JUST TRANSITION

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Sierra Club is the oldest and largest grassroots environmental group, with over 1.2 million members and supporters. Sierra Club's mission is to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

ACKNOWLEDGMENTS

We wish to thank Vien Truong, Director, Kim Noble, Director of National Partnerships, and Michelle Romero, Campaign Director at Green for All, for convening this collaborative and leading the effort to create this toolkit series. We also thank Carol Zabin, Director of Research, and Katherine Luke, Policy Analyst at the Don Vial Center on the Green Economy, U.C. Berkeley Center for Labor Research and Education; Anthony Gad, Director of Research and Policy at the State Innovation Exchange; Jaimie Worker, Policy Analyst at the Center for Community Change; and Lisa Abbott, Organizer for the Empower Kentucky Initiative at Kentuckians for the Commonwealth, for their valuable input.

ABOUT THIS TOOLKIT

This toolkit is part of a series created by the Clean Power for All Collaborative convened by Green for All. The Clean Power for All Collaborative includes People's Action Institute, Center for Community Change, Clean Energy Works, Green For All, National Housing Trust, Natural Resources Defense Council, NextGen Climate America, Sierra Club, State Innovation Exchange, Union of Concerned Scientists, and U.S. Climate Action Network. The views and opinions expressed in this toolkit are those of the authors and do not necessarily reflect the endorsement of every member of the Clean Power for All Collaborative.

The toolkit provides concrete solutions to state regulators and advocates for the effective implementation of the Clean Power Plan (CPP). Each toolkit in the series addresses a set of questions and concerns about equity and fairness, and provides tangible solutions to ensure that the communities hardest hit by poverty and pollution are not overlooked in the development of state plans.

To access this toolkit and other topics online, visit **www.thecleanpowerplan.com.**

ABOUT THE CLEAN POWER PLAN

The CPP is the first national effort to regulate greenhouse gases from existing power plants, which account for nearly 40 percent of the greenhouse gas emissions in the United States.[1] The CPP is expected to reduce carbon pollution output by about 32 percent below 2005 levels in the electricity sector. When developing the CPP, the Environmental Protection Agency (EPA) used its authority under the Clean Air Act to derive unit-specific emission rates standards, as well as statewide pollution budgets and state average emission rates based on each state's existing energy production sources and an assessment of several available pollution reduction measures. The regulations would limit the carbon output of existing power plants, but leave plan design and implementation up to state regulators. Initially, states were required to submit an implementation plan for approval or ask for an extension by September 6, 2016 and to submit final plan by September 6, 2018. Compliance requirements for covered power plants are set to begin in 2022 and end in 2030. On February 9, 2016, the U.S. Supreme Court placed a stay on enforcement of the CPP until the D.C. Circuit Court of Appeals rules on the merits of the Plan and the Supreme Court either rules on the merits or denies a petition to review the lower court's decision. The stay does not speak to the legal merits of the rule, and it does not prevent the EPA from continuing to accept input and develop guidance on how states may implement these life-saving standards. During the stay, states should be continuing to plan for compliance or invest in energy policies that protect people and the planet by accelerating the deployment of clean and renewable energy and energy efficiency.

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SIERRA CLUB

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INTRODUCTION

Low-income communities, communities of color, and other vulnerable groups are more likely to live and work near coal mines and power plants, and to have been exposed over their lifetimes to harmful pollutants from these sources. These frontline communities have suffered disproportionate health, environmental, and quality of life impacts as a result of fossil fuel extraction and combustion. The Clean Power Plan will curb carbon dioxide pollution and will also help reduce conventional air pollutants emitted by existing power plants. However, certain compliance options create both opportunities and concerns for frontline communities who are worried about the potential for localized pollution increases (see Toolkit on *Cleaning Up Pollution Hotspots*), as well as for workers, their unions, and communities, who could face direct and indirect job losses as a result of the coal industry's decline and possibly of the implementation of the Clean Power Plan.

An equity agenda for Clean Power Plan compliance must ensure a just transition for workers and their communities affected by the move away from fossil fuels. In a fair and just transition, affected workers, their unions, and communities are equal partners in a well-planned, carefully negotiated and managed change from an economy reliant on fossil fuels to a clean energy economy. A just transition brings job opportunities to those traditionally left behind and job security and livelihood guarantees to affected workers. Workers receive education and training for industries, ideally unionized, with similar pay and benefits.[1]

A fair and just transition engages every level of government and business in an all-out effort to maximize public and private investments in economic development and diversification, provide workforce training, replace lost tax revenues, and create lasting, good jobs that strengthen the economy and sustain working families--especially jobs related to clean energy, energy efficiency, and climate-resilient infrastructure.[2] This requires a strong commitment to create good union jobs and educate, train, and place current and future workers into quality careers, as well as assistance for those workers and their communities that may be adversely affected by the transition.[3]

