

# Put Your Money Where Your Mouth Is:



**An Overview of Justice40 & Best Practices for Implementation**

November 9, 2022: Noon PST/3 PM EST

# Climate XChange – State Climate Policy Network

17K+



Reach out to [kristen@climate-xchange.org](mailto: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

CHECK  
IT OUT  
↓

STATE CLIMATE  
POLICY  
DASHBOARD



# Lawyers for Good Government (L4GG)

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+

LEGAL ADVOCATES



FOCUSED ON EQUAL JUSTICE, EQUAL  
ENVIRONMENTAL PROTECTION, & HUMAN  
RIGHTS



RUNS LARGE SCALE PRO BONO PROGRAMS



L4GG CLIMATE  
CHANGE  
PROGRAM



Issues:



Climate Change



Racial Justice



Immigration



Reproductive Justice



- **Introduction**
- **Justice40: An Overview**
- **Translating J40**
- **Perspective: Federal Government**
- **Perspective: State Approach**
- **Perspective: Community & CAJ40**
- **Key Takeaways & Resources**

# Agenda





**Jillian Blanchard**

Director, Climate Change  
Program, Energy & NR Attorney  
L4GG



**Lauren Thomson**

Staff Attorney, Climate Change  
Program  
L4GG



**Kristen Soares**

State Climate Policy Manager  
Climate XChange



**Kirsten Baumgart Turner**

Deputy Energy Officer  
State of Hawaii



**Zachary Lou**

Coalition Manager  
California Green New  
Deal Coalition



**Kristin Wood**

Region 1 Director, Planning and  
Program Development  
Federal Transit  
Administration

# Justice40: Big Picture

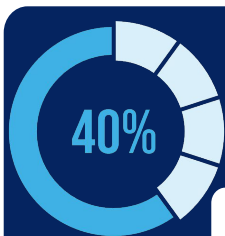


**COORDINATION, ENGAGEMENT, AND INFORMATION SHARING BETWEEN ALL LEVELS OF GOVERNMENT & COMMUNITY IS KEY**



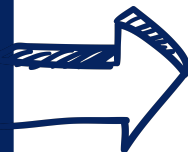
# J40: An Overview

## Biden's Justice40 Initiative



### 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)

[EO 14008](#)

\*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

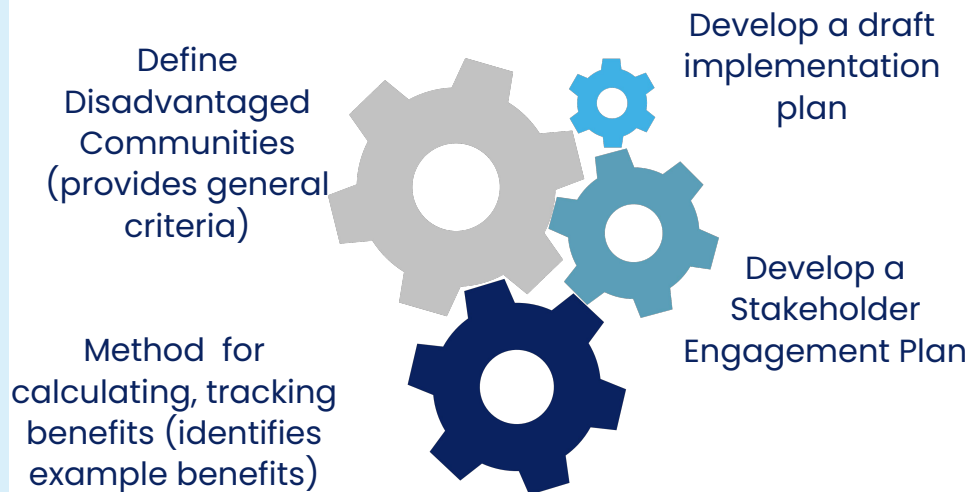
WH Office of Climate Policy  
WH EJ Interagency Council  
WH EJ Advisory Council



