



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

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August 22, 2022

DE-FOA-0002811: Response to the Department of Energy’s Request for Information on the Bipartisan Infrastructure Law Clean Energy Demonstration Program on Current and Former Mine Land

The BlueGreen Alliance unites America’s largest labor unions and environmental organizations to solve today’s environmental challenges in ways that create and maintain quality jobs and build a stronger, fairer economy. Our partnership is firm in its belief that Americans don’t have to choose between a good job and a clean environment—we can and must have both.

America’s energy transition is well underway. Prioritizing and targeting federal resources to workers and communities in places impacted by this shift needs to be a deliberate choice. The Clean Energy Demonstration Program on Current and Former Mine Land established by the Bipartisan Infrastructure Law (BIL) is a great example of this kind of policy and of how environmental challenges can also be economic opportunities. For generations, coal-dependent areas—whether in Appalachia, the West, or those surrounding coal-based energy generation plants—have built their economies around coal, not only for the employment of their citizens but for the revenue that supports their schools, infrastructure, and small businesses. As demand for coal decreases, these communities face an uncertain future. Mine land reclamation and reuse not only addresses the host of environmental and health problems associated with these sites but also frees up that land for new economic development opportunities. Cleaning up mine lands can also create immediate job opportunities, especially when prioritized for dislocated workers.

We thank the U.S. Department of Energy (DOE) for seeking input on the implementation of the Clean Energy Demonstration Project on Federal Mine Lands established by the BIL. Our comments respond to questions posed in Categories 1 and 3.

Category 1: Mine Land Development

1A: Development Barriers and Needs.

6) What types of technical assistance would be valuable from the DOE, national laboratories, and/or from other federal agencies in proposal development or project execution? What kinds of technical assistance do communities need to engage in and benefit from the development of clean energy on mine land?

Communities often already have a clear vision for economic development goals, but are not sufficiently empowered or equipped to lead implementation of those plans, build the financial resources necessary to start and sustain community-wide efforts, or attract expertise and resources needed to champion efforts and successfully navigate complex and politically-charged environments. DOE should provide technical assistance and/or financial support for local personnel to apply for this funding, and should provide points of contact that can advise communities that apply for this program on procedures, deadlines, and implementation requirements. Some of this infrastructure already exists within the Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization (IWG). With additional resources the IWG could be the one-stop-shop for communities to receive technical assistance. It is also important to link these demonstration projects to community-driven economic development efforts to ensure that projects actually meet the needs of the community. The IWG could again play a role in helping communities build on existing efforts by connecting them to other complementary programs at DOE and other key agencies, such as the Economic Development Administration (EDA), Appalachian Regional Commission (ARC), and the U.S. Department of Agriculture (USDA)..

Prioritizing public input and community participation is key in determining which projects are chosen and how they are implemented. With community buy-in, these sites can create long-term, permanent jobs and help diversify the economies of communities. The RECLAIM Act (H.R.1733/S.1455, 117th Congress) offers a potential model to follow. The bill prioritizes projects in communities that have suffered from a decline in the coal economy, and requires local stakeholder collaboration in development goals and planning. DOE may expand the benefits of this demonstration program to rural and disadvantaged economies by also including prioritization metrics in the application that evaluate economic conditions, local development plans, and considers the demographic makeup of the community. For example, communities that have experienced a decline in mining may benefit—and have sufficient local labor available to do the work—by prioritizing projects in those areas. It is imperative that DOE incorporate input from communities of color (including Tribes), low-income communities, labor unions, and communities that have suffered from the decline of the coal economy into the selection of projects.

1A: Development Barriers and Needs.

7) What kinds of coordination between DOE and other federal agencies (e.g. the Department of Interior) would be helpful to facilitate clean energy deployment on abandoned mine lands that are reclaimed using BIL funds?

We encourage DOE to work with the U.S. Department of Interior (DOI) and Office of Surface Mining Reclamation and Enforcement (OSMRE) to integrate the regulatory process for reclaimed mine land uses with the projects selected for this program. We also strongly encourage DOE to work with DOI, OSMRE, and state regulatory agencies to ensure that entities that have violated permit, bonding, or reclamation policies are not eligible to receive this funding. Additionally, DOE should align and leverage this clean energy demonstration project funding with DOI's \$11.3 billion in BIL abandoned mine land (AML) cleanup funding. This would not only be cost effective, but would reduce air and water pollution while increasing the economic impact for nearby communities.

DOE should harness the structure of its own IWG to ensure coordination across all agencies and programs represented in the Working Group, but in particular economic development grant-making agencies such as the EDA, ARC, and USDA Rural Development mission area. Ideally, the projects created under DOE's clean energy demonstration program would be aligned and leveraged alongside economic development efforts of these agencies.

Finally, we encourage DOE to consider incorporating information from the U.S. Environmental Protection Agency's (EPA) Re-powering Mapper into project selection. Part of EPA's Re-Powering America's Land Initiative, the Mapper provides information on location and renewable energy potential for contaminated lands, including mine sites. Data is collected from state and federal resources, and each site scanned by the mapper includes information on attributes such as proximity to electric transmission lines.¹

1B: Potential Environmental Impacts.