A just transition is not simply a negotiating point for the aftermath of facility closures. A just transition is the process of changing from an unsustainable to a sustainable economy that relies on strategies and solutions that prioritize economic opportunity, self-determination, and a safe and healthy environment for all people and communities.[4]

While they were the main source of generation in the U.S. electric system for decades, fossil fuel fired-power plants are among the largest carbon dioxide emitters in the United States and also emit large amounts of co-pollutants harmful to public health. In addition, air and water pollution from coal mining is linked to devastating ecological, occupational, and community health impacts.[5] The Clean Power Plan provides a pathway for the development of a clean energy economy, but also acknowledges the concerns raised by unions and their partners regarding the potential effects of the rule on workers, their families, and communities in coal-producing regions due to the transition to lower- and zero-emitting generation encouraged by the rule. EPA has urged states to take employment impacts seriously as part of implementation plan development and to ensure that those workers and their communities benefit from the job and economic growth opportunities expected from the implementation of the CPP. EPA has also committed to work with other federal agencies to assist workers and communities negatively affected by the transition. Proposed policies such as the "Partnerships for Opportunity and Workforce and Economic Revitalization" (POWER) initiative and the "Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More" (RECLAIM) Act represent initial efforts to provide economic and workforce development assistance to workers and communities affected by market changes in the coal industry and the utility sector.

Labor and economic justice movements participating in the People's Climate March, September 21, 2014, New York City

To lay the groundwork for a just transition, states should encourage the meaningful participation of workers and frontline communities in decision-making; mitigate the effects of coal plant and mine closure on workers, their families, and communities; invest in workers to increase their long-term employment opportunities; provide income and other supports to those unlikely to find comparable jobs; and promote sustainable economic redevelopment.

This toolkit identifies several best practices that can guide responses to industry decline and plant closures. First, states should proactively engage workers and communities in the planning and negotiation process of energy system changes, including the potential closure of fossil fuel-fired power plants or coal mines, providing as much advanced notice as possible of impending facility changes. Second, states should work with utilities and coal producers to address the needs of dislocated workers and economic redevelopment in their communities. Third, states should implement and encourage communities to participate in comprehensive transition assistance programs, such as the Administration's POWER+ initiative, which protects individual workers and redevelops local economies to manage the loss of jobs and local property, income, and extraction tax revenue. Fourth, states should work with labor stakeholders to ensure the development of workforce and job standards in the clean energy sector.

This toolkit should be read in conjunction with the *Good Jobs in a Clean Energy Economy* toolkit, which suggests a pathway for transition from the fossil fuel industry to clean energy careers.

BEST PRACTICE:

ADVANCED NOTIFICATION OF COAL RETIREMENTS AND MEANINGFUL WORKER AND COMMUNITY ENGAGEMENT IN COAL PLANT AND MINE CLOSURE PROCESSES

In developing their implementation plans, states should provide opportunities for meaningful participation through proactive engagement with potentially affected workers and their unions. The Clean Power Plan requires states seeking an extension of the deadline for submission of their state plans to demonstrate meaningful engagement with stakeholders and describe how their input will be considered in the final plans. The rule provides that such stakeholders may include labor unions, workers, and communities whose economic livelihoods depend on coal. Meaningful engagement from workers and union representatives in the electric utility and related sectors will be critical to ensure that energy system alternatives and workers' transition is adequately addressed in state plans. (For more information, see toolkits on *Community Engagement* and *Fair and Just Investments in Frontline Communities Through the Clean Power Plan*). Yet, in the context of building a just transition, engagement in the development of implementation plans is only one aspect of adequately representing workers' needs. State plans should also allow for worker engagement in the process of facility closure or shifting generation to clean energy sources.

Under the Clean Power Plan, currently stayed by the Supreme Court, compliance obligations for covered power plants do not take effect until 2022, although states can receive credit for early investments in wind and solar energy, as well as low-income energy efficiency that results in emissions reductions in 2020 and 2021 under the Clean Energy Incentive Program.[6] While the rule is not in effect pending judicial review of its merits, and it is not known at this point whether these deadlines will change, the compliance period set forth by EPA in the final rule gives states time to design a strategy for carbon reduction, providing ample time for consultation with affected communities and notification of workers that may be facing layoffs when the Clean Power Plan takes effect.

