

EQUITABLE & JUST

NATIONAL CLIMATE PLATFORM

Center for American Progress



Tishman Environment
and Design Center

Justice40 Recommendations

Developed at 2 Justice40 Convenings for Environmental Justice Advocates and Scholars and National Group Representatives

The Equitable and Just National Climate Forum, the New School's Tishman Environment and Design Center, and the Center for American Progress convened environmental justice (EJ) advocates and academic experts and national environmental groups on December 2, 2020, and January 27, 2021, to identify actions that the Biden administration should take to effectively implement the goal of targeting 40 percent of the overall climate investment benefit to disadvantaged communities. President Joe Biden's January 27 executive order (EO) 14008 on climate change created the White House and agency infrastructure to implement this goal, referred to as Justice40 in the EO.¹ An executive summary of the Justice40 recommendations that emerged from the convenings, as well as the full set of recommendations, are below.

Executive summary

To guide the December and January Justice40 convenings, EJ advocates gathered for a November 2020 EJ caucus meeting and identified key EJ values and benefits that Justice40 investments should deliver to EJ communities. These values and benefits, summarized in the table below, fall into four categories: 1) healthy communities and pollution reduction; 2) climate justice and resilience; 3) just transition; and 4) allowing communities to speak for themselves.

Environmental justice values and benefits

Healthy communities and pollution reduction

- Mandatory emissions reductions
- EJ screening tool
- Strengthened environmental regulations and enforcement
- Safe drinking water and wastewater infrastructure
- Brownfield and Superfund cleanups
- Life cycle analysis and toxics reductions
- Health care access

Just transition

- Community wealth and ownership
- Living wage, healthy jobs, union memberships
- Healthy, regenerative economy
- Access to work for those directly affected
- Job training pipelines (Climate Corps)
- Land bank initiatives
- Development without displacement

Climate justice and resilience

- Flooding reduction
- Heat mitigation
- Green community infrastructure
- Community farming
- Renewable energy (no false solutions)
- Energy efficiency programs
- Weatherization
- Climate-resilient affordable housing
- Zero-emissions public transit

We speak for ourselves

- Community support and oversight for local investment priorities
- Shared decision-making processes
- Accountability and transparency
- Interagency coordination
- EJ metrics
- Inclusion of rural communities

To support implementation of the Justice40 Initiative and delivery of the investment benefits described above, the EJ advocates and scholars and national group participants at the December and January convenings recommended actions in the following six areas: 1) indicators to identify and map EJ and other disadvantaged communities; 2) best practices for stakeholder engagement to ensure meaningful input from EJ communities; 3) inclusive processes to develop the Climate and Economic Justice Screening Tool and critical service gap indicators; 4) program criteria to maximize federal investment benefits and avoid harm in EJ communities; 5) improvements to existing federal programs and new programs to deliver benefits to EJ communities; and 6) Justice40 accountability and the Environmental Justice Scorecard. Participants agreed that input from EJ communities must be central to Justice40 implementation. (A full list of participants is in Appendix A) The recommendations that emerged from the convenings are summarized below.

- 1. Indicators to identify and map EJ and other disadvantaged communities.** To begin identifying EJ and other disadvantaged communities in the near term, participants recommended that the White House Council on Environmental Quality (CEQ) and U.S. Environmental Protection Agency (EPA) improve the EPA's EJSCREEN tool by adding CalEnviroScreen's pollution burden and exposure, health, and socioeconomic indicators. Participants also recommended that the CEQ and EPA establish a tiering approach that would use additional indicators that could make distinctions among disadvantaged communities to help ensure that the communities most in need receive more of the benefits. For example, communities that receive screening tool scores in the top 1 percent should be the highest priority, followed by those with scores in the top 5 percent, 10 percent, and 25 percent. In addition, participants stressed the need for the Biden-Harris administration to maintain an intentional focus on dismantling systemic racism as it develops a new screening tool and implements Justice40 and other climate, economic recovery, health, and racial justice policy priorities.
- 2. Best practices for stakeholder engagement to ensure meaningful input from EJ communities.** EJ participation in the design of the Justice40 Initiative is essential to its success. Participants recommended that the administration establish an effective, accessible, and inclusive stakeholder engagement process for the Justice40 Initiative that ensures that EJ communities speak for themselves. Specifically, participants recommended that the CEQ and the EPA's National Environmental Justice Advisory Council (NEJAC) launch an inclusive and respectful stakeholder engagement process, with clear goals, that starts early and continues throughout Justice40 implementation. The CEQ should build on successful models for EJ engagement, such as the NEJAC, the Environmental Justice for All Act, the Environmental Justice Act of 2019, Listen-Learn-Share in Illinois, the Black Voter Engagement Project, and the Biden campaign's virtual convenings of EJ advocates in each region. Participants also recommended that the CEQ and federal agencies invest in building community capacity to participate effectively in stakeholder engagement processes and establish and fund a grassroots-based task force to help identify EJ priorities and EJ movement leaders and advocates to include in the stakeholder process.
- 3. Inclusive processes to develop the Climate and Economic Justice Screening Tool and indicators to measure critical service gaps.** To develop the new screening tool, participants recommended that the CEQ create an iterative, accessible, and transparent process for EJ engagement. The process should engage EJ groups, networks and coalitions, and EJ academics and EJ screening tool experts. The screening tool must use indicators that reflect regional differences and local service gaps and vulnerabilities, as well as indicators to measure economic opportunity. The tool should also use data and indicators that reflect community needs and challenges, including many of those used by

the CalEnviroScreen. Participants also recommended that the CEQ and agencies develop indicators to identify critical service gaps to effectively target agency funding. Participants identified service gaps in six sectors that are relevant to the Justice40 commitments: energy; transportation; housing; economic and workforce development; water; and healthy and resilient communities and infrastructure. Recommendations for some of the types of indicators needed to identify critical service gaps are included in Appendix C.

