

November 14, 2025

Department of Energy Resources
100 Cambridge St., 9th Floor
Boston, MA 02114

Via email to green.communities@mass.gov



To the Department of Energy Resources:

Please accept this written comment on behalf of our organizations, which collectively represent over 500,000 working people in Massachusetts. We write to give input on the draft model bylaws for solar photovoltaic systems and battery energy storage systems.

Labor Standards and Disclosures. As you know, when the legislature passed *An Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers* last year, it included provisions promoting workforce standards on “small clean energy infrastructure” projects—namely, the new language in Chapter 25A, Section 21, subsection (k) requires permit applicants to include “certification and disclosure requirements” related to the applicant’s “commitment to expand workforce diversity,” whether they “participate in a state or federally certified apprenticeship program,” whether they comply with anti-discrimination laws, and whether the applicant and its contractors “have been found in violation of state or federal safety regulations,” among other disclosures.

Subsection (o) then states: *“The department shall give added weight to applicants that demonstrate compliance with the provisions of 26 to 27F, inclusive, of chapter 149, and have a history of participation with state or federally certified apprenticeship programs.”* A similar preference is also applied to applicants of 83E storage procurements.

These standards have many purposes—among them are to ensure that responsible contractors are selected for infrastructure projects, to ensure that the projects train apprentices to work on future clean energy infrastructure, to put clean energy investments back into our local communities, to make sure the projects are built efficiently, safely, and in a high-quality manner, and to foster trust between project developers and our communities.

The draft model bylaws for solar photovoltaic systems and BESS do not include specification regarding these labor requirements. We encourage the department to include language under Section (6.2) Required Documents for both solar photovoltaic systems and BESS that would require applicants to disclose their intention in regards to paying the prevailing wage and utilizing state or federally certified apprenticeship

programs. In order to accurately reflect chapter 25A, Section 21, subsection (k) of the 2024 Climate Act, the bylaws should notify municipalities that added weight will be given to small clean energy infrastructure applicants that have a history of participation with state or federally certified apprenticeship programs. These requirements should also be included in any future application guidance or completion checklists. The municipalities should also make clear how the added weight shall apply in coordination with DOER and the EFSB.

Community Benefits Agreements. We suggest that DOER alter the language in the call-out box following the definition of “Community Benefits Agreements” so that it reads as follows:

“Community Benefit Agreements are often considered a best practice, particularly for larger projects with more significant local impacts. CBAs work best when they result from voluntary negotiations between the parties involved. The zoning and permitting process should not be used to compel additional benefits from solar developers that would not also be expected of other, similarly situated developments.”

This change will preserve neutrality, avoid discouraging the use of CBAs, and better reflect the intent of the Climate Bill and, notably, the Office of Environmental Justice and Equity (OEJE) Community Benefit Agreements and Plans Standards and Guidelines, which are being formalized as a key tool for equitable and community centered project development.

In addition, we recommend adding a short provision, either under Section 4.0 (General Requirements) or Section 6.0 (Site Plan Review), encouraging developers to consider adopting a CBA or CBP:

“Developers are encouraged to consider entering into a Community Benefits Agreement (CBA) or adopting a Community Benefits Plan (CBP), in consultation with community representatives and bona fide labor organizations, to ensure projects deliver meaningful local and workforce benefits consistent with the Commonwealth’s clean-energy and equity objectives. See the Massachusetts Office of Environmental Justice & Equity (OEJE) Community Benefit Agreements and Plans Standards and Guidelines for reference.”

This addition maintains local flexibility while signaling that collaboration, workforce quality, and community partnership are considered best practices per the OEJE’s Guidelines.

Alternatively, if there is hesitation about expressly referencing CBAs or CBPs, DOER could instead encourage workforce commitments that reflect the same underlying

standards set forth in Chapter 25A § 21 of the Clean Energy Infrastructure Siting and Permitting regulations relating to the use of registered apprentices. For example, DOER could provide optional language such as:

“As an alternative or complement to a Community Benefits Agreement or Plan, project proponents may demonstrate alignment with the Commonwealth’s clean energy workforce and equity objectives by committing to use contractors that meet prevailing labor standards and participate in state or federally registered apprenticeship programs where applicable.”

This language aligns with the workforce disclosure provisions established under § 21 and gives municipalities a clear, adaptable pathway to recognize and reward responsible contractors and high-road workforce practices, while also ensuring the bylaws reflect the Climate Law's criteria for appellate and constructive approvals.

Lastly, to avoid potential conflicts or permitting delays, we recommend a short clarification in the definition section, or wherever else appropriate, stating that:

“Community Benefit Agreements and Plans should ideally be executed between developers and bona fide labor organizations or recognized community coalitions, rather than solely with municipalities. This ensures accountability, transparency, and timely project delivery while maintaining municipal neutrality.”

Together, these adjustments would make the model bylaws more consistent with the Commonwealth’s statutory and regulatory framework, provide clearer guidance to developers and municipalities, and strengthen the connection between clean-energy development, workforce standards, and community trust.

Thank you for your consideration. We look forward to engaging further in this process and in upcoming opportunities for public comment.

Sincerely,

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