Advance notification of potential coal retirements and mine closures is vital for planning by workers, their families, and local governments in the transition away from fossil fuels and towards clean energy. Fossil fuel fired-power plants and the coal mines that supply fuel to them provide well-paying jobs along the supply chain, supporting miners, railway operators, utility workers, boilermakers, maintenance workers, and other local employees, including restaurant and retail workers. Like other power generating facilities, fossil fuel-fired power plants also make significant contributions in state and local taxes.[7] The abrupt closure of a facility can be devastating to workers and their communities, as witnessed when two power generating stations in southwestern Pennsylvania were shut down by FirstEnergy with less than three months notice.[8] Insufficient notice does not give workers the time to save for upcoming bills, look for other work in the area, move to find work elsewhere, or plan a pathway to retirement. In contrast, a just transition depends on transparency, open communication, and collaboration between state agencies, power plant owners or operators, their workers, and local communities.

CASE STUDY:

PHASING-OUT FOSSIL FUEL-FIRED GENERATION AT CENTRALIA, WA

The public stakeholder strategy for phasing out fossil fuel-fired electrical generation at TransAlta's Centralia Power Plant, the last coal-fired power plant in Washington State, provides a useful example of stakeholder involvement of government, environmental, and labor groups. The Centralia Power Plant came under scrutiny for its adverse impact on air quality in the nearby Mount Rainier and Olympic National Parks. In 2009, after TransAlta failed to implement targets for mercury and criteria pollutant reductions in the plant, the Sierra Club, in coalition with public health, labor, and faith-based organizations launched a campaign to advocate for retiring the plant by 2015. TransAlta countered that, in order to support jobs and maintain the local electrical supply, the plant should be allowed to continue operation until 2025. After convening a series of community meetings across the region that brought together union members, local residents, and clean energy advocates, the coalition supported a substitute bill that would delay the plant closure until 2020.

When the negotiations seemed deadlocked, the governor brought the coalition and the company together to broker a deal. Although the International Brotherhood of Electrical Workers (IBEW), who represented plant workers, was not included in the negotiation, the coalition maintained communication with the IBEW and advocated for the retention of the workforce through the process of closure. In exchange, TransAlta agreed to close one unit in 2020, while the other will continue to operate until 2025. TransAlta thus provided years of advanced notice for workers to plan their next steps; and before 2025, 40 percent of the current workforce will reach retirement age. TransAlta also agreed to install pollution abatement technologies at the plant, establish a $30 million community investment fund, and provide $25 million for an energy-technology transition fund.[9] The state legislature approved the agreement in 2011.[10]

The long history of cooperation between labor and environmental organizations, which dates back to the protests against the World Trade Organization in Seattle in 1999, formed the basis for communication and of an agreement that responded to the needs of workers. As the Labor Network for Sustainability highlights in reporting on the agreement:

"...environmentalists had initially pushed for worker retraining; they learned from these discussions that retraining was not what TransAlta workers — most of whom were fifty or older — wanted. Instead, union officials identified the crucial needs as job security, community reinvestment, and transition time —issues the environmental groups subsequently fought for in the negotiations ..." [11]

"The long history of cooperation between labor and environmental organizations ... formed the basis for communication and of an agreement that responded to the needs of workers."

BEST PRACTICE:

HOLDING COAL PLANT AND MINE OWNERS ACCOUNTABLE TO WORKERS AND COMMUNITIES

Advance notification of plant or mine closures and consultation with workers through joint labor-management negotiations preceding plant or mine closures can give workers some control over the transition process and help affected parties to participate in decision making. However, in many regions facing job losses, extractive industries and electrical power generation are an important part of the local economy. Even with advance notification, workers may be unable to find new positions within a reasonable proximity of their homes.

States, unions, and community groups should work with utilities and coal companies to prepare workforce transition plans, distribute the cost of transition, and invest in new economic sectors, including clean energy. For example, as part of the deregulation of public utilities in the 1990s, several states approved measures to allow utilities to collect public benefits charges to cover dislocated worker costs, including training, outplacement, severance pay, or early retirement benefits.[12] In Connecticut, this program was expanded to include workers in power plants that closed due to statewide regulation on criteria air pollutants.[13] Public benefits charges are only one strategy to finance or implement worker protections. Under the Clean Power Plan, for example, states choosing to use a mass-based program for compliance can create set-asides to incentivize coal plants facing closure to establish worker transition plans that provide for advanced notification of retirements.[14]

The following case studies provide examples in which employers were held accountable by their workers to provide them with a pathway to new employment and financial assistance to diversify local businesses and energy supplies in affected communities.

"States, unions, and community groups should work with utilities and coal companies to prepare workforce transition plans, distribute the cost of transition, and invest in new economic sectors, including clean energy."

