Put Your Money Where Your Mouth Is:

An Overview of Justice40 & Best Practices for Implementation

November 9, 2022: Noon PST/3 PM EST
Reach out to kristen@climate-xchange.org with your questions on:

- Bill drafting, analysis, and technical designs
- Gap analysis of your state’s climate policy landscape
- Best example states to follow for a given policy
Lawyers for Good Government (L4GG)

Legal Advocates
125K+
Focused on equal justice, equal environmental protection, & human rights
Runs large scale pro bono programs

Issues:
- Climate Change
- Racial Justice
- Immigration
- Reproductive Justice
Agenda

- Introduction
- Justice40: An Overview
- Translating J40
- Perspective: Federal Government
- Perspective: State Approach
- Perspective: Community & CAJ40
- Key Takeaways & Resources
$2.2 Trillion
Through American Rescue Plan Remaining Funds, Biden Infrastructure Law, Inflation Reduction Act

40% Benefits to Disadvantaged Communities

Grantees
States, Local Gov, Communities, NGOs, and Industry - Need to identify compliance with J40

COORDINATION, ENGAGEMENT, AND INFORMATION SHARING BETWEEN ALL LEVELS OF GOVERNMENT & COMMUNITY IS KEY
of benefits from investments in:

- Clean energy/ energy efficiency
- Clean transit
- Climate Change
- Affordable/ sustainable housing
- Training and workforce development
- Remediation and reduction of legacy pollution
- Clean water & infrastructure

“disadvantaged communities that are marginalized, underserved, and overburdened by pollution” (DACs)

*Applies to all federal agencies and applicable federal programs

Led By

Council on Environmental Quality (CEQ)
Federal Mapping

Office of Management and Budget (OMB)
Guidance

WH Office of Climate Policy
WH EJ Interagency Council
WH EJ Advisory Council
Directs agencies to:

- Define Disadvantaged Communities (provides general criteria)
- Method for calculating, tracking benefits (identifies example benefits)
- Develop a draft implementation plan
- Develop a Stakeholder Engagement Plan
J40 Timeline of Guidance & Funding

**J40 Initiated: Executive Order 14008**
Whole of government approach to ensure that federal investments 40% benefits to disadvantaged communities

**January 2021**
- **OMB/CEQ Interim Guidance - M-21-28**
  Initial J40 guidance to federal agencies re: implementing J40

**July 2021**
- **Biden’s Infrastructure Law**
  $1.2 Trillion: infrastructure, clean energy, water - 5 years

**December 2021**
- **Climate and Economic Justice Screening Tool - DRAFT**
  Federal attempt to identify DACs nationwide

**February 2022**
- **Climate and Economic Justice Screening Tool - DRAFT**
  Federal attempt to identify DACs nationwide

**August 2022**
- **OMB J40 Updated Covered Programs List**
  *Inflation Reduction Act Passed:* $369B to climate initiatives

**More to Come…**
- **Guidance to come…**
  Federal agencies to provide more guidance through regs, program notices, and NOFOs

**More to Come…**
J40: Covered Programs & Federal Agencies

J40 currently applies to 400+ programs regulated by the following agencies:

- Includes ARPA, BIL, and IRA
- Community engagement/stakeholder engagement required for project planning - Federal agencies incorporate this requirement into program notices for funding.

Covered programs & regulating federal agencies

- Environmental Protection Agency
- Department of Transportation
- Department of Energy
- Army Corps of Engineers
- Department of Agriculture
- Department of Homeland Security
- Federal Emergency Management Agency
- Department of Housing and Urban Development
- Department of the Interior
- Department of Health and Human Services
- Department of Labor
- Department of Veteran Affairs
How $2.2 Trillion Gets to You

**Federal Investments**
- Grants/Procurement
- Financing
- Staffing
- Direct Spend

**FEDERAL AGENCIES**
~17 different agencies

**Eligible Grantees**
- STATE
- COMMUNITIES/NGOs
- LOCAL
- TRIBES

**Example Projects (DAC Benefits)**
- CLEAN ENERGY/RESILIENCE
- WORKFORCE DEVELOPMENT/EJ STAFF
- ROOFTOP/COMMUNITY SOLAR
- ENERGY EFFICIENCY PROJECTS
- WATER INFRASTRUCTURE/ACCESS TO CLEAN WATER

