deployment of renewable energy, which not only decreases carbon emission from shipping²⁸ but could also reduce emissions from the production of steel. Deploying 30GW of offshore wind will require procuring substantial amounts of energy intensive products like steel and cement. Requiring use

¹⁷ 43 U.S.C. § 1337(p)(4)

¹⁸ United States Department of the Interior, Memo: Secretary’s Duties Under Subsection 8(p)(4) of the Outer Continental Shelf Lands Act When Authorizing Activities on the Outer Continental Shelf, 2021. Available online: <https://www.doi.gov/sites/doi.gov/files/m-37067.pdf>

¹⁹ Science, “Avoiding Ocean Mass Extinction From Climate Warming,” 2022. Available online: <https://www.science.org/doi/10.1126/science.abe9039>

²⁰ The Guardian, “New Data Reveals Extraordinary Global Heating in the Arctic,” 2022. Available online: <https://www.theguardian.com/environment/2022/jun/15/new-data-reveals-extraordinary-global-heating-in-the-arctic>

²¹ Intergovernmental Panel on Climate Change, “Climate Change: A Threat to Human Wellbeing and Health of the Planet. Taking Action Now Can Secure Our Future,” 2022. Available online: <https://www.ipcc.ch/2022/02/28/pr-wgii-ar6/>

²² University of Nebraska-Lincoln, U.S. Drought Monitor West, 2022. Available online: <https://droughtmonitor.unl.edu/CurrentMap/StateDroughtMonitor.aspx?West>

²³ CNN U.S., “The Two Largest Reservoirs In California are Already at ‘Critically low levels’ and the Dry Season is Just Starting,” 2022. Available online: <https://www.cnn.com/2022/05/07/us/california-water-shasta-oroville-climate/index.html>

²⁴ The Washington Post, “Extreme Weather is Lashing Virtually Every Region of the Lower 48,” 2022. Available online: <https://www.washingtonpost.com/climate-environment/2022/06/14/extreme-weather-lower48-heatwave-storms/>

²⁵ New York Times, “California Wildfire Scorches Nearly 1,000 Acres and Prompts Evacuation,” 2022. Available

online: <https://www.nytimes.com/2022/06/13/us/fires-california-sheep-arizona.html>

²⁶ American Psychological Association, "Urgent Need to Address Mental Health Report Effects of Climate Change, Says Report," 2021. Available online: <https://www.apa.org/news/press/releases/2021/11/mental-health-effects-climate-change>

²⁷ CNN World, "Climate Crisis Costs Up Over 800% as UN Donor Nations Fail to Keep Pace, Report Says," 2022. Available online: <https://www.cnn.com/2022/06/07/world/climate-emergencies-funds-un-report-intl-hnk/index.html>

²⁸ Stockholm Environment Institute, "Calculating Maritime Shipping Emissions Per Traded Commodity," 2019. Available online: <https://www.sei.org/publications/shipping-emissions-per-commodity/>

of domestic content can help reduce the overall impact on the environment from offshore wind projects because U.S. energy intensive manufacturers are relatively clean compared to competitors. As one example, “[s]teel exporters to the US emit 50-100+% more CO2 emissions per tonne than U.S. producers on average.” Use of domestic content can also reduce shipping distance, and thus emissions resulting from long distance maritime transportation.²⁹

It is also critical that offshore wind maximizes opportunities for workers to gain access to well-paying jobs that prioritize safety, provide health benefits, and equitable training pathways so that people who have been most impacted by climate change have access to these opportunities. Union jobs can help ensure workers have access to necessary training and safety resources. BOEM offshore wind leasing process should require developers to adhere to these principles of job quality, quantity, equity, and environmental protection. The environmental and socioeconomic review process should analyze pathways for meeting these standards in every phase of offshore wind energy development.

President Biden Executive Orders

Several executive orders issued under President Biden further affirm the importance of achieving the four tenets of responsible development that we ask BOEM to include in its offshore wind leasing and regulatory process. President Biden’s January 27, 2021 Executive Order Executive Order, “Tackling the Climate Crisis at Home and Abroad” calls for a whole-of-government approach to the climate crisis that will “create well-paying union jobs to build a modern and sustainable infrastructure and deliver an equitable, clean energy future.”³⁰ The Executive Order further emphasized that “[t]his Nation needs millions of construction, manufacturing, engineering, and skilled-trades workers to build a new American infrastructure and clean energy economy.”

In its Executive Order on Supply Chains, the White House stated that “[t]he United States needs resilient, diverse, and secure supply chains to ensure our economic prosperity and national security.”³¹ The Administration specifically cited supply chain risks that “reduce critical manufacturing capacity and the availability and integrity of critical goods, products, and services.”³² As part of this effort to protect economic prosperity and national security, the administration directed the Secretary of Energy to “submit a report on supply chains for the energy sector industrial base.”³³ Further, in its Executive order on climate change, the Administration directed agencies to “seek to increase the Federal Government’s resilience against supply chain disruptions... [because] such disruptions put the Nation’s manufacturing sector at risk, as well as consumer access to critical goods and services.” President Biden’s recent invocation of the Defense Production Act to spur domestic clean energy manufacturing

²⁹ CRU Group, “Leveraging a Carbon Advantage: Impacts of a Border Carbon Adjustment and Carbon Fee on the U.S. Steel Industry,” 2021. Available online: <https://clcouncil.org/reports/leveraging-a-carbon-advantage.pdf?v1>

³⁰ The White House, Executive Order on Tackling the Climate Crisis at Home and Abroad, 2021. Available online: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>

³¹ The White House, Executive Order on America’s Supply Chains, 2021. Available online: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/executive-order-on-americas-supply-chains/>

³² *Ibid.*

³³ *Ibid.*

and create family-sustaining jobs³⁴ highlights the critical importance of this issue. As national security is a key responsibility under OCSLA, BOEM should take action to ensure offshore wind energy utilizes domestic supply chains to contribute to increased energy security in the U.S. All of this makes clear that it is the policy of the United States to ensure that all agencies should take all possible actions to develop clean energy technologies and combat climate change while also strengthening domestic supply chains. BOEM plays a key role in ensuring that offshore wind energy lives up to its potential to contribute to all of these national imperatives—resilient domestic supply chains, quality jobs, worker safety, and equitable access to benefits of a clean energy future.

Conclusion

When done right, offshore wind power will create thousands of high-quality, family-sustaining jobs in manufacturing, construction, operations and maintenance, and in the development of port facilities, transmission, and other associated infrastructure while also minimizing environmental impacts. Thank you for considering how BOEM might further strengthen its role in ensuring that offshore wind energy is developed responsibly, with attention to equity, maximizing quality jobs and career pathways, and protecting the environment. We appreciate your effort to solicit stakeholder input to inform the offshore wind energy leasing process.

Signed,

A handwritten signature in black ink, appearing to read 'Jason Walsh', written in a cursive style.

Jason Walsh
Executive Director,
BlueGreen Alliance

³⁴ The White House, Fact Sheet: President Biden Takes Bold Executive Action to Spur Domestic Clean Energy Manufacturing, 2022. Available online: <https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/06/fact-sheet-president-biden-takes-bold-executive-action-to-spur-domestic-clean-energy-manufacturing/>