4. **Program criteria to maximize federal investment benefits and avoid harm in EJ**

communities. To maximize investment benefits delivered to EJ communities, federal agencies must provide clear EJ criteria and guidance for grant applicants and centralized oversight. Federal agencies should establish outreach offices to promote awareness of federal program funding opportunities among EJ organizations and communities. The administration should also apply an equity and justice lens governmentwide to update federal program goals and grant-making, and it should build a clear monitoring, reporting, and evaluation process for federal programs and benefits delivered to EJ communities. Federal agencies must also make EJ and stakeholder engagement a requirement to receive program grants and other financial support. Both existing and new programs, regardless of the administering agency, should have criteria to address pollution, climate change, and displacement of people and communities to help ensure that benefits are delivered to EJ communities. Agencies should score projects based on their ability to meet these and other EJ criteria. The CEQ should also create a Justice40 task force to recommend these project criteria to support the delivery of benefits to EJ communities.

5. **Improving existing federal programs and creating new programs to deliver benefits to EJ communities.**

The U.S. Department of Energy and other relevant agencies should expand renewable energy programs to ensure access for low-income communities and Black, brown, Indigenous, and other communities of color. The EPA's Environmental Justice Small Grants Program should be amended to offer much larger EJ grants over multiple years to maximize the benefits to communities. The administration should also work with Congress to create a National Environmental Justice and Climate Justice Fund focused on investing in renewable energy, energy efficiency, clean transportation, affordable housing, flood and heat protections, and other projects that benefit EJ communities. The administration should also invest in climate justice education, professional and leadership development, and job training pipelines to ensure that EJ communities are prioritized in the delivery of investment benefits. The list of existing and new federal programs identified as relevant to Justice40 implementation and an equitable and just economic recovery is included in Appendix B.

6. **Justice40 accountability and the Environmental Justice Scorecard.**

To ensure accountability, White House and Cabinet-level leaders must oversee Justice40 implementation, meet with EJ advocates, and hire staff with EJ expertise. The CEQ, the Office of Management and Budget (OMB), and relevant agencies should ensure that the Justice40 Initiative delivers near-term and measurable benefits to EJ communities to demonstrate early progress toward the Justice40 goal. The CEQ, OMB, and federal agencies should also publicly track federal investments and Justice40 benefits delivered through an online portal and regular reporting. Lastly, accountability for Justice40 implementation should be embedded within federal agency program goals and work plans to protect the initiative from administration changes. For example, Justice40 accountability metrics should be included in federal program evaluations and employee performance reviews.

The full set of recommendations developed at the December and January convenings is below.

Justice40 recommendations

In advance of the December 2 and January 27 Justice40 convenings, EJ advocates identified at a November EJ caucus meeting key EJ values and investment benefits that EJ communities need to help frame and guide the Justice40 convenings. These values and benefits, described in the table above, fall into four categories: 1) healthy communities and pollution reductions; 2) climate justice and resilience; 3) just transition; and 4) ensuring that communities can speak for themselves. Needed investment benefits identified by EJ advocates include: mandatory pollution reductions in EJ communities; safe drinking water; legacy pollution cleanup; access to quality health care; reduced heat and flood risk; energy efficiency improvements; climate-resilient affordable housing; living-wage jobs and job training; development without displacement; enhanced community wealth; and community involvement in priority setting and decision-making, among others.

1. Indicators to identify and map EJ and other disadvantaged communities

The Equitable and Just National Climate Platform's policy working group has been studying the question of how to define an EJ community and overburdened community in a variety of policy contexts.² The working group's review revealed that the context and use of the definitions is important to consider. For example, when defining a community for the purpose of adding protections, such as mandatory emissions reductions, an expansive definition may be preferred. When defining a community for the allocation of resources, a more targeted definition or a tiered approach may be more suitable to prioritize investments in communities with the greatest needs. One important goal to keep in mind when defining an EJ community is the protection of as many communities of color as possible, including those who are not currently overburdened with pollution but, because of race and income, are more vulnerable to becoming overburdened and more susceptible to the adverse impacts of pollution. The Biden administration might also want to identify and protect already overburdened communities, including those who are not of color or low income. By defining both EJ communities and overburdened communities, the administration would have more flexibility to provide needed protections and investments. The administration could also use a tiered approach to make distinctions within EJ and overburdened communities so that benefits and funding can be allocated on a prioritized basis to communities with the greatest needs.

Recommendations to identify EJ and other disadvantaged communities in the near term

- **Improve EJSCREEN.** The CEQ and EPA should strengthen the EPA EJSCREEN tool to identify EJ and disadvantaged communities by adding the CalEnviroScreen's pollution burden and exposure indicators, as well as its health and socioeconomic indicators. Some of these indicators can be applied at the national level by drawing on publicly available census data, while others may be difficult to apply, since states at times collect and share health data at different geographical levels. Participants recommended removing the EPA's age indicators, which can skew screening results toward wealthy white communities.

- **Establish thresholds and tiering to prioritize the delivery of investment benefits to the most disadvantaged communities.** For example, communities that receive a screening tool score in the top 1 percent should be the highest priority, followed by those with scores in the top 5 percent, 10 percent, and 25 percent. If the worst-off communities are not prioritized, investment benefits are likely to go to those with more capacity and resources, since they can more readily work with agencies.
- **Maintain an intentional focus on dismantling systemic racism.** Some participants warned that screening tools can be manipulated to keep money and power concentrated in white wealthy communities while EJ communities remain poisoned and out of the economic mainstream. The administration must actively prevent this from happening by maintaining an intentional focus on dismantling systemic racism as it develops a new screening tool and implements Justice40 and other climate, economic recovery, health, and racial justice policy priorities.