*Federal agencies will implement these requirements through program notices for individual programs*
J40: Implementation Examples

Department of Energy
146 Programs Covered
J40 Guidance
State Energy Program

EPA
73 Programs Covered
J40 Guidance
Water Infrastructure (BIL)
Greenhouse Gas Reduction Fund (IRA)

Department of Transportation
Thriving Communities Program
39 Programs Covered
J40 Guidance
J40: Track and Measure Environmental Justice Scorecard

Scorecard to track and measure success and implementation of J40.

Highlights activities by Federal agencies in three categories:

1. Reduce harms and burdens borne disproportionately by communities
2. Deliver investment benefits
3. Centering justice in decision making

Public comment period closed November 3, 2022. 38 comments were submitted from various stakeholders.
J40: CEJST Map

- Released in February 2022
- Identifies disadvantaged communities through publicly-available, nationally-consistent datasets.
- It is currently in beta form and in process of being updated based on public feedback.
L4GG’s Disadvantaged Communities Report

➢ Biden’s Justice40 Initiative (J40): 40% of benefits from investments in clean energy/transit, water infrastructure, remediation, etc. go towards “disadvantaged communities that are marginalized, underserved, and overburdened by pollution”

➢ But how to define “DAC” to ensure the money goes where it’s needed most?

➢ The DAC Report breaks down the definitions of “disadvantaged communities” in all 50 states, including Washington D.C. and Puerto Rico.

Check out L4GG’s DAC Report!
Community Engagement: Identify Disadvantaged Communities

How to define, track, measure, and ensure J40 Implementation?

**States, Local Leaders, and other Grantees:**

**Step 1: Identify Communities for Engagement**
- Federal: WH/OMB, DOE, EPA, DOT - Definitions
- Federal Map: Climate and Economic Justice Screening Tool
- State Definitions/Maps: L4GG’s DAC Report

**Step 2: Engage, Engage, Engage!**
- Project Planning
- EJ liaisons
- Community Leaders

**Step 3: Identify benefits for DACs**
- Ask community leaders - what do they need?
Community Engagement – Best Practices

Continuous Transparency & Accountability
- Develop firm structures to require and evaluate accountability measures
- Accessible communication from start to finish

Sustainable Capacity-Building
- Provide opportunities and tools for communities to implement solutions
- Reliance on local stakeholders

Equitable Decision-Making
- Shift power to community members
- Accessible public participation

Meaningful Relationship-Building
- Build long-lasting trust and respect
- Community-identified solutions to community-identified problems

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Community Engagement – Examples

**Sustainable D.C. 2.0 Plan (2019)**
- 20-month CE process
- Equity Impact Committee & Assessment Tool
- Progress Report - shows the good and the bad

**CA’s Transformative Climate Communities Program (AB 2722, 2016)**
- CE guidelines for administering agency (SGC) and grantees
- Eligible grantees: NGOs, governments, CDFIs, tribes, etc

**Washington State’s HEAL Act (SB 5141, 2021)**
- Requires covered agencies to develop CE plan
- Detailed requirements for CE plan
- Agencies must evaluate new and existing programs
A FEDERAL PERSPECTIVE....

Kristin Wood
Federal Transit Administration &
J40 Lead for DOT
Justice40

United States
Department of Transportation

October 2022

Department of Transportation Justice40 Video
Link: https://www.youtube.com/embed/lhDVzE0DQFA
Background on Justice40

**WHAT** is Justice40?

President Biden’s Jan 2021 EO14008: Tackling Climate Change at Home and Abroad created the government-wide Justice40 Initiative, establishing the goal that at least 40% of the benefits of certain federal investments flow to disadvantaged communities.

**WHY** Justice 40?

Justice 40 aims to address decades of systemic inequitable historical policies and underinvestment in disadvantaged communities. The initiative aims to bring resources to communities most impacted by climate change, pollution, and environmental hazards.