# J40: July 2021 M-21-28

## Interim Guidance

### Directs agencies to:





# J40 Timeline of Guidance & Funding

## J40 Initiated: Executive Order 14008

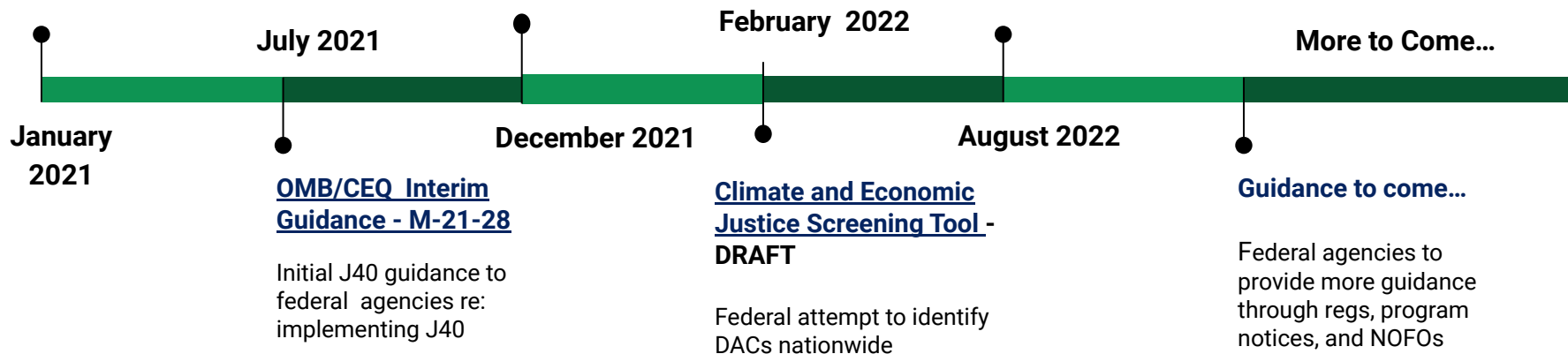
Whole of government approach to ensure that federal investments 40% benefits to disadvantaged communities

## Biden's Infrastructure Law

\$1.2 Trillion: infrastructure, clean energy, water - 5 years

## OMB J40 Updated Covered Programs List

Inflation Reduction Act Passed: \$369B to climate initiatives





# J40: Covered Programs & Federal Agencies

**J40 currently applies to 400+ programs regulated by the following 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

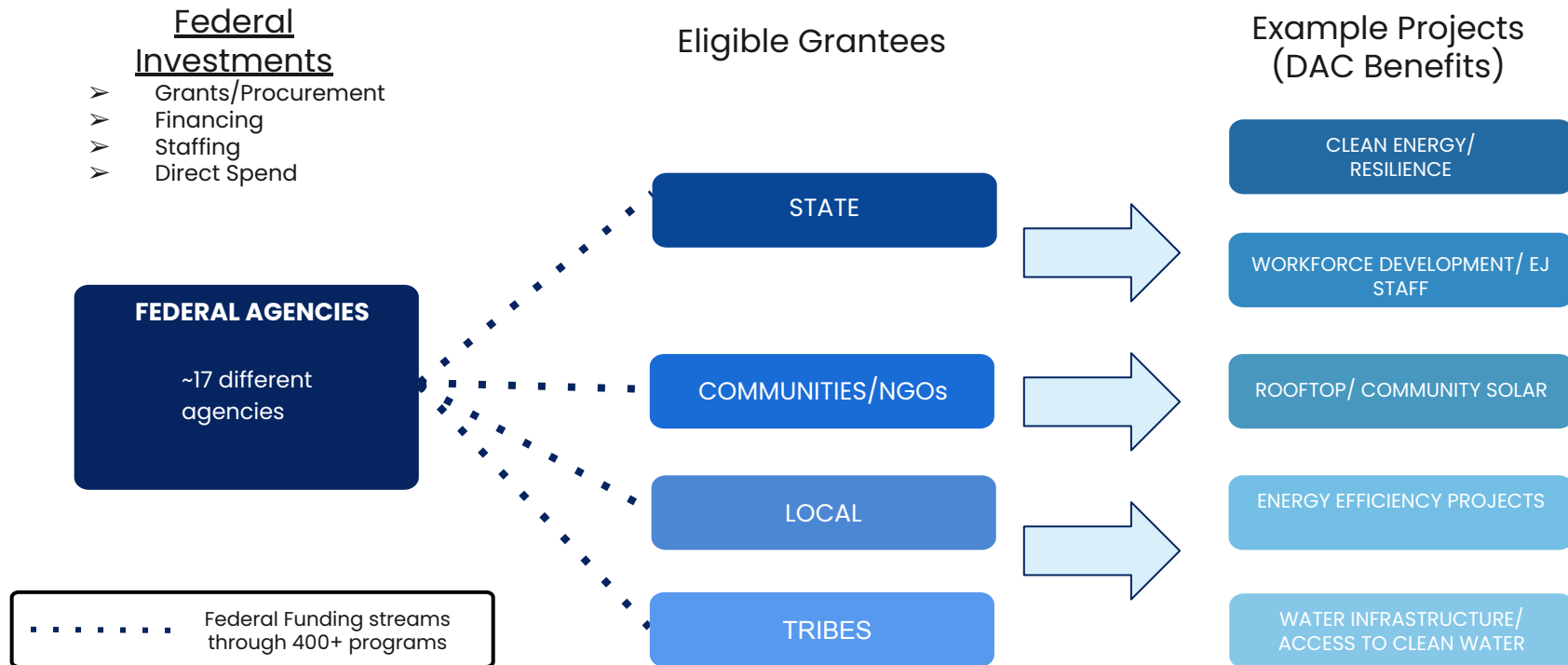
- Includes ARPA, BIL, and IRA
- Community engagement/stakeholder engagement required for project planning – Federal agencies incorporate this requirement into program notices for funding.