2. Best practices for stakeholder engagement to ensure meaningful input from EJ and other disadvantaged communities

Gathering input from EJ communities and allowing them to speak for themselves is at the heart of EJ, and EJ participation is essential to the success, implementation, and evaluation of the Justice40 commitment. The administration must ensure that EJ input informs its decision-making and the Justice40 Initiative outcomes. The following are recommendations to establish an effective, respectful, accessible, and inclusive stakeholder engagement process for the Justice40 Initiative.

Recommendations for stakeholder engagement

- **Let EJ groups speak for themselves.** Participants agreed that the Biden-Harris administration must gather input from EJ communities and allow them to speak for themselves—a principle that is at the heart of EJ. Agencies tasked with setting up participation and input processes should be wary of national environmental groups or non-EJ organizations who claim to speak for EJ groups. The CEQ could set up a grassroots-based task force made up of EJ advocates from the EJ movement to help identify EJ priorities and EJ movement leaders and advocates to include in the stakeholder engagement process.
- **Launch an inclusive stakeholder engagement process led by the CEQ and NEJAC.** The process should build on successful models, such as the Biden campaign’s regional EJ virtual convenings; NEJAC; the Environmental Justice for All Act, led by House Natural Resources Committee Chair Raúl Grijalva (D-AZ) and Rep. McEachin (D-VA); the Environmental Justice Act of 2019, led by Sen. Cory Booker (D-NJ); the Equitable and Just National Climate Platform; Listen-Learn-Share in Illinois; and the Black Voter Engagement Project. For example, Sen. Booker worked with the New Jersey Environmental Justice Alliance to lead stakeholder engagement and set the agenda to shape the Environmental Justice Act of 2019. Participatory working group models, such as that used for the December and January Justice40 convenings by the New School, the Equitable and Just National Climate Forum, and CAP, should also be considered for federal EJ engagement. The process should start early and have honesty and transparency as goals and be clear about how it will inform decision-making. The CEQ and agencies should work in partnership with local EJ groups to co-host and co-convene stakeholder meetings.

- **Use regional convenings, town hall meetings, and other public forums to engage EJ advocates.** The CEQ should build on the regional EJ outreach infrastructure and regional convenings used by President Biden during his campaign. The CEQ could also use town hall meetings and other public forums, virtual or in-person, to gather stakeholder input. To reduce the meeting burden on EJ and community advocates, stakeholder meetings should be interagency and cross-governmental where possible and include White House and agency staff and representatives from governors' and mayors' offices.
- **Ensure accessibility by convening meetings in communities where stakeholders are located across each EPA region.** This includes at historically Black colleges and universities (HBCUs) to engage young people and the nearby community, rather than in government buildings. The CEQ and federal agencies should hold stakeholder meetings after work hours and allow both in-person and virtual participation. The CEQ and agencies should also provide participant stipends, transportation, child care, food, and language translation and interpreters to ensure that meetings are accessible to stakeholders.
- **Create a comprehensive list of EJ organizations for each state or EPA region.** The CEQ and the agencies should develop a comprehensive EJ stakeholder list with input from the NEJAC. The list can build on existing EPA group email lists and other lists of EJ coalitions, EJ groups, and researchers who work on cumulative impacts analysis and other EJ issues. The stakeholders identified should be invited to provide input on Justice40 implementation and EJ outreach strategies.
- **Convene stakeholders in ways that respect cultural and organizational differences.** The CEQ and agencies should design stakeholder convenings in ways that acknowledge and respect that groups, networks, and communities have different cultures and ways of working on the ground.
- **Invest in building community capacity in EJ communities.** Agencies should provide funding and technical assistance to support effective participation in stakeholder engagement processes. The CEQ and EPA should also take actions to support effective EJ engagement over the long term, including providing training on the Justice40 Initiative and new screening tool and cultivating thought leaders at the community level.
- **Strengthen the National Environmental Policy Act's cumulative impacts and stakeholder engagement rules over the long term.**

3. Inclusive process to develop the Climate and Economic Justice Screening Tool and indicators to measure critical service gaps

President Biden's EO 14008 committed the administration to addressing critical service gaps. If the Climate and Economic Justice Screening Tool is designed well and used with indicators to identify and fill service gaps in EJ communities, it can help target needed benefits to EJ communities, from pollution cleanup and health care access, to living-wage jobs, job training, and pollution-free energy and transportation.

Addressing service gaps in critical sectors



Energy



Housing



Healthy
and resilient
communities and
infrastructure



Economic
and workforce
development



Transportation



Water

Participants identified critical service gaps in six sectors relevant to the Justice40 Initiative: energy; transportation; housing; economic and workforce development; water; and healthy and resilient communities and infrastructure. (see text box below) These sectors closely align with the six Justice40 investment areas identified in EO 14008.³ Critical service gaps in EJ communities can be measured and tracked using quantitative and qualitative data, some of which is already collected by federal agencies. In some cases, these data may not be readily available nationwide, so agencies may need to gather them at a more granular scale. See Appendix C for recommendations on indicators to measure and track critical service gaps.

Recommendations for engaging EJ stakeholders in the development of the new screening tool

- **Create an iterative, accessible, and transparent process for EJ engagement to develop the new screening tool.** The CEQ should create an iterative and transparent process to ensure EJ leaders guide the development of the Climate and Economic Justice Screening Tool, referred to as the screening tool. This process should update EJ advocates at key decision points so they can review the draft tool and recommend improvements. The process should ensure representation from communities that have critical service gaps and that are experiencing climate change impacts. The CEQ and the EPA should also provide EJ stakeholders access to resources to support their engagement in the screening tool design process. The CEQ should ensure that Indigenous voices are central in the screening tool development process so that the tool incorporates Indigenous sovereignty and treaty rights.
- **Engage EJ groups, networks, coalitions, and academics and screening tool experts.** The engagement process to develop the screening tool should be led by EJ groups and thought leaders with expertise on the EPA EJSCREEN and other EJ screening tools. Academic experts trusted by the EJ community can help to translate the technical aspects of creating an effective screening tool and support stakeholder analysis and recommendation. EJ groups and trusted EJ academics can help to identify barriers to targeting investment benefits to EJ communities and develop indicators that reflect EJ community characteristics. The CEQ should use peer review to beta-test the new screening tool to identify needed improvements.
- **Develop a transparent and clear definition of an EJ community.** Often, federal funding goes to municipalities instead of directly to EJ communities. The CEQ and federal agencies must develop a clear definition of an EJ community and adjust their program requirements to ensure that investments and benefits are targeted directly to EJ communities.