The Clean Power Plan must not place an unfair burden on affected workers and communities for changes to the energy system that will benefit future generations.

In 2015, the Minnesota Legislative Energy Commission, which evaluates and tracks progress on state energy policy, required nuclear generation facilities within the state to submit periodic update reports on all aspects of plant operation to the state's Public Utility Commission. The reports must include a "Worker Transition Plan"[15] in the event of a facility closure lasting more than six-months. Xcel's 2016-2030 Upper Midwest Resource Plan details the company strategy if the Prairie Island or Monticello nuclear generating plants were to close. The plan describes four transition pathways for workers in the event of plant closure: first, to stay with Xcel Energy in a similar job or career path; second, to stay with Xcel Energy in a different job or career path; third, to retire; or fourth, to leave Xcel Energy for outside employment opportunities.

The plan highlights elements of each pathway that are designed to be consistent with the collective bargaining agreements of their unionized employees. In the plan, Xcel commits to provide preferential consideration to employees wishing to transfer to other positions within the company before recruiting outside hires for new positions, a tuition reimbursement program for employees to take classes or complete a degree with an accredited program, and severance pay.

The plan, which is framed in the context of the plant closures scheduled for 2030 and 2033, emphasizes that its success will depend on the long lead-time prior to potential plant closings, in order to give the company and its employees an opportunity to plan for the transition.[16]

CASE STUDY:

MINNESOTA NUCLEAR WORKER TRANSITION PLAN

"The plan highlights elements of each pathway that are designed to be consistent with the collective bargaining agreements of their unionized employees"

BEST PRACTICE:

TRANSITION ASSISTANCE BY FEDERAL AND STATE GOVERNMENTS

Federal and state transition assistance is critical to economic diversification and development, particularly in rural areas where the local economy is heavily dependent on fossil fuels and in areas where it might not be possible to win monetary benefits for workers and frontline communities from utilities and fossil fuel companies as part of the negotiations to close facilities. As recently evidenced in the rash of coal company bankruptcies, industry-wide failure can cause a significant ripple effect, including: layoffs, loss of state, county, and local tax revenue, and pension fund insolvency that jeopardizes the security of retirees. Government assistance should thus be made available in all areas affected by coal mine or power plant closures to protect both affected workers and their communities.

The idea of a just transition to protect workers and communities affected by necessary environmental regulation is often attributed to Tony Mazzocchi of the Oil, Chemical, and Atomic Workers Union. In the early 1990s, Mazzocchi proposed a "superfund for workers" to provide compensation for and opportunities to retrain workers dislocated as a result of implementation of environmental regulations.[17] He noted that statutes such as the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) imposed requirements to cleanup industrial contamination and compensate affected companies, but offered no protection for workers. Mazzocchi emphasized that workers should receive a guarantee that they will not have to pay for clean air and water with their jobs.[18] Yet, his proposal for federal funding to address the adverse economic and human impacts of regulation was not entirely new. Transition assistance has been made available during a number of major shifts in the US economy. Programs have included the G.I. Bill, which provided education and housing benefits to veterans returning from World War II; the Base Realignment and Closure (BRAC), a process by the United States Department of Defense to plan the end of Cold War realignment and closure of military installations; and the Trade Adjustment Assistance Act, which was first enacted in 1974 and has been continually renewed to help workers affected by outsourcing of jobs overseas. Environmental legislation, including the Northwest Forest Plan,[19] the 1990 Clean Air Act Amendments,[20] and the proposed Waxman-Markey Bill[21] also provided support to workers.

Adopting comprehensive transition assistance programs can improve worker and community outcomes[22] where jobs are lost as part of energy transition. Current employees of extractive industries and fossil fuel power plants should be pre-qualified for assistance to prevent a lengthy application process and omission of eligible workers as seen in past programs.

As discussed in the toolkit *Making Polluters Pay: Harnessing Value for Public Benefit*, to the extent that states elect to comply using a mass-based program, advocates should urge that allowances be allocated through auctions, which should generate revenues that can be used to provide financial assistance to workers affected by the transition, and for new economy job training or clean energy investments in communities where coal represents a significant part of the local economy.

"... workers should receive a guarantee that they will not have to pay for clean air and water with their jobs."

The level and uses of this funding should be determined through a stakeholder process that includes representatives from labor unions, potentially affected communities, state and local economic development agencies, and experts that would aid the EPA and state environmental agencies to assess potential job impacts. Below we discuss the components of a comprehensive transition assistance program for which such revenues could be used.