**Covered programs & regulating federal agencies**





# How \$2.2 Trillion Gets to You



\*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

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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.*



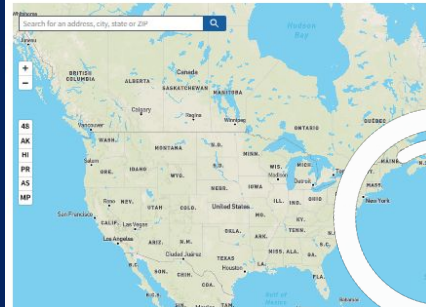
# J40: CEJST Map

- 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.



## Explore the map

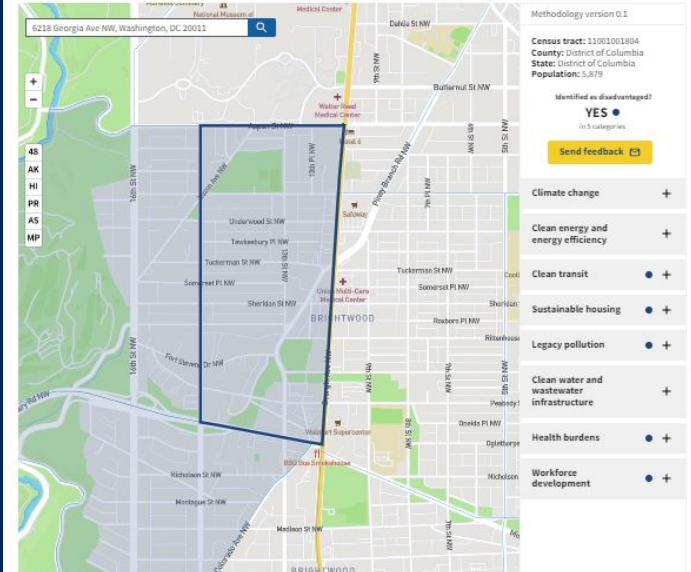
Use the map to see communities that are identified as disadvantaged. The map uses publicly available, nationally-consistent datasets. Learn more about the methodology and datasets that were used to identify disadvantaged communities in the current version of the map on the [Methodology & data](#) page.



## Explore the map

Public engagement

Use the map to see communities that are identified as disadvantaged. The map uses publicly available, nationally-consistent datasets. Learn more about the methodology and datasets that were used to identify disadvantaged communities in the current version of the map on the [Methodology & data](#) page.