- **Establish regional data teams.** These teams should include members of EJ groups, trusted EJ academics, and EJ experts and help to identify regional data resources and areas of population sparsity and density to support the development of the new EJ screening tool. Data scarcity should not be an impediment to EJ community access to federal investments or other funding.
- **Create an external advisory committee to review updates to EPA EJSCREEN and the Climate Justice and Economic Justice Screening Tool.** The CEQ should assemble an external advisory committee that includes members of EJ organizations, trusted EJ academics, and screening tool experts to review the indicator and data updates to EJSCREEN, as well as methods and data used to develop the Climate Justice and Economic Justice Screening Tool.
- **Tap EPA regional offices to support EJ engagement.** EPA regional offices can help to bring together EJ advocates from around the country to provide input on the development of the new screening tool and Justice40 implementation. The CEQ could also draw on existing agency expertise and advisory councils to gather input on the development of the new screening tool, such as the EPA's NEJAC, Office of Environmental Justice, and Office of Community Revitalization. The CEQ should also consider using additional tools as resources as it develops the new screening tool, such as the Opportunity Zone Mapper and others.
- **Use data and indicators that reflect community needs and challenges.** The EPA and CEQ should ensure that the new screening tool uses publicly available data that reflect the needs and challenges of communities in each region of the country, as well as indicators from the most up-to-date version of CalEnviroScreen. The CEQ should ensure that the tool reflects real problems that communities face by using publicly available data on community needs and challenges in each region of the country. At the same time, there needs to be a concerted effort to collect sufficiently high-resolution and reliable data on relevant indicators for which such data are missing. To this end, the latest version of CalEnviroScreen provides examples of indicators and methodologies that could be included in the new screening tool. In addition, federal agencies should implement recommendations from EJ advocates and academic experts on addressing the cumulative impacts of pollution and ways to assess vulnerability in EJ communities.
- **Rank communities based on vulnerabilities and risks that are specific to each region.** The new screening tool should be designed to rank communities by region to take into account region-specific vulnerabilities or exposures and to prioritize communities with the greatest threats and needs within each region. For example, the CEQ should ensure that the screening tool includes quantitative indicators that identify regionally specific climate vulnerabilities such as wildfire smoke and extreme heat data sourced, for example, from the National Oceanic and Atmospheric Administration. In addition, some communities may be ranked as high risk by air pollution indicators and as low risk by land pollution indicators. Even though the community might face serious health risks from air pollution, their overall score when compared to community scores across the country may be low, which could reduce their chances of receiving needed investments and benefits.
- **Include key health vulnerability indicators and underlying health risks.** The screening tool should include maternal and birth outcomes health indicators such as low birth weight, childhood asthma, other respiratory/cardiovascular problems, leukemia, and other forms of cancer linked to pollution exposure and race, income, and access to health care.

- **Train communities and federal, state, and local agencies to use the new Climate and Economic Justice Screening Tool.** The training should use tailored language accessible to different agencies and community members.

Recommendations on indicators to identify critical service gaps and effectively target funding

- **Develop indicators to identify critical service gaps and effectively target agency funding.** Recommendations for the types of indicators needed to identify critical service gaps in EJ communities are included in Appendix C.
- **Create an EJ task force and/or regional hot spot crisis teams.** The CEQ should create a task force or regional hot spot crisis teams to focus on specific regional infrastructure services gaps and challenges and verify that service gap indicators reflect the needs of each region. For example, the administration could establish a special team focused on tracking investments in public and affordable housing; water infrastructure and sanitation; ports or goods movement; or in hot spot geographies such as a chemical corridor along the Gulf Coast called Cancer Alley—the 85-mile stretch of land between Baton Rouge and New Orleans where more than 150 petrochemical plants and refineries are concentrated.
- **Develop economic opportunity indicators.** Agencies should develop intersectional indicators to help target investment benefits to communities with the greatest need, such as indicators to measure intergenerational wealth and access to affordable housing, health services, and child care.

4. Program criteria to maximize federal investment benefits and avoid harm in EJ communities

Overview of existing federal programs and lessons learned

There are a number of established federal programs that have the potential to deliver the types of benefits described above to disadvantaged communities, as well as ideas for potential new federal programs. The draft chart in Appendix B identifies some of these programs. To better understand how existing federal programs could help to implement the Justice40 commitment, the authors looked for lessons learned from the 2009 American Recovery and Reinvestment Act and the programs included in the Appendix B chart. These lessons learned are described below.

Addressing unequal access to federal funding is critical. When the Recovery Act was drafted, Rep. Jim Clyburn (D-SC) developed the 10-20-30 formula, which directed at least 10 percent of rural development investments to communities where 20 percent or more of the population had lived below the poverty line for the last 30 years. One challenge is that applying a uniform funding threshold across all federal programs, such as 10 percent or 40 percent, doesn't always work because not all federal programs are designed to reach or support all disadvantaged communities. For example, the Community Development Financial Institutions (CDFI) Fund supports economic opportunity in many of the country's most distressed communities,⁴ yet communities can only benefit from this program if they are served by a registered CDFI.

Capacity constraints create funding barriers. Another Recovery Act lesson is that some community groups and local governments don't have the staff or institutional capacity to navigate complex federal program applications and comply with reporting requirements.⁵

Cost-share requirements create funding barriers. Many federal grant programs require some degree of cost-sharing without exemptions for low-income communities. This can prevent some communities from applying for grants.