Effective transition assistance should:

- Extend unemployment compensation and continue healthcare and pension payments for dislocated workers;
- Fund job training, re-training, or education that leads to job placement and retention in family-supporting jobs;
- Provide additional income supplement or early pension options as part of a pathway to retirement for workers over 50;
- Support health and retirement fund security to ensure workers who have spent their careers in industries affected by coal's decline can receive the benefits that they have already earned;
- Provide career counseling services to interested workers;
- Offer job search and relocation stipends for dislocated workers and their families;
- Remediate and redevelop Superfund and abandoned mine lands sites;
- Fund economic re-development and diversification;
- Monitor and evaluate program outcomes to ensure assistance reaches all eligible workers and affected areas; and
- Include accountability mechanisms such as an oversight task force with decision-making authority that includes relevant state agencies and community representatives who work directly with low-income communities and communities of color overburdened by pollution.[23]

In addition, the federal government must provide support to workers affected by the decline of the coal industry. The Obama Administration has already proposed several measures in this regard. Among the most comprehensive measures to date is the POWER+ initiative proposed by President Obama as part of the 2016 budget, which aims to invest more than $5 billion into coal communities. A core element of POWER+, which requires legislative approval, proposes to use $1 billion in Abandoned Mine Lands funds over 5 years to invest in economic diversification and development programs, and cleanup projects at hazardous abandoned mines to boost employment and business opportunities. POWER+ would also allocate tens of millions of dollars toward job training and employment services, and invest heavily in the health and retirement security of mineworkers and their families affected by coal's decline. Dozens of cities, towns, and municipalities across Appalachia have passed resolutions urging their federal representatives to support the Administration's proposal.[24] These dedicated resources for economic diversification, job creation, job training, and other employment services for workers and communities affected by layoffs in coal-affected industries are all necessary components to a successful transition program.

Promotion of regional and locally driven economic development and competitiveness programs, similar to those proposed by the POWER+ plan - and overseen, for example, by key stakeholders such as community organizations, labor union partners, and agencies such as the Economic Development Administration, the Appalachian Regional Commission, the Department of Energy, and the Department of Agriculture's Office of Rural Development - can maximize the ability of communities to define their own needs and craft their own solutions. Often overlooked, rural areas are particularly vulnerable to mass job loss. Whether through loans, grants, or technical assistance, such programs can help empower communities that may otherwise fall through the cracks.

CASE STUDY:

BASE REALIGNMENT AND CLOSURE

"The Department of Defense Base Realignment and Closure process (BRAC) has been one of the most successful models to address the needs of both individual workers and affected communities"

The Department of Defense Base Realignment and Closure process (BRAC)[25] has been one of the most successful models to address the needs of both individual workers and affected communities following the closure or downsizing of a military facility. Five generations of the program have occurred since 1988, with the most recent process in 2005 affecting 997 military facilities and 123,000 workers. Under BRAC, affected communities receive federal funds for environmental cleanup, planning and economic adjustment assistance from the Department of Defense's Office of Economic Adjustment, and priority consideration for many federal economic assistance programs, such as the Department of Housing and Urban Development's Community Development Block Grants and Community Service Grants, and programs administered by the Department of Commerce's Economic Development Administration and the Department of Agriculture's Rural Development Administration. Both military and civilian personnel receive advance notification of BRAC, counseling, hiring preference within federal agencies, incentives for early retirement, and 18-months of healthcare benefits. In addition, all are eligible for job training under the Workforce Innovation and Opportunity Act.[26]

Photo credit: Green For All

CASE STUDY:

POWER PLAN

In October 2015, the Obama Administration awarded $14 million in grants to 36 projects across 12 states as an initial grant program to assist coal communities pending legislative approval of the much more comprehensive POWER+ plan. The grants are administered by the Economic Development Administration, the Department of Labor's Employment and Training Administration, the Small Business Administration, and the Appalachian Regional Commission and are intended for community-based projects to diversify local coal-dependent economies, grow jobs in new and existing industries, attract other sources of investment to spur job growth, and offer workforce services and training to place workers in family-supporting jobs.

The range of projects funded illustrate a variety of strategies pioneered by community groups to address coal job losses while building much needed infrastructure and advancing new business models.[27] For example, the Town of Union in Monroe County, West Virginia received $826,000 to extend the public water supply to the UTC Aerospace Systems' manufacturing plant. In Wayne County, West Virginia, the Coalfield Development Corporation will use $600,000 in grant funding to trial agricultural production on reclaimed, surface mine lands, while also providing small business support to grow the local food economy.[28]

The POWER grants emphasize community engagement, prioritize investment in the local workforce, and support existing projects in coal-impacted communities; yet, as the Obama Administration has stated, it is only the beginning of what must be a larger and more comprehensive process to address the transition away from coal.