1) What are the most significant environmental remediation challenges to preparing a mine site for clean energy development? How do these barriers differ based on region, type of mine, and whether the mine is active or not?

2) What potential water contamination risks are posed by the development and operation of clean energy projects on mine land? How can these risks be mitigated? Can clean energy development and operation mitigate water contamination risks or remediation costs?

Unreclaimed or improperly reclaimed mines pose a clear threat to the environment, public health and safety, and wildlife in these regions. Millions of Americans live less than a mile from an abandoned coal mine.² These abandoned mines pose a threat to public safety and the environment in the form of dangerous mine openings, landslides, the collapse of exposed highwalls, mine fires, and subsidence caused by the deterioration of underground mines.³ Abandoned coal mines may also cause air pollution issues from methane release, and result in exposure of toxics like arsenic, lead, and radionuclides.⁴ Mine sites can also contaminate groundwater and discharge acid into waterways.⁵ Surface runoff can carry contaminants and debris down-stream, and can cause stream clogging and sedimentation.⁶ Highly acidic water rich in metals, caused by the abandoned mines, can also lower the pH of surrounding surface water.⁷ In these areas, there is often a decrease in the fish population and available fish may pose significant uptake of contaminants when consumed.⁸

Proper mine reclamation will resolve these issues in many cases. In principle, mine operators are fully responsible to reclaim their mining operations, including the treatment of long water pollution, or acid mine drainage. However, the decline in the coal industry has revealed serious deficiencies in how reclamation is implemented and enforced, and led to the abandonment of modern mines on top of historic abandoned mines. Abandoned mines and any mine drainage associated with them have no responsible parties. Entities investing in clean energy development and operations on these sites would need to ensure that they take steps to prevent and/or address these environmental issues. This could be accomplished through reclamation during the development of a site, and speaks to the need for DOE to coordinate closely with federal and state agencies involved in the regulation of mine sites.

1B: Potential Environmental Impacts.

3) How can DOE best ensure that demonstration projects contribute to the greatest net impact in avoiding or reducing greenhouse gas emissions, as required in BIL?

Echoing our comments above, DOE should work with DOI to leverage BIL funding for AML cleanup alongside the DOE's clean energy demonstration project funding. This

would ensure mine sites are correctly reclaimed/prepared and allow DOE to direct the maximum funding to the clean energy demonstration projects. DOE could also avoid emissions by identifying projects that utilize the grid and transmission infrastructure already in place.

While choosing project sites, DOE should also consider the current methane emissions from mine sites. Many abandoned mine lands emit methane, and some may be good locations for demonstration projects. According to a 2017 EPA report, “methane emitted from active underground and surface coal mines, as well as during post-mining activities, accounts for about 9% of all U.S. methane emissions.”² A clean energy project that includes either the proper sealing of a coal mine or the capture of coal mine methane could have compounding benefits.

Category 3: Job Creation Potential and Challenges

1) What kind of information or data is needed or already exists to identify and categorize job opportunities for local workers, including displaced energy workers?

DOE should engage with the U.S. Department of Labor (DOL) and the Employment and Training Administration (ETA) and Good Jobs Initiative in particular to determine what information and tools DOL can provide to support the identification and categorization of job opportunities for local workers. We also encourage DOE to require that entities receiving project funding engage labor that represents coal industry workers to identify current or former employees of the coal industry.

4) How can DOE best support the creation of stable, good-paying career-track employment for local workers on mine land demonstrations and beyond DOE-funded projects, particularly for local residents and marginalized groups?

5) How can the Mine Land program ensure worker representatives and labor unions are engaged and included in the planning, decision-making, and implementation of demonstration projects?

6) What community benefit, labor, and workforce concerns or priorities are most relevant for the Mine Land program? How have/can these concerns or priorities been/be addressed?

Projects should be prioritized in regions particularly hit hard by job losses in the fossil energy sector and other low income communities. Clean energy projects may not always be the right opportunity for a site or community, but they are great opportunities and may

be well suited to a reclaimed mine site. Investing in clean energy projects on mine lands must prioritize job quality as well as the hiring of local dislocated workers, continuing under terms of any existing union contracts or employment agreements. DOE can do this by strategically targeting funding for projects utilizing high-road labor standards.

We recommend that DOE consider the following high-road labor standards:

Prevailing Wage: As required by the BIL, DOE should require all contractors and subcontractors to comply with the Davis-Bacon Act and Related Acts (DBRA). Contractors and subcontractors therefore agree that all employees shall be paid the local prevailing wages and receive accompanying benefits as identified under DBRA.

Project Labor Agreements (PLA):

Large construction projects, not subject to Executive Order 14063 requiring use of Project Labor Agreements (PLA) for Federal Construction Projects over \$35 million, can still benefit from a PLA.¹⁰ PLAs control the terms and conditions of employment of workers on specific construction projects, including wages, hours, working conditions, and dispute resolution methods. These agreements can be utilized at the state and local level to ensure high-road labor standards, a qualified workforce, and timely projects.