Loose program criteria and guidance can limit community benefits. Loose program criteria and guidance can limit community benefits. For example, federal block grants, such as the Community Development Block Grant (CDBG), provide flexibility, which is a welcome approach for many state and local leaders.⁶ The downside is that the block grant programs have broad criteria and provide little guidance on how to maximize community benefits. While CDBG grantees see the program as essential, the decline in available funding and the flexible rules have led state and local governments to simply use the funds to fill budget gaps rather than to support transformative community development.⁷

Overly stringent criteria unnecessarily limit eligibility and participation. In some cases, program criteria are too strict, which can limit participation. For example, some low-income families have a hard time meeting the Energy Department's Weatherization Assistance Program's cost-benefit requirements because these families may need essential home repairs, such as fixing a hole in a roof, in addition to energy efficiency improvements.

Simple and clear accountability rules are essential. While the Recovery Act oversight and reporting rules helped keep waste and fraud to a minimum, they slowed implementation. Outside of the Recovery Act, accountability rules are often uneven across federal programs.⁸

Recommendations to ensure federal investments deliver benefits to disadvantaged communities

- **Provide clear criteria and guidance and centralized oversight.** To maximize the federal investment benefits delivered to EJ communities, federal agencies must provide clear EJ criteria and guidance for grant applicants. Centralized oversight, such as at the OMB, is also critical to track agency implementation of the Justice40 commitment.
- **Establish outreach offices to promote awareness of federal program funding opportunities among EJ organizations and communities.** Federal agencies should employ staff to provide application support and to answer questions about funding requirements. For instance, each agency could hire adequate community liaison staff to help support and monitor applications, or it could pair capacity-building grants for smaller, locally led organizations with resources such as program staff able to assist EJ organizations to apply for the benefits.
 - Agency outreach programs or offices should have an outreach plan that provides adequate notice and requires feedback from EJ communities and BIPOC-led organizations through public meetings, town halls, webinars, or engagement with regional offices, in various languages. These meetings should be held regularly to inform priorities and planning.
 - Agencies must also allocate resources to translate applications to make them accessible to non-English speakers.

- **Identify and address barriers that prevent EJ communities from accessing federal funding.** The CEQ should direct the White House Environmental Justice Interagency Council, created under EO 14008, to assess where and why federal funds have failed to reach EJ communities in the past, including the process by which federal agencies such as the Federal Emergency Management Agency (FEMA) are able to claw back or reclaim money that was not appropriately allocated and to discern lessons on how to implement and enforce program criteria and the Justice40 goal.
- **Provide resources and build capacity and expertise in disadvantaged communities.** Federal agencies should provide resources for local groups to hire experts from local universities, community colleges, HBCUs, and land grant universities to support federal grant applications, project planning, and implementation as needed.

President Biden’s EO 14008 directs agencies to develop “programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities.”

Several existing federal programs have different criteria to ensure that funded projects deliver benefits and avoid harms to communities. These criteria differ largely from agency to agency. This analysis focused on the following types of program criteria: 1) pollution reductions in EJ communities; 2) reducing risks and impacts of current and future climate change effects; and 3) avoiding displacement of community members. Convening participants looked at how these criteria are or could be applied to the following agency programs: The EPA’s Brownfields program and Diesel Emissions Reduction Act (DERA) program; FEMA’s Building Resilient Infrastructure and Communities (BRIC) program; and the U.S. Department of Housing and Urban Development’s Community Development Block Grant Mitigation program (CDBG-MIT).

The three criteria above are not currently required by all of the above federal programs. Ideally, federal programs, both existing and new, and regardless of the administering agency, would have criteria to address all three of the issues—displacement, climate change, and pollution reductions—to help ensure that benefits are delivered to EJ communities. The initial draft program criteria language that the convening participants are considering is provided in Appendix D. This draft language is preliminary and not all encompassing or perfect.

While having strong federal program criteria is important, the participants recognize that program requirements are only the first step toward ensuring that EJ communities reap the benefits of federal investment. Projects that have robust program criteria can fall short in the implementation phase, which can worsen existing wealth, health, and other gaps in EJ communities. Tailored criteria, transparency, and accountability measures are needed to ensure that the projects implemented by the Justice40 Initiative benefit EJ communities.

Recommendations on criteria to ensure that benefits are delivered to EJ communities

- **Create a Justice40 task force to recommend project criteria to support benefits delivery and tracking.⁹** The task force recommendations should be carefully considered and adopted to ensure that investment benefits reach EJ communities. The task force should:

- Report to the CEQ.
 - Include EJ movement members and experts trusted by the EJ movement who have the expertise needed to develop effective program criteria. EJ advocates should be consulted on criteria for EJ representation on the task force to make sure that representation comes from the EJ movement.
 - Be well supported by staff and other resources needed to be effective and to support EJ participation.
 - Develop program criteria and accountability metrics to ensure that the benefits from the Justice40 Initiative go to EJ communities. The task force could also recommend indicators that agencies could use to measure community service gaps and effectively target funding and program support as well as methods to track, report, and quantify EJ investment benefits—for example, guidance for audits, site visits, data collection, and ensuring that accountability rules are rigorous without being overly burdensome.
- **Require program applicants to seek community input during planning.** Agency programs should require applicants to do thoughtful planning with meaningful community input and to develop accountability metrics to receive federal funding. Federal programs should prioritize funding for community-led and -administered projects that are developed based on community input. In addition to seeking community input, agencies should require applicants to partner with at least one EJ group to guide the project design. The EJ partner should receive a portion of the funds to support their involvement in the project. Cities or private entities that receive federal funding should be required to hold public-facing meetings to share information and gather input on use of the funds. Programs should be designed to build community power and deepen community engagement.
 - **Score projects based on their ability to meet EJ criteria.** Agencies should score projects and allocate funds based on the applicant’s ability to meet EJ criteria, such as having EJ partnerships or letters of support from EJ organizations.
 - **Standardize data collection across all agencies involved.** While government agencies are often well practiced at collecting data, the lack of coordination and standardization makes tracking progress difficult across different agencies. Data collection should be transparent and accessible to the public and should be available through a centralized, publicly accessible data tool or portal online, such as a dashboard similar to the permitting tracking dashboard created by the Obama administration.
 - **Review federal and state program models** to inform Justice40 implementation and program criteria—for example, the New York State Energy Research and Development Authority and the EPA’s DERA program.
 - **Develop clear, consistent, and easy-to-follow reporting requirements, especially for community-led projects.** Federal agencies should develop reasonable reporting requirements that gather needed project information without overburdening community-based organizations. Many local groups are understaffed and under-resourced and have little capacity for extensive, complicated applications and reporting requirements.
 - **Gather and publicize community input.** Agency programs should host at least one public meeting per year and publish feedback received from community groups.