"The POWER grants emphasize community engagement, prioritize investment in the local workforce, and support existing projects in coal-impacted communities"

BEST PRACTICE:

CREATION OF QUALITY JOBS IN CLEAN ENERGY

In its 2015 analysis of the proposed Clean Power Plan, the Economic Policy Institute concluded that more jobs will be gained than lost as a result of the regulation; however, the workers in job-losing sectors, such as utilities, mining, and some manufacturing industries, are better-paid, older, and less educated workers, who are more likely to be members of a union.[29] This conclusion raises two critical concerns: first, that workers facing layoffs will face challenges finding new employment in comparable positions, which can be addressed in part through individual worker assistance as discussed above. Second, the priority is not just creating new jobs, but career-track positions with the same wage and benefit standards, training opportunities, and the stability guaranteed in unionized positions in the fossil fuel industry.

The *Good Jobs in a Clean Energy Economy* toolkit provides greater detail on how states can maximize job creation at family-sustaining wages through incorporation of strategies such as project labor agreements, responsible contractor provisions, skill standards certifications, and prevailing wage requirements into CPP plans. Policies to create lasting career pathways in the clean energy sector can directly benefit communities affected by power plant or mine closure through targeted hire requirements that prioritize dislocated workers. Securing a just transition depends on the incorporation of high road job standards to ensure green jobs are good jobs.[30]

Importantly, high road workforce standards can also help to build organized labor's support for environmental policies. Unions can be a powerful ally in environmental policy and often have areas of overlapping interest with community, equity, and environmental justice organizations. At root, both are fundamentally concerned with improving equity and the quality of life for working families.[31]

CASE STUDY:

CALIFORNIA'S RENEWABLE PORTFOLIO STANDARD

In 2015, California raised its Renewable Portfolio Standard (RPS), requiring publicly-owned utilities and retailers to procure 50 percent of their electricity from renewable resources by 2030. The ambitious legislation, which pushed the California RPS to one of the highest targets in the country, passed through the state legislature due to a wide coalition of support, including 22 different local Building Trades Councils.[32] Union support for a higher RPS can be traced to the fact that, in California, renewable energy has spurred construction organized under collectively bargained or project labor agreements. From 2010 to 2014, 4,250 megawatts (MW) of utility-scale solar were installed in the state, creating over 10,000 jobs that pay prevailing wage and offer benefits, many of which go to workers from disadvantaged communities. For each blue-collar worker, contractors and workers contribute to apprenticeship trust funds to train the next generation of workers totaling up to $17.5 million for apprenticeships so far.[33] The broad mandate in support of aggressive greenhouse gas emission reduction targets in California is due in part to smart and creative policy making that provides for additional co-benefits. For further information, see the toolkit on *Fair and Just Investments in Frontline Communities Through the Clean Power Plan.*

"[I]n California, renewable energy has spurred construction organized under collectively bargained or project labor agreements."

Photo credit: Green For All

KEY TERMS

Abandoned mine lands: Lands, waters, and their surrounding watersheds, which are contaminated or damaged by the extraction and processing of coal, ores, and minerals, and where mining or processing activities have ceased.

BRAC: "Base Realignment and Closure" is a congressionally-authorized process used by the Department of Defense to end the Cold War realignment and closure of military installations. The BRAC Commission provides an independent review of the list of bases and military installations recommended by the Department of Defense for closure or realignment.

Frontline Communities: Also known as environmental justice communities, disadvantaged communities, and marginalized communities, frontline communities refer to communities of color, indigenous communities, low-income communities, and immigrants who tend to experience disproportionate exposure to pollution burdens and lack of income, employment, education, and language access due to structural and institutional discrimination.

Just transition: The process of shifting from a fossil fuel-dependent to a well-planned and carefully negotiated clean energy economy which brings job opportunities and livelihood guarantees to affected workers and their communities. Workers receive right of first employment for any jobs created by plan decommissioning or site reclamation, as well as education and training for industries ideally unionized, with similar pay and benefits. A fair and just transition engages every level of government, business, organized labor, and community stakeholders to maximize public and private investments in economic development and diversification, provide workforce training, replace lost tax revenues, and create good, lasting jobs that strengthen the economy and sustain working families.

POWER+ Plan: The "Partnerships for Opportunity and Workforce and Economic Revitalization" (POWER) program is an interagency initiative by the Department of Commerce, the Department of Labor, the Small Business Administration, and the Appalachian Regional Commission that provides economic and workforce development assistance to workers and communities affected by current market changes in the coal industry and the utility power sector. The POWER initiative is part of President Obama's POWER+ Plan, part of his FY 2016 budget request to Congress, which proposes roughly $10 billion for investments in coal communities and their workers.