Prioritization of Dislocated Workers. Dislocated coal workers with appropriate skill sets should be prioritized for this work. We encourage DOE to require that entities building projects engage with labor unions that represent coal industry workers to identify current or former employees of the coal industry and provide DOE with certifications of this engagement. We also recommend that DOE collect information on the number of dislocated workers that contractors employ in order to assess the success of this aspect of the program. DOE should also require contractors to affirm they will give preference to dislocated coal industry workers in any hiring for any funded project.

Community Workforce Agreements or Community Benefit Agreements:

A Community Workforce Agreement (CWA) reflects a common pledge between labor and the community to work together to build a high-road path to economic revitalization that includes good jobs. In addition to the collective bargaining aspects of a PLA, CWAs frequently include local hire provisions, targeted hire of low-income or disadvantaged workers, and the creation of pre-apprenticeship pathways for careers on the project. A Community Benefit Agreement typically includes more than economic benefits and

utilizes a community input process to develop an agreement with the community for a broader array of benefits (i.e., housing or transportation priorities).

Registered apprenticeship, Pre-apprenticeship, and Labor Management Partnerships:

One of the main mechanisms for building career pathways is through registered apprenticeship, pre-apprenticeship, and other union-affiliated training programs. Apprenticeships are registered through a state apprenticeship agency or through the DOL. Registered apprenticeships are paid positions that combine on-the-job training with classroom instruction in a trade. Utilizing registered apprentices ensures a high standard of training that will result in proper installation and fully realized energy efficiency savings.

Pre-apprenticeship programs have become a key tool to improving diversity in the building trades. Such programs aim to ensure that workers can qualify for entry into an apprenticeship program and have the skills and support they need to succeed. These programs are generally designed to target certain populations or demographics such as low-income workers, workers of color, women, and other marginalized communities. Additionally, many unions offer training throughout a member's career to enable them to stay up to date with changes in technology. The most successful pre-apprenticeship programs are those affiliated with registered apprenticeships. Wraparound services such as transportation and childcare also help with recruitment and retention of underrepresented and disadvantaged workers.

DOE should consider additional high-road labor standards, such as: union neutrality; high-road wages and benefits, occupational health and safety standards and programs; avoidance of misclassification, and excess use of contracted or temporary employees.

DOE should ensure that all projects funded under this program maximize the benefits of these projects for the works and the communities they are placed in.

Domestic Content

In addition to good jobs in the construction and operations and maintenance of these projects, these projects can support good jobs across the supply chain through utilization of domestically sourced materials for the construction of clean energy projects.

DOE, as required by law, should ensure use of domestic content and Buy America standards in the construction of new clean energy projects funded by this program. As the Build America, Buy America (BABA) provisions in the BIL come into effect and strengthen the Buy America requirements associated with federal investments, the positive market and employment effects generated by the Clean Energy Demonstration Program will be further magnified. Supply chain reporting and disclosure should also be encouraged while incentivizing assembler/supplier commitments and accountability. Further, a waiver process for unavailability should be limited as the vast majority of component parts can be sourced domestically, e.g. steel and aluminum. Further, it is in the public interest to avoid waivers for these requirements considering the environmental and economic impacts of sourcing from foreign manufacturers.

Buy America standards ensure that developers utilizing federal dollars are sourcing from American manufacturing, while reducing reliance on foreign suppliers. On average, U.S. manufacturing of steel and aluminum produces fewer greenhouse gasses and pollutants than in most other countries that are major producers. Steel production in the US is the 2nd cleanest in the world.¹¹ Ensuring domestic manufacturing for steel and aluminum in transmission projects would support not only U.S. manufacturing job growth, but also a reduction in global industrial emissions. DOE also should ensure that the manufacturing facilities producing solar panels and wind turbine components support the environmental, and economic needs of workers and fenceline communities. Early consultation with workers and fenceline communities is vital to ensure that they see benefits, not harm, from such projects.

Increasing American manufacturing for steel and aluminum components has direct impact for Black workers and economic equity. The decline of domestic manufacturing is responsible for a significant rise of income inequality in the U.S. The loss of manufacturing jobs has been disproportionately worse for Black workers and workers of color. According to an EPI report, Black workers have lost more than 600,000 manufacturing jobs since the late 1990's, a 30% fall in Black manufacturing employment.¹² This has further exacerbated the wage gap between Black and white workers. DOE must ensure that the Buy America provisions in the BIL are strictly enforced. Strong domestic content standards would yield a significant impact for manufacturing jobs, and specifically for Black workers and workers of color across the country if targeted correctly.

Conclusion

Deploying clean energy on mine lands can not only address environmental and public safety challenges but can also create quality jobs and spur economic development and diversification. We appreciate the opportunity to provide further comments on how that program can be implemented in ways that reduce pollution while creating high-quality, family-sustaining jobs.

Endnotes

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