5. Improving existing federal programs and creating new programs to deliver benefits to EJ communities

At both the December and January Justice40 convenings, participants discussed existing federal programs and potential new programs that could be strengthened or created to support Justice40 implementation and an equitable and just economic recovery. The list of existing and new federal programs discussed by participants is included in Appendix B.

Recommendations to strengthen existing federal programs and create new ones

- **Expand renewable energy programs and ensure access for low-income communities and communities of color.** The Energy Department and other agencies with renewable energy programs should remove funding barriers for EJ communities and develop program criteria to direct renewable energy investment benefits to under-resourced communities. For example, the quality of housing should not be a barrier to receiving renewable energy and energy efficiency updates and the associated benefits. Federal renewable energy and energy efficiency programs should be designed to have the flexibility to support housing improvements where needed, so that households and communities in need can have access to program benefits.
- **Create a National Environmental Justice and Climate Justice Fund.** The administration should work with Congress to create a national fund focused on investing in renewable energy, energy efficiency, clean transportation, affordable housing, flood protections, heat mitigation in places such as urban heat islands, and other projects that benefit EJ communities.
- **Create an EJ super grants program** instead of only having an EPA Environmental Justice Small Grants Program. The EJ super grants program should provide grants of at least \$500,000 to support EJ projects over multiple years to maximize the benefits to communities.
- **Invest in climate justice education.** The administration should invest in climate justice education, professional and leadership development, and job training pipelines to ensure that EJ communities voices are prioritized in the delivery of investment benefits.

6. Justice40 accountability and the Environmental Justice Scorecard

Convening participants discussed the need for strong Justice40 accountability measures, including a thoughtfully designed Environmental Justice Scorecard, to ensure that 40 percent of climate investment benefits are delivered to EJ and other disadvantaged communities.

Recommendations to ensure accountability

- **Charge White House and Cabinet-level leaders with Justice40 implementation.** Senior White House and Cabinet-level officials must lead the all-of-government implementation of Justice40 to ensure interagency buy-in, support, and enforcement. Ensuring that EJ advocates and experts have access to Cabinet members and senior White House leaders is critical to quickly identifying and addressing Justice40 implementation gaps and needed improvement.

- **Appoint and expand members of the EJ movement and EJ experts working within federal agencies and the White House.** Expanding federal expertise on EJ issues is critical to creating and strengthening policies to end environmental racism and the concentration of toxic pollution and other environmental injustices in low-income and communities of color.
- **Take immediate steps to develop and publish the EJ scorecard.** To ensure accountability, the OMB, CEQ, and agency heads should take immediate steps to develop and publish the annual Environmental Justice Scorecard detailing agency EJ performance measures and progress toward the Justice40 goal.
- **Provide tangible and early benefits for communities.** The Justice40 Initiative should be designed to ensure that near-term and measurable benefits are delivered to EJ communities to demonstrate early progress toward the Justice40 goal, build support for the initiative to ensure it isn't canceled or underfunded, and ensure its success.
- **Track investments and ensure accountability and transparency on Justice40 implementation.** To ensure that 40 percent of the investment benefits are delivered to EJ communities, the Environmental Justice Scorecard that President Biden has directed the OMB and CEQ to develop should clearly track federal investments and benefits delivered to EJ communities and any gaps that must be filled to achieve the Justice40 goal. Specifically, the OMB and the agencies should track funding amounts and where funding and benefits are distributed by ZIP codes or city. The OMB and CEQ should also include in the Environmental Justice Scorecard performance metrics on how communities benefit or are affected by these investments.
- **Build a clear monitoring, reporting, and evaluation process.** To ensure transparency on how and where federal funds are spent and what benefits are delivered, the CEQ and OMB must build a clear and consistent Justice40 monitoring, reporting, and evaluation process.
- **Embed accountability on Justice40 implementation within federal agencies.** Federal agencies should build Justice40 accountability metrics into federal program evaluations and employee performance reviews and job descriptions. For example, agencies should designate staff within each agency that are responsible for data collection to measure EJ performance, and they should work with Congress to embed EJ data collection requirements into legislation to avoid impacts from political shifts and changes in administration that can undermine EJ data.