**What Justice40 means for the US Department of Transportation (US DOT)**

At the cusp of a generational investment in infrastructure through the Bipartisan Infrastructure Law and the Inflation Reduction Act, the Justice 40 initiative is an opportunity to address gaps in transportation infrastructure and public services to uplift communities.

- **Prioritize Investments**
- **Measure Impact and Improve Effectiveness**
- **Strengthen Communities**
DOT is working in concert with the White House and other federal agencies to implement Justice 40 across all Covered Programs, including those in the Bipartisan Infrastructure Law and Inflation Reduction Act.

Baseline Estimate: This is an estimate of program impacts for a single year of grant awards using best available data and methodology. This estimate will be refined and improved using stakeholder input.
A disadvantaged community is a group of individuals living in geographic proximity to one another or sharing common conditions or group experiences (i.e., migrant workers, Native Americans) that experience cumulative burden across economic, social, and environmental factors.

This is DOT’s interim method for identifying disadvantaged communities. The method and formal disadvantage index agencies are required to use may be updated by CEQ in the coming months.
US DOT’s Current Covered Programs Overview

The seven areas of Federal investment covered by the Justice 40 Initiative are:

- Clean Transit
- Affordable and sustainable housing
- Remediation and reduction of legacy pollution
- Training and workforce development
- Climate Change
- Clean energy and energy efficiency
- Clean water and wastewater infrastructure

US DOT Covered Programs: 39 Funding Programs, Across 5 Modes ~$204 Billion in BIL authorizations
How is US DOT incorporating Justice 40?

1. US DOT is asking grant applicants to address the benefits and burdens of projects on disadvantaged populations.

2. US DOT is prioritizing projects that promote meaningful public engagement throughout the project lifecycle and adhere to environmental justice requirements.

3. US DOT is evaluating programs and regulations with an equity lens and prioritizing resources to historically underserved communities.

4. US DOT is providing additional technical assistance and support to disadvantaged communities.
How are “benefits” and “burdens” defined?

Projects can provide both benefits and burdens. US DOT is committed to assessing the quantity and distribution of both to improve transportation quality and reduce negative impacts to disadvantaged communities.

<table>
<thead>
<tr>
<th>IMPACTS</th>
<th>BENEFITS</th>
<th>BURDENS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety</td>
<td>Reduce injuries, fatalities, and crashes in communities benefiting from the investment</td>
<td>Increase risk or frequency of injuries, fatalities and crashes due to the project (often the result of higher speeds or traffic volumes)</td>
</tr>
<tr>
<td>Jobs &amp; Economic Competitiveness</td>
<td>Create or preserve jobs and contracting opportunities; Increase the vitality of communities benefiting from the investment</td>
<td>Reduce the economic vitality of an area through construction impacts or reductions in accessibility or air quality</td>
</tr>
<tr>
<td>Resilience</td>
<td>Reduce the impacts that natural and human-caused hazards have on lives, property, and transportation system reliability</td>
<td>Increase the vulnerability or reduce the reliability of a transportation asset by building in a way that does not account for hazards or climate-related risks.</td>
</tr>
<tr>
<td>Access</td>
<td>Improve access by either lowering barriers or expanding service areas</td>
<td>Reduce access in an area, including through the construction of facilities that may divide or disconnect a community</td>
</tr>
<tr>
<td>Emissions</td>
<td>Reduce emissions, including greenhouse gases, noise, and other harmful pollutants</td>
<td>Increase emissions including greenhouse gases, noise, and other harmful pollutants, often as a result of increased speeds or traffic volumes</td>
</tr>
</tbody>
</table>
How is US DOT helping communities access resources?

- Providing webinars that walk potential applicants through the general requirements of funding opportunities and provide technical assistance on specific aspects of application requirements
- Consolidating Notices of Funding Opportunity (MOFOs) to simplify applying for funds
- Simplifying the language in NOFOs to make requirements easier to understand
- Developing tools like the Historically Disadvantaged Census Tract tool to assist applicants in developing their applications

Examples of US DOT Technical Assistance Programs

### US DOT Navigator
Online portal to access technical assistance resources available across the US DOT
https://www.transportation.gov/dot-navigator