Project labor agreements: Executive Order 13502, *Use of Project Labor Agreements for Federal Construction Projects*, defines a project labor agreement as a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project. These terms and conditions may include provisions on targeted or local hiring, wages and benefits, health and safety trainings, and processes for communication and resolving conflicts among stakeholders. See the *Good Jobs in a Clean Energy Economy* toolkit for further information.

Public benefits charges: State programs, typically developed during the deregulation of the electric sector, to ensure support for renewable energy, energy efficiency, and low-income energy programs through a surcharge on consumer bills.

RECLAIM Act: The "Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More" (RECLAIM) Act is a bipartisan bill aimed at supporting economic development in coal communities. The legislation would release $1 billion from the existing balance in the Abandoned Mine Lands Fund to assist communities suffering from job losses due to the decline of the coal industry.

Workforce Innovation and Opportunity Act: Legislation aimed at creating workforce development opportunities and help businesses find skilled employees. The WIOA creates a streamlined workforce development system by applying a single set of metrics to every workforce development program covered under the act, and supports access to education and workforce development opportunities through on-the-job training, performance contracts, and pathway strategies.

KEY RESOURCES

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[5] P. Epstein, et al., Full cost accounting for the life cycle of coal, 1219 Annals of the New York Academy of Sciences, 73-98 (2011); S.C. Kulkarni, et al., F*alling behind: life expectancy in US counties from 2000 to 2007 in an international context*, 9 Population Health Metrics, 16-27 (2011); T. Lindberg, et al., *Cumulative impacts of mountaintop mining on an Appalachian watershed*, 108 Proceedings of the National Academy of Sciences of the United States of America, 20929-20934 (2011); A. W. Wade, et al., *Severe Occupational Pneumoconiosis Among West Virginia Coal Miners: 138 Cases of Progressive Massive Fibrosis Compensated Between 2000-2009*, 139 CHEST, 1458-1462 (2011); K.J. Zullig and M. Hendryx, *Health-Related Quality of Life Among Central Appalachian Residents in Mountaintop Mining Counties*, 101 American Journal of Public Health, 848-53 (2011).

[6] EPA has proposed some changes regarding the types of energy resources eligible for CEIP credits in its recently issued proposed rule to establish the CEIP's design details. EPA, *Clean Energy Incentive Program Design Details, Proposed Rule*, 81 Fed. Reg. 42,940 (June 30, 2016). Specifically, the agency is proposing to include geothermal and hydropower energy in the renewable energy category, as well as solar in the low-income category of eligible projects.

[7] R. Pollin, et al., *Green Growth: A U.S. Program for Controlling Climate Change and Expanding Job Opportunities*, 2013, available at https://cdn.americanprogress.org/wp-content/uploads/2014/09/PERI.pdf

[8] D.M. Langford, *The Transition to a Clean Energy Economy Must Include Immediate Efforts to Mitigate Impacts on America's Workers and Communities*, Position Paper of the Utility Workers of America, 2013, available at http://uwua.net/wp-content/uploads/2013/10/UWUA-Position-Paper-on-Changing-Energy-Economy.pdf

[9] TransAlta began annual payments into the fund in 2012 that will continue until 2023 when the targets are scheduled to be reached. Coal transition grants from the fund are disbursed on a competitive basis by three investment boards comprised of community and company representatives. The Weatherization Board will administer up to $10 million and works with businesses, local government, and nonprofits to improve energy efficiency in the targeted areas of Lewis and South Thurston Counties. The Economic and Community Development Board ($20 million) provides retraining services and targeted grants for local business development, focusing on community members and workers affected by the plant closure.

Finally, the Energy Technology Board ($25 million) will invest in clean energy, alternative fuels, and other technologies throughout the State of Washington that reduce GHG emissions. The first two projects funded through coal transition grants were sponsored in the spring of 2016 to offer weatherization services to local families through the nonprofit Community Action Council of Lewis, Mason & Thurston Counties, and to retrofit the Historic Fox Theater in Centralia, Washington. See, Centralia Coal Transition Grants, Grant Recipients, 2016, available at http://cctgrants.com/category/grant-recipients/; TransAlta USA, TransAlta invests $55 million in Washington State, 2015, available at http://www.transalta.com/us/2015/07/transalta-invests-55-million-in-washington-state/; J. Christie, *TransAlta to phase out coal boilers in Wash. state*, Reuters, March 5, 2011, available at http://www.reuters.com/article/power-transalta-washington-idUSN0520914920110305; S. Martelle, *Kick Coal, Save Jobs Right Now: In Washington State, a blue-green alliance helps phase out dirty energy,* 2012, Sierra Magazine, available at https://web.archive.org/web/20140822070522/http://vault.sierraclub.org/sierra/201201/kick-coal-save-jobs.aspx