Appendix A: Convening participants

EJ advocates and academic experts

- Dr. Nicky Sheats, Thomas Edison State University; New Jersey Environmental Justice Alliance
- Dr. Ana Baptista, The New School; New Jersey Environmental Justice Alliance
- Peggy Shepard, WE ACT for Environmental Justice
- Kerene Tayloe, WE ACT for Environmental Justice
- Dana Johnson, WE ACT for Environmental Justice
- Dr. Robert Bullard
- Michelle Martinez, Michigan Environmental Justice Coalition
- Jamesa Johnson-Greer, Michigan Environmental Justice Coalition
- Michele Roberts, Environmental Justice Health Alliance for Chemical Policy Reform
- Stephanie Herron, Environmental Justice Health Alliance for Chemical Policy Reform
- Harold Mitchell Jr., ReGenesis Community Development Corp.
- Dr. Paul Mohai, University of Michigan
- Shalanda Baker, J.D., Northeastern University
- Anahí Naranjo, Center for Earth, Energy and Democracy
- Ansha Zaman, Center for Earth, Energy and Democracy
- Molly Greenberg, The New School
- Marisa Valdez, The New School
- Jumana Vasi, The Midwest Environmental Justice Network
- Dawud Shabaka, Harambee House
- Dr. Mildred McClain, Harambee House
- Marianne Engelman Lado, J.D., Vermont Law School
- Richard Moore, Los Jardines Institute
- Dr. Lara Cushing, University of California, Los Angeles

National environmental groups

- Jill Tauber, Earthjustice
- Jessica Ennis, Earthjustice
- Dr. Rachel Cleetus, Union of Concerned Scientists
- Christy Goldfuss, Center for American Progress
- Cathleen Kelly, Center for American Progress
- Trevor Higgins, Center for American Progress
- Sam Ricketts, Center for American Progress
- Mikyla Reta, Center for American Progress
- Kat So, Center for American Progress
- Jamie Consuegra, Natural Resources Defense Council
- Roland Hwang, Natural Resources Defense Council
- Lissa Lynch, Natural Resources Defense Council
- Khalil Shahyd, Natural Resources Defense Council
- Yukyan Lam, Natural Resources Defense Council
- Al Armendariz, Sierra Club
- Liz Perera, Sierra Club
- Sara Chieffo, League of Conservation Voters
- Madeleine Foote, League of Conservation Voters

Appendix B

This table identifies the types of investments and federal programs that are relevant to the implementation of the Justice40 Initiative. The last row of the table identifies potential new federal programs and grants that could be created to help implement Justice40.

Existing and new federal programs relevant to Justice40 and an equitable and just economic recovery

Clean energy and energy efficiency deployment	Clean transit and transportation	Affordable and sustainable housing	Training and workforce development	Remediation and reduction of legacy pollution	Development of critical clean water infrastructure	Sustainable, equitable, and just community development	Resilient infrastructure and healthy communities
Existing federal programs							
Energy Efficiency and Conservation Block Grant (EECBG) Program	Federal Transit Administration's Low or No Emissions Vehicle Program	Low Income Home Energy Assistance Program (LIHEAP)	National Institute of Environmental Health Sciences' Environmental Career Worker Training Program	Superfund site cleanup; Superfund emergency response and removal	Drinking Water State Revolving Fund; Clean Water State Revolving Fund	EPA Environmental Justice Small Grants (EJSG) Program	Clean Energy and Sustainability Accelerator
Energy Department grants for clean energy microgrids	Diesel Emissions Reductions Act (DERA)	Weatherization Assistance Program (WAP)	EPA's Superfund Job Training Initiative	EPA enforcement	Potable water distribution, filter installation, and sanitation systems	Community Development Block Grants (CDBG)	Building Resilient Infrastructure and Communities (BRIC) program
	Transit and commuter rail operations; capital investment funding	HOME Investment Partnerships Program	Environmental Workforce Development and Job Training program	Brownfield redevelopment	Household plumbing and lead service lines replacements	EPA's Multipurpose Grants to States and Tribes program	Health Resources and Services Administration's Health Center Program
	Surface Transportation Block Grant Program's transportation alternatives set-aside		Civilian Climate Corps	Community Action for a Renewed Environment (CARE) Program	Community Water and Energy Resource Centers (CWERCs) in Michigan	Environmental Justice Collaborative Problem-Solving (EJCPS) Cooperative Agreement Program	Programs that protect EJ communities from COVID-19 hazardous and medical waste
	Congestion Mitigation and Air Quality Improvement (CMAQ) Program		AmeriCorps	Orphan well cleanup	Low-Income Household Drinking Water and Wastewater Emergency Assistance Program	State Environmental Justice Cooperative Agreement (SEJCA) program	Programs that address social determinants of health
	EPA Clean School Bus program			Urban and Community Forestry Program	Reducing Lead Exposure in Drinking Water Program; School Drinking Fountain Replacement Program	EPA's Office of Community Revitalization	Flood Mitigation Assistance Program
				EPA fence-line pollution monitoring	Sewer Overflow and Stormwater Reuse Municipal Grants Program; USDA Water and Wastewater Disposal Loans and Grant Program; Decentralized Wastewater Grant Program	Community Development Financial Institutions (CDFIs) Fund	Hazard Mitigation Grant Program (HMGP)

continues

Clean energy and energy efficiency deployment	Clean transit and transportation	Affordable and sustainable housing	Training and workforce development	Remediation and reduction of legacy pollution	Development of critical clean water infrastructure	Sustainable, equitable, and just community development	Resilient infrastructure and healthy communities
					Assistance for Small and Disadvantaged Communities program; Alaska Native Villages and Rural Communities Water Grant Program; U.S.-Mexico Border Water Infrastructure Grant Program	USDA's Socially-Disadvantaged Groups Grant	
						USDA's Outreach and Assistance for Socially Disadvantaged Farmers and Ranchers and Veteran Farmers and Ranchers Program	
						Direct aid for farmers of color	
						Abandoned Mine Lands program	
						Economic Development Administration	
						ARC POWER Initiative	
						National Dislocated Worker Grants	
Potential new federal programs							
Energy Department Energy Justice and Democracy Program to support community energy planning, grants to EJ communities for renewable energy, energy efficiency and microgrids, and the creation of an agencywide EJ investment strategy	EPA grants program to reduce greenhouse gases and air pollution at ports	HUD grants for distributed energy generation, storage, and electric vehicle infrastructure to provide energy to affordable housing units				National Environmental Justice and Climate Justice Fund	New EPA climate justice grants program to help address the impacts of climate change in EJ communities

Appendix C

This table highlights the types of indicators that participants suggested that federal agencies use to measure and track critical service gaps in EJ communities. The indicators focus on service gaps related to the six Justice40 investment areas identified in President Biden’s January 27 climate EO: energy; housing; economic and workforce development; healthy and resilient communities and infrastructure; transportation; and water.