### ROUTES
Offers user-friendly tools and information, aggregates US DOT resources and provides technical assistance addressing rural transportation’s unique challenges
https://www.transportation.gov/rural

### Thriving Communities
Technical assistance and capacity building resources to improve communities through transportation improvements
https://www.transportation.gov/grants/thriving-communities

**NOFO & LOI currently open**
A STATE PERSPECTIVE...

Kirsten Baumgart Turner
State of Hawaii Energy Office
Clean Energy Wayfinders Program
Community Engagement for Energy Justice

Kirsten Baumgart Turner, Deputy Energy Officer

L4GG and CXC - J40 Webinar
November 9, 2022
MISSION

To promote energy efficiency, renewable energy, and clean transportation to help achieve a resilient, clean energy economy.
Environmental Justice = Energy Justice
Roadmap to Increased Capacity

- Identified Gaps
- Developed Initial Capacity
- Engaged Colleagues
- Developed Strategy
- Engaged Community
- Developed Playbook
- Increase Engagement
Civic Advisory Group
AmeriCorps VISTA Energy Equity Team

- Researched energy equity issues in Hawaii
- Surveyed staff
- Identified gaps
- Helped develop strategies
Energy Equity Hui

- Energy industry, environmental, social justice, and community representatives
- Identifying and meaningfully addressing energy inequities

Work Streams

- Equity Definition and Framework
- Legislation
- Renewable Energy RFP Process
- Community Benefits Enhancement
Clean Energy Wayfinders

- Create jobs for a new generation of clean energy leaders
- Identify community needs and concerns
- Address inequities in vulnerable communities
- Increase knowledge and opportunities
- Increase communication and trust
- Advance clean energy goals!
Community Outreach & Engagement Specialist

- Coordinates the Clean Energy Wayfinders Program
- Supports the Civic Advisory Group meetings
- Supports the Energy Equity Hui
- Supports all community outreach and engagement initiatives
- Helps identify and develop new community engagement pathways
Energize Kākou

❖ A new stakeholder engagement strategy
❖ Grounded in a Native Hawaiian cultural framework
❖ Workshops conducted in impacted communities statewide
❖ Objectives to create mutual understanding about:
  ➢ Hawaii’s renewable energy goals
  ➢ Energy as a shared resource
  ➢ What is important to communities
  ➢ Preferred renewable energy project sites & features
Clean Energy Education

- K-12 Clean energy curriculum
- 80 Title I schools
- 216 Teachers trained
- 9,500 students reached
- 100 tool kits in lending library
Online Engagement

- New website
- Online interactive engagement
- Social media education campaign

https://energy.hawaii.gov
HawaiiStateEnergyOffice
@energyhawaii.gov
Equity Program Coordination

- Integrate equity into all HSEO programs
  - Align with EJ40
## Build Focused Capacity

<table>
<thead>
<tr>
<th>Community Engagement and Public Affairs Manager</th>
<th>Community Outreach and Engagement Specialist</th>
<th>[Energy Equity Coordinator]</th>
<th>VISTA Equity Team &amp; Clean Energy Wayfinders</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Engagement Pathways</td>
<td>• Ej40 Compliance (HSEO-Wide)</td>
<td>• Build capacity for HSEO Equity Program</td>
</tr>
<tr>
<td></td>
<td>• Clean Energy Wayfinders Coordinator</td>
<td>• AmeriCorps VISTA Cohort Management</td>
<td>• Community-Grounded Engagement</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Energy Equity Hui Coordinator</td>
<td>• Facilitate Two-Way Communication</td>
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Community Engagement Way Forward

Vision: To develop a stakeholder and community informed roadmap to achieve a carbon free economy by 2045..
Mahalo!

Kirsten.b.turner@hawaii.gov
(808) 285-4809
A COMMUNITY PERSPECTIVE...

Zach Lou
Coalition Manger, California Green New Deal
CA Justice 40 Act
How do you make equity real?

Racial inequality has been built into our infrastructure, and frontline, disadvantaged communities are overwhelmingly low-income communities of color.