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[11] J. Brecher, *Jobs Beyond Coal: A Manual for Communities, Workers,and Environmentalists,* Labor Network for Sustainability, 2013, available at http://report.labor4sustainability.org/

[12] Connecticut General Assembly, Substitute House Bill No. 5005, Public Act No. 98-28: An Act Concerning Electric Restructuring, 1998, available at https://www.cga.ct.gov/ps98/Act/pa/1998PA-00028-R00HB-05005-PA.htm; Cal Pub. Util. Code § 9603, available at http://www.leginfo.ca.gov/cgi-bin/displaycode?section=puc&group=09001-10000&file=9600-9622

[13] Connecticut General Assembly, Substitute House Bill No. 5209,Public Act No. 02-64, 2002, available at https://www.cga.ct.gov/2002/act/Pa/2002PA-00064-R00HB-05209-PA.htm; J. G. Rowland, Executive Order No. 19, 2000, available at http://www.ct.gov/GovernorRowland/cwp/view.asp?A=1328&Q=255950

[14] Sierra Club, Environmental Law Program, *Sierra Club weighs in on Clean Power Plan compliance in Pennsylvania*, available at https://content.sierraclub.org/environmentallaw/sites/content.sierraclub.org.environmentallaw/files/SC_CPP_PA_Comments_11-12_vfinal%20%281%29_0.pdf

[15] Xcel Energy, *Appendix L: Nuclear Worker Transition Plan*, 2015, available at https://www.xcelenergy.com/staticfiles/xe/PDF/Regulatory/15-App-L-Nuclear-Worker-Transition-Plan-January-2015.pdf; see also Michigan Legislature, Michigan Public Service Commission, Act 3 of 1939, Section 460.10p, 2008, available at http://www.legislature.mi.gov/(S(h3g5hfi41lk2jdry2jobszcm))/mileg.aspx?page=getObject&objectName=mcl-460-10p

[16] 2015 Minn. Stat. § 3.8851, available at https://www.revisor.leg.state.mn.us/statutes/?id=3.8851

[17] J. Brecher, *A Superfund for Workers: How to Promote a Just Transition and Break Out of the Jobs vs. Environment Trap. Dollars and Sense*, 2015, available at http://dollarsandsense.org/archives/2015/1115brecher.html

[18] T. Mazzochi, *A Superfund for Workers*, 9 Earth Island Journal 1 (1993).

[19] H. H. Christensen, et al., *Northwest Forest Plan: Outcomes and Lessons Learned From the Northwest Economic Adjustment Initiative*, United States Department of Agriculture, Forest Service Pacific Northwest Research Station General Technical Report PNW-GTR-484, 1999, available at http://www.fs.fed.us/pnw/pubs/pnw_gtr484.pdf

[20] The Clean Air Act Amendments provide for assistance to affected workers who applied for clean air employment transition benefits. Affected workers were also deemed eligible by the Department of Labor to receive extended unemployment insurance and access to training and career services under the Job Training Partnership Act, regardless of whether their unemployment compensation had already expired. See, H.R.3030, available at https://www.congress.gov/bill/101st-congress/house-bill/3030; W.R. Walker, *The Transitional Costs of Sectoral Reallocation: Evidence From the Clean Air Act and the Workforce*, The Quarterly Journal of Economics, 1787–1835 (2013), available at http://faculty.haas.berkeley.edu/rwalker/research/walker_transitional_costs_CAA.pdf

[21] H.R.2454 - American Clean Energy and Security Act of 2009, available at https://www.congress.gov/bill/111th-congress/house-bill/2454

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[30] P. Mattera, et al., *High Road or Low Road? Job Quality in the New Green Economy. Good Jobs First*, 2009, available at http://www.goodjobsfirst.org/sites/default/files/docs/pdf/gjfgreenjobsrpt.pdf

[31] There is growing support to address environmental justice within the labor movement, most recently seen in the adoption of "Resolution 108A – Environmental Justice for Working People" by the Service Employees International Union at their National Convention in May 2016. For the full text see, SEIU, Resolution 108A – Environmental Justice for Working People, Resolutions Committee, 2016, available at http://s3.amazonaws.com/convdocs.seiumedia.net//resolutions/108A-Environmental-Justice-Resolution-052016.pdf?mtime=20160522100708

[32] SB 350, available at http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0301-0350/sb_350_cfa_20150911_211234_sen_floor.html

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