Recommendations for indicators to identify critical service gaps

Investment area	Type of indicator	Resources identified by participants
 Energy	<ul style="list-style-type: none"> • Access and affordability – energy shut-off 	<ul style="list-style-type: none"> • Home energy affordability gap • Residential Energy Consumption Survey
 Housing	<ul style="list-style-type: none"> • Cost of living • Shortage of affordable housing • Arrearages • Underinvestment in public housing • Indoor home health (lead paint, indoor air pollution) • Evictions 	<ul style="list-style-type: none"> • Comprehensive Housing Affordability Strategy (CHAS) data • Opportunity Index • Eviction Lab • Housing and Transportation Affordability Index
 Economic development	<ul style="list-style-type: none"> • Debt, water, and energy forgiveness • Intergenerational wealth • Funding opportunities for EJ communities • Unemployment rates • BIPOC small-business ownership and small-business loans 	<ul style="list-style-type: none"> • U.S. Census Bureau’s American Community Survey • Opportunity Zone Mapper
 Healthy and resilient communities and infrastructure	<ul style="list-style-type: none"> • Generational community effect • Lack of child care and community development services • Lack of access to technology and broadband • Lack of access to quality and affordable hospitals, clinics, and health care centers; shortage of health care professionals • Long-term COVID-19 impacts on underserved communities • Regionally specific climate vulnerabilities 	<ul style="list-style-type: none"> • HHS Health Resources and Services Administration (HRSA) data • Child Opportunity Index (COI) • Cardiovascular data • Climate vulnerability data sourced from NOAA • FEMA National Risk Index • Medicare data on chronic conditions and disparities • U.S. Chemical Safety and Hazard Investigation Board (CSB) reports and recommendations
 Transportation	<ul style="list-style-type: none"> • People to destination access • Long-term and cumulative exposure to transportation air pollution • Transportation cost and burden • Frequency of service interruptions • Diesel hot spots 	<ul style="list-style-type: none"> • Third Way’s people to destination data • EPA air quality data • DOT traffic and roadway data • Housing and Transportation Affordability Index
 Water	<ul style="list-style-type: none"> • Access, affordability, and connectivity to potable drinking water • Stormwater infrastructure • Sanitation services 	<ul style="list-style-type: none"> • Safe Drinking Water Information System

Appendix D

Several existing federal programs have different criteria to ensure that projects funded deliver benefits and avoid harms to communities. This table provides examples of initial draft program criteria language that agencies could use to ensure that program investments deliver community benefits and support progress toward the Justice40 goal.

Examples of draft program criteria and language to support the Justice40 commitment

Criterion	Example language	Example program
Reducing pollution in EJ communities	Applicants must ensure that the proposed project will reduce local pollution to the greatest extent possible. Local pollution includes air and water pollution and soil contamination. Project should also be designed to reduce greenhouse gas emissions where possible.	Diesel Emissions Reduction Act (DERA) recipients must prove reduction of air pollutants.
Reducing the risk of current and future climate change effects and other hazards	Applicants must assess the impacts and potential risks of current and future climate change effects and other conditions and hazards that increase community vulnerability to climate change. Applicants must design proposed projects to minimize these risks to the greatest extent possible, including heat, flooding, and other climate risks in EJ communities.	FEMA's Building Resilient Infrastructure and Communities (BRIC) program requires applicants to take changes in climate into account.
Avoiding displacement of community members	Applicants must design projects to prevent displacement of community members to the greatest extent possible and coordinate with the local government with jurisdiction over the project area to support strategies to avoid displacement. If the grantee is a local government, it must certify that it has and is implementing a residential anti-displacement and relocation assistance plan and that it will take steps to prevent displacement before the project activities begin.	Community Development Block Grants (CDBG) and HOME Investment Partnerships Program recipients must have a residential anti-displacement and relocation assistance plan.

Endnotes

- 1 The White House, "Executive Order on Tackling the Climate Crisis at Home and Abroad," January 27, 2021, available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.
- 2 More information on the Equitable and Just National Climate Platform can be found at Equitable and Just National Climate Platform, "Home," available at ajustclimate.org (last accessed March 2021).
- 3 Section 223 of President Biden's January 27 executive order states: "Tackling the Climate Crisis at Home and Abroad, directs the CEO, OMB, and the national climate adviser to 'jointly publish recommendations on how certain Federal investments might be made toward a goal that 40 percent of the overall benefits flow to disadvantaged communities. The recommendations shall focus on investments in the areas of clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of critical clean water infrastructure.'" See *Ibid.*
- 4 Community Development Financial Institutions Fund, "What Does the CDFI Fund Do?," available at <https://www.cdfifund.gov/> (last accessed March 2021).
- 5 Elizabeth Kneebone, "Tackling persistent poverty: Three challenges for the 10-20-30 plan" (Washington: Brookings Institution, 2016), available at <https://www.brookings.edu/research/tackling-persistent-poverty-three-challenges-for-the-10-20-30-plan/>.
- 6 Brett Theodos, Christina Plerhoples Stacy, and Helen Ho, "Taking Stock of the Community Development Block Grant" (Washington: Urban Institute, 2017), available at https://www.urban.org/sites/default/files/publication/89551/cdbg_brief_finalized_1.pdf.
- 7 *Ibid.*
- 8 Tim Conlan and Priscilla Regan, "Implementing the 2020 Stimulus: Lessons From the 2009 Recovery Act," Government Executive, April 2, 2020, available at <https://www.govexec.com/oversight/2020/04/implementing-2020-stimulus-lessons-2009-recovery-act/164319/>.
- 9 The task force idea was shared by the facilitators as a recommendation example. Participants supported the idea and took it on board as a recommendation.