Although Justice40 is a strong federal goal, states will ultimately determine if these investments are implemented equitably.
AB 2419: California Justice 40 Act

1) **Commit to equity** by requiring at least 40% of federal climate and infrastructure funds benefit disadvantaged communities, and an additional 10% benefit low-income communities

2) **Create good jobs** through high-road labor standards requiring project labor agreements on large-scale construction projects

3) **Ensure community voice** by creating an Advisory Committee that will provide recommendations on how to use funds to improve climate, equity, and labor outcomes across the state.
List of support

Co-sponsors

Enviros

Labor
Necesitamos lograr esos cambios ahora, porque la presencia de los pozos petroleros ‘activos’ nos está enfermando. Nuestros niños, todos nosotros, respiramos aire contaminado tóxico al diario, y es por esa razón que necesitamos hacer los cambios ahora! No después, no mañana, debemos de actuar y tomar acción ahora.

GREGORIA RIVERA
SCOPE LEADER AND SOUTH LA RESIDENT

COMMUNITIES FOR JUSTICE40

We need investments that will retrofit buildings in low-income households, build infrastructure for community-owned solar projects, and cooling centers. **We support AB 2419 because we need to reinvest in communities that bear the brunt of climate catastrophes, and to make the transition away from fossil fuels in a way that is equitable and just.**

MARO KAKOUSSIAN
CLIMATE JUSTICE ORGANIZING MANAGER, PSR LA

COMMUNITIES FOR JUSTICE40

Low-income communities of color have been, and continue to be, disproportionately impacted by the climate crisis. Decades of underinvestment by the federal government into highly impacted populations have only exacerbated these effects and further devastated communities. Let’s Green CA! supports AB 2419 because it centers both justice and equity by ensuring climate and infrastructure funds are invested into communities most impacted by climate change. **Let’s Green CA! is proud to support AB 2419 as it will address historical political and environmental inequities and help move California toward a just transition.**

BATOUL AL-SADI
ENVIRONMENTAL JUSTICE ORGANIZER WITH LET’S GREEN CA!
Challenges

● Timing, federal guidelines still being developed

● State agencies do not have a comprehensive approach to prioritizing equity in funding decisions

● Thorny questions related to both with no clear answer: how does this work with formula funds? Every program, or balanced portfolio?
Justice 40 as power-building tool

- AB 2419 was an *organizing* and *power-building* opportunity for our coalition.

- We need to think beyond Justice 40 – see it as a vehicle for a comprehensive and holistic approach to equity in our investments.

- We need to think beyond policy – how do you actually build capacity for DACs to access, apply for, receive funding for projects that are genuinely community-driven?
Zach Lou
zach@apen4ej.org
Key Takeaways for J40:

**Frontline Communities/Tribal:**
- Identify your state and local decision-makers - [DAC Report]
- Take advantage of technical assistance/capacity building grants (ex: Thriving Communities with DOT)
- Track Program Guidance and funding opportunities/[FFOLD Tool]

**State and Local Governments:**
- ENGAGE with/Listen to DACs, tribal, frontline communities - establish continual dialogue to learn needs
- EJ Staffing/Community Liaisons
- Prioritize projects that benefit DACs

**Federal Government:**
- Listen to needs of local, state, and Tribal governments
- Provide clear program guidance on J40
- Establish clear mechanisms to track efficiency of funding allocations

**NGOs:**
- Facilitate communication between frontline communities and governments
- Identify advocacy entry points (ex CA J40)

**Industry:**
- Consider public-private partnerships
- Identify Disadvantaged Communities
- Prioritize benefits to DACs

**ALL:** Track program notices relating to funding programs at agency websites!

**Resources:** Covered programs/agencies; FFOLD Tool, Funding Opportunities
Key Resources:

❖ L4GG Disadvantaged Community Report
❖ CXC’s State Climate Policy Dashboard
❖ L4GG Funding Webinar Series & Legal Resources
❖ Federal DAC Mapping Tools (link to resources page in DAC Report)
❖ FFOLD Tool
❖ USDOT Navigator
❖ Local Infrastructure Hub Funding Opportunities
❖ Climate Program Portal
❖ Hawaii Engagement Tab

Upcoming Funding Webinar:

Questions?

More Information/Questions/Feedback:
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Kirsten Baumgart Turner: Kirsten.b.turner@hawaii.gov