

Date of Hearing: June 30, 2021

ASSEMBLY COMMITTEE ON UTILITIES AND ENERGY

Chris Holden, Chair

SB 694 (Bradford) – As Amended June 22, 2021

SENATE VOTE: 37-0

SUBJECT: Fire prevention: electrical corporations: wildfire mitigation: workforce diversity

SUMMARY: Requires investor-owned electrical utilities (IOUs) to include in an advice letter submitted to the Wildfire Safety Division (WSD) a description of their workforce development efforts, including efforts to recruit former and current members of conservation corps members and formerly incarcerated conservation crew members.

EXISTING LAW:

- 1) Requires each electrical IOU to annually prepare and submit a wildfire mitigation plan (WMP) to the California Public Utilities Commission (CPUC) for review and approval, as specified. Requires an IOU's WMP to include specified components. (Public Utilities Code § 8386)
- 2) Requires each electrical corporation to include in their WMP a showing that the corporation has an adequately trained and sized workforce to restore service after a major event. (Public Utilities Code § 8386(c)(15))
- 3) Requires the WSD to approve or deny an IOU's WMP and oversee compliance with the plan, as specified. (Public Utilities Code § 8386.3)
- 4) Requires an electrical IOU to submit to the WSD an advice letter on the projected date when it will have spent, or incurred obligations to spend, its annual revenue requirement for vegetation management. (Public Utilities Code § 8386.3(d)).
- 5) Directs the WSD to issue a safety certification to an electrical corporation if the corporation provides an approved WMP, among other requirements. (Public Utilities Code § 8389).
- 6) Establishes the Wildfire Fund, which provides IOUs funds for cost recovery in the event that the IOU is found at fault for a catastrophic wildfire. Among its provisions, stipulates that an IOU is eligible for cost recovery through the Wildfire Fund with a valid safety certification pursuant to Public Utilities Code § 8389. (Public Utilities Code § 451.1)
- 7) Establishes the California Conservation Corps (CCC) to train young people to engage in projects that include, but are not limited to, preserving, maintaining, and enhancing environmentally important lands and waters, accomplish useful and needed public works projects in both urban and rural areas, and assist in fire prevention and suppression. (Public Resources Code § 14000 et seq.)
- 8) Defines the Community Conservation Corps, commonly known as the local conservation corps, as a nonprofit public benefit corporation or an agency operated by a city, county,

or city and county, and is certified by the CCC as meeting specified criteria. (Public Resources Code § 14507.5)

- 9) Deems unlawful employment practice for an employer to inquire into, consider, or include on any employment application any question that seeks disclosure of an applicant's conviction history before making a conditional offer of employment. (Government Code § 12952).

FISCAL EFFECT: According to the Senate Committee on Appropriations, this measure does not significantly impact state costs.

BACKGROUND:

Wildfire Mitigation Plan – Under SB 1028 (Hill, Chapter 598, Statutes of 2016), SB 901 (Dodd, Chapter 626, Statutes of 2018), and AB 1054 (Holden, Chapter 79, Statutes of 2019), IOUs are required to develop and file a WMP with guidance from the WSD. The goal of WMPs is to implement programs to reduce the risk of utility ignited wildfires. Details in a WMP include a number of actions to harden a utility's system against wildfire ignition risk, such as electric line replacement with covered conductors, pole replacement, and vegetation management. The WSD and, by extension the CPUC, approves and determines whether a WMP is in compliance. Upon approval, an electrical corporation is granted a safety certificate for the period of time planned for by the WMP. Pursuant to Public Utilities Code § 451.1, this safety certificate is necessary for an IOU to be eligible for participation in the Wildfire Fund, which provides cost recovery for damages should an IOU be found at fault for a catastrophic wildfire.

WMP guidelines on workforce development –The Wildfire Safety Advisory Board (WSAB) provides recommendations to the WSD on improving guidelines for the WMP. In their 2020 report, the WSAB observed inconsistent levels of expertise relied upon to conduct electrical inspections across utilities, and highlighted the need for improved workforce training and development.¹ In 2021, the WSAB observed insufficient details in WMPs to address personnel shortages across the utilities, including the lack of proper certification within some parts of the utilities' workforce. The Board recommended that the 2021 WMP guidelines require utilities to develop more robust outreach and onboarding programs for new electric workers and increase the pool of qualified workers.²

CCC and local conservation corps – The CCC was established in 1976 by then-Governor Jerry Brown, who modeled the CCC after the original Civilian Conservation Corps of the 1930s established by then-President of the United States Franklin Roosevelt. The CCC is a department within the California Natural Resources Agency and is the oldest conservation corps in the nation. The program provides young people, ages 18-25 years old, a year of paid service to the State of California. CCC members work on environmental projects and respond to natural and manmade disasters. The CCC enrolls roughly 3,000 members each year and provides training and experience with the intent of leading to meaningful careers. The CCC also annually certifies

¹ CPUC Wildfire Safety Advisory Board, *Recommendations on the 2020 Utility Wildfire Mitigation Plans*, April 15, 2020.