# 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.**

*Knowledge*  
IS  
POWER



Check out [L4GG's DAC Report!](#)

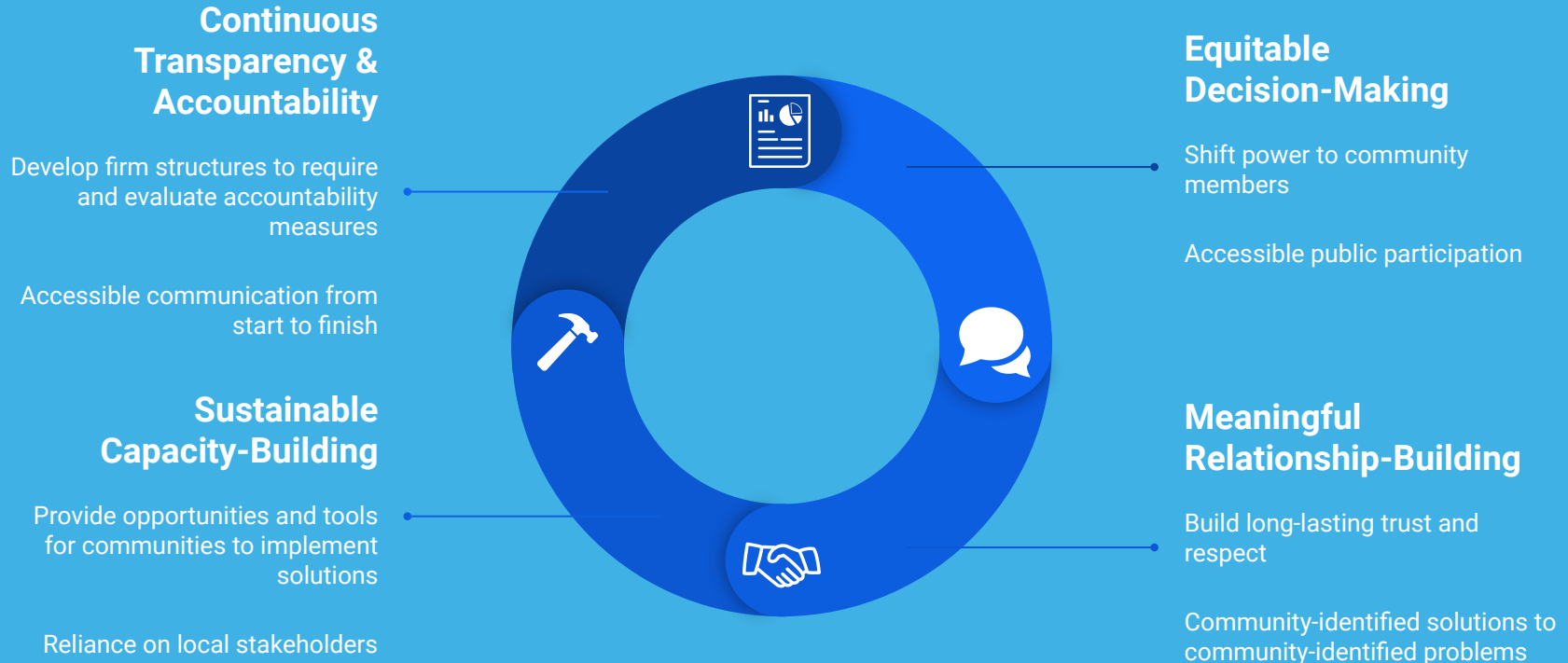
# Community Engagement: Identify Disadvantaged Communities

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





# Community Engagement – Best Practices





# 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**

# US DOT Justice40 Implementation Near-Term Roadmap

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.

