

June 4, 2018

Andrew Panson
California Air Resource Board (CARB)

Wendy Bryant
Labor and Workforce Development Agency (LWDA)

Sent via [CARB's public comment docket](#)

Re: Comments on Potential Procedures for Certifying Manufacturers' Fair Treatment for Clean Vehicle Rebate Project Eligibility

Dear Staff from CARB and LWDA,

We would like to extend our appreciation to the CARB and LWDA for inviting us to provide comments on the concept paper for potential procedures for certifying manufacturers' fair treatment of workers for clean vehicle rebate project (CVRP) eligibility. We appreciate the tremendous amount of work that has been done by all stakeholders and agencies.

Worksafe is submitting these comments in addition to our support of the efforts and comments of BlueGreen Alliance and other allies who have worked hard to ensure manufacturers of clean vehicles are being fair and responsible in the treatment of their workers. We are proud to be a part of their campaign.

Specifically, in addition to the comments submitted by our allies, we suggest the following language be added to not only help enhance and verify manufacturers' compliance with existing labor and employment standards but to encourage efforts workplace injuries, illnesses or other dangerous/compromising work conditions. The areas where we recommend additional reporting requirements include: (1) including key occupational health and safety records in the CVRP provisional and full certification application; (2) posting provisional and full CVRP vehicle manufacturers on CARB website and (3) posting provisional and full CVRP certificates in the place where zero-emission vehicles (ZEV) are built.

Provisional CVRP and Full Certification Application

The intention of the CVRP rebates is two-fold: (1) to reward high-road ZEV manufacturers who are committed to ensuring that the workers who build ZEVs have good jobs and receive fair and responsible treatment; and (2) to ensure consumers are provided with necessary information to make informed and socially responsible purchasing decisions.

In order for manufacturers to be eligible CVRP manufactures, their application for provisional eligibility would be approved for an initial two fiscal years based on the manufacturers' attestation, documentation, and other commitments. While we support this general framework, we believe a manufacturer must go above and beyond existing labor and employment standards, if they are to receive CVRP provisional eligibility.

We recommend the following information/documentation be included in a manufacturers' application to

evaluate their commitment to creating and maintaining a workplace that looks towards prevention of workplace injuries, illness, and other labor abuses:

1. The list of chemicals workers may be exposed to under Title 8 Cal. Code. Regs § 5194, the Hazard Communication Standard.
2. The Manufacturers' Injury and Illness Prevention Program or Programs (IIPP) as required under Title 8 Cal. Code. Regs § 3203, and California Labor Code § 6401.7 and appropriate records of steps taken to implement and maintain the program(s):
 - a. A copy of the employer's written IIPP(s).
 - b. A set of the training materials that are used to train workers under § 3203.
 - c. A list of all safety trainings including, description and topic, date, attendance sheets, list of management present and presenters.
 - d. Names and/or job title of the person or persons with the authority and the responsibility for implementing the program.
 - e. Copies of any safety incentive programs.
 - f. Copies of the required scheduled periodic inspections to identify unsafe conditions and work practices covering the last 3 years, and information indicating when these hazards were abated.
3. All records of industrial hygiene monitoring for toxic substances and/or harmful physical agents, including any test results, analysis, surveys, or any description of use of such monitoring covering the 3 years preceding the application.
4. Description of manufacturers' hearing conservation program, if any, including a description of any periodic audiometric examination, noise level surveys and engineering control measures, which are in effect.

Ultimately, we believe by requiring the manufacturer to submit the above for Phases I provisional certification and II full certification, follows the general principles and International Standard Organization (ISO) framework, outlined in BlueGreen Alliance's and allies letter.

Posting provisional and full CVRP vehicle manufacturers on CARB website

It is unclear whether there will be a clearing house or listing of CVRP eligible manufacturers for consumers to access, review, and assess. This type of information is extremely helpful and necessary for consumers to be able to make informed purchasing decisions. Thus, we urge the agencies to include language that would require a listing of CVRP vehicle manufacturers (both provisional and full certifications) on CARB's website. This will also be beneficial to those approved CVRP eligible manufacturers that are leading the industry in going above and beyond employment and labor standards, thus giving them a competitive edge.

Posting provisional and full CVRP vehicle manufacturers eligibility in the place where ZEVs are built

While it is important for the public to know which companies are taking steps towards innovative green technology and setting the bar higher for workplace conditions, it is equally important for the workers who make these vehicles to be aware of their employer's status as a CVRP eligible manufacturer. We urge the agencies to require a copy of the provisional and full certification posted in a place where all workers can view and inspect. The posting should be translated into the language(s) spoken by the employees. This is important for the workers to understand how the manufacturer is holding itself out to the public. If the workers are unaware the manufacturer is CVRP eligible then they have no way of challenging the CVRP status, if need be. Thus, adding this language will ensure workers can hold manufactures accountable.

Thank you for your time and attention to this matter. Please do not hesitate to contact any of our

respective organizations should you have any questions.

Sincerely,

/s/

Nicole Marquez
Senior Staff Attorney
Worksafe