² CPUC Wildfire Safety Advisory Board, *Recommendations on the 2021 Wildfire Mitigation Plan Guidelines, Performance Metrics, and Safety Culture*, p. 13, 21, 30. June 24, 2020.

local conservation corps, pursuant to Public Resources Code § 14507.5, by ensuring the local conservation corps meets statutory criteria defining a community conservation corps. The local conservation corps can be a nonprofit public benefit corporation or an agency operated by a city, county, or city and county. There are 14 local conservation corps currently certified by the CCC working in regions across the state, including throughout Southern California, the Bay Area, and the Central Valley.

COMMENTS:

- 1) *Author's statement.* "California's electric utilities are investing substantially in wildfire mitigation work throughout the state. The hardworking individuals doing this work are making the state safer, but the Wildfire Safety Division and the Wildfire Safety Advisory Board have found we just do not have enough of them. SB 694 helps to equitably resolve that workforce shortfall by requiring utilities to actually plan for workforce development in this area. This includes considering as a potential part of that workforce both state and local conservation camp crew members, as well as formerly incarcerated conservation crew members, given the directly-relevant experience of each group to wildfire mitigation."
- 2) *Workforce development and equity.* SB 694 responds to a need for greater workforce development by the IOUs as identified by the WSAB in their 2020 and 2021 recommendations for WMP guidelines. The author states that this bill will help to equitably meet workforce demands by requiring IOUs to submit to the WSD details of their efforts to recruit current, former, and formerly incarcerated conservation corps. As highlighted by proponents of the bill, both the CCC and the local conservation corps acquire skills that could provide a potential pool of uniquely qualified candidates to help utilities address wildfire risks, including wildland fire suppression and vegetation management.
- 3) *Advice letter and WMP compliance.* As part of the WSD's oversight of WMP compliance, the WSD currently requires the IOUs to submit an advice letter on the projected date of spending of their annual vegetation management revenue. This bill requires IOUs to include information about their workforce development efforts in this advice letter. Although the WSAB recommended that IOUs submit workforce development plans as part of their WMPs, this bill still establishes a framework for gathering information on the IOUs' ongoing efforts to recruit and diversify their workforce.

Opposition to this bill cite concerns about their ability to comply with federal and state fair employment practices, which prohibit employers from discriminating when using criminal background information.³ Opposition also cite the difficulty with gathering criminal background information from organizations they work with for workforce recruitment for the same reasons. The author has attempted to address those concerns by amending this bill to state that data on background history shall only be collected after the start of employment on a voluntary basis, and shall not be a basis for adverse actions by the employer. These amendments seem reasonable in ensuring that employers remain

³ Federal law: Title VII of the Civil Rights Act of 1964 (Pub. L. 88-352, 78 Stat. 241), State Law: Government Code § 12952

in compliance with California's fair employment practices, which prohibit employers from requesting criminal background information before a conditional offer of employment. Furthermore, the bill only requires the IOUs to describe the extent to which they have workforce development links to organizations working with current, former, and formerly-incarcerated members of the CCC. This provision does not mandate these organizations or the IOUs to collect criminal history information in discriminatory ways, and it seems reasonable that IOUs can comply with this provision without violating fair employment practices.

4) *Prior/Related legislation.*

SB 1448 (Bradford, 2020) would have required an IOU's WMP to include a description of how the IOU will develop sufficient numbers of experienced personnel necessary to complete the work described in the plan, as provided. Status: Held, Assembly Committee on Utilities and Energy.

SB 247 (Dodd) made several changes related to the vegetation management requirements of IOUs, including: specifying qualifications and prevailing wages for line clearance tree trimmers. Status: Chapter 406, Statutes of 2019.

AB 1054 (Holden) created the WSD at the CPUC, created the Wildfire Fund, and established the requirement that an IOU hold a valid safety certification to be eligible for use of the Wildfire Fund. Status: Chapter 79, Statutes of 2019.

SB 901 (Dodd) established the requirement that the WMP of each IOU meet a number of specified requirements, among other provisions. Status: Chapter 626, Statutes of 2018.

SB 1028 (Hill) required electric IOUs to file annual WMPs and required the CPUC to review and comment on those plans. The bill also required publicly owned utilities and electrical cooperatives to determine their risk of catastrophic wildfire that can be caused by their equipment and, if a risk exists, submit WMPs to their governing board for its approval. Status: Chapter 598, Statutes of 2016.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Local Conservation Corps
Los Angeles Conservation Corps

Opposition

San Diego Gas & Electric (oppose unless amended)

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