1. Developed interim disadvantage index

2. Develop benefit baseline methodologies

3. Included components of Justice 40 in covered program NOFOs

4. Evaluate whether programs are meeting 40% using baseline methods

5. Apply Justice 40 to formula funds

6. Develop burden metrics and apply to baseline methodology

7. Conduct program evaluation and improve program design

**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.

We are here



# US DOT's Interim Disadvantaged Community Definition

**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.



## US DOT's Interim Disadvantage Index



**Transportation:** communities that spend more, and take longer, to get where they need to go



**Health:** communities with adverse health outcomes, disabilities, and low access to health care services



**Environmental:** communities experiencing disproportionately high levels of pollutants & toxins



**Economic:** communities with high levels of poverty, and low access to jobs and education



**Resilience:** communities vulnerable to hazards caused by climate change

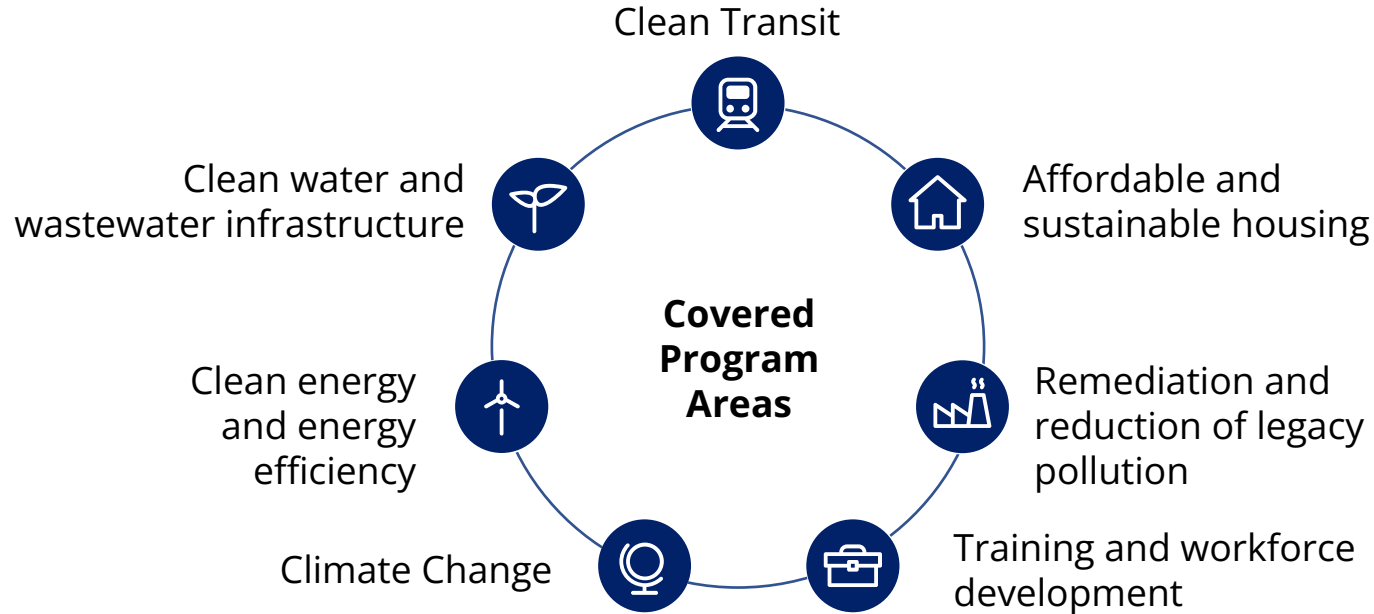


**Equity:** communities with a shared history of discrimination or other forms of disadvantage

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:*



**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.

IMPACTS	BENEFITS	BURDENS
1 Safety	<i>Reduce injuries, fatalities, and crashes in communities benefiting from the investment</i>	<i>Increase risk or frequency of injuries, fatalities and crashes due to the project (often the result of higher speeds or traffic volumes)</i>
2 Jobs & Economic Competitiveness	<i>Create or preserve jobs and contracting opportunities; Increase the vitality of communities benefiting from the investment</i>	<i>Reduce the economic vitality of an area through construction impacts or reductions in accessibility or air quality</i>
3 Resilience	<i>Reduce the impacts that natural and human-caused hazards have on lives, property, and transportation system reliability</i>	<i>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.</i>
4 Access	<i>Improve access by either lowering barriers or expanding service areas</i>	<i>Reduce access in an area, including through the construction of facilities that may divide or disconnect a community</i>
5 Emissions	<i>Reduce emissions, including greenhouse gases, noise, and other harmful pollutants</i>	<i>Increase emissions including greenhouse gases, noise, and other harmful pollutants, often as a result of increased speeds or traffic volumes</i>

# 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

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### US DOT Navigator

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Online portal to access technical assistance resources available across the US DOT

<https://www.transportation.gov/dot-navigator>

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### ROUTES

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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>

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### Thriving Communities

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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



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# MISSION

To promote  
**energy efficiency,**  
**renewable energy,** and  
**clean transportation**  
to help achieve a  
**resilient,**  
**clean energy economy**

