Colan, Caroline

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To: DOER
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The Project maximizes federal tax credits by including agreements described in 29 United States Code, Section 158(f) and by committing to entering into an employer and employee harmony agreement with a labor organization seeking to represent the project's operations and maintenance workers. An employer and employee harmony agreement must bind all contractors and subcontractors, other than employees who work on a temporary basis for the employer, to the terms of the agreement. The agreement must be designed to ensure that all work on the renewable energy generation project, including but not limited to work performed in the manufacturing, fabrication or maintenance of the project or operations associated with the project, is uninterrupted, prompt and safe.

I applaud the nobel sentiment that inspired this stipulation in the RFP. However I need to point out the practical applications of it and their impacts:

1) The IRA/ITC has extensive requirements on workforce development requirements which already must be adhered to. These were added after carful research into both what was desired to ensure developers paid their fair share towards enabling the future workforce AND the practical realties of available workforce. So federally, the mandate for PLA's was softened because the workforce of union Electricians and apprentices was not available nationally.
2) Building on the comment above, the requirements for a PLA will force project to restrict bidding to electrical contractors who are located near major urban centers, in a typical dispersion of union/merit shop labor availability which is repeated across the country. This will mean smaller, regional/local shops in the proximity of the actual project will not be able to bid as sub-contractors. Targeting these project locations to economically disadvantaged areas in hope of boosting local workforce participation, and then casually restricting any local companies from actually bidding on the projects seems like the stipulation did not realize the practical realities of the workforce.
3) Building on the item above, even if the project is targeted near a major urban center and union contractors are available, the maintenance technicians will then be another issue. Battery energy storage technician are few and far between and often are required to travel long distances including internationally. Restricting them from working at the site because of a PLA means the developer will be left with two choices, use sub-standard untrained, but union 3rd party maintainers, or not bid the project. If they do go with non-BESS manufacturer authorized technician...then the public safety is jeopardized as the technicians "don't usually work on this equipment" and will not be able to support the long-term maintenance to safe guard the public from thermal runaways. Why can't the BESS manufacturers agree to the union rules for their technicians? Which union...in which state...in which country? All of them? Again, theoretically sure.....great idea, but practically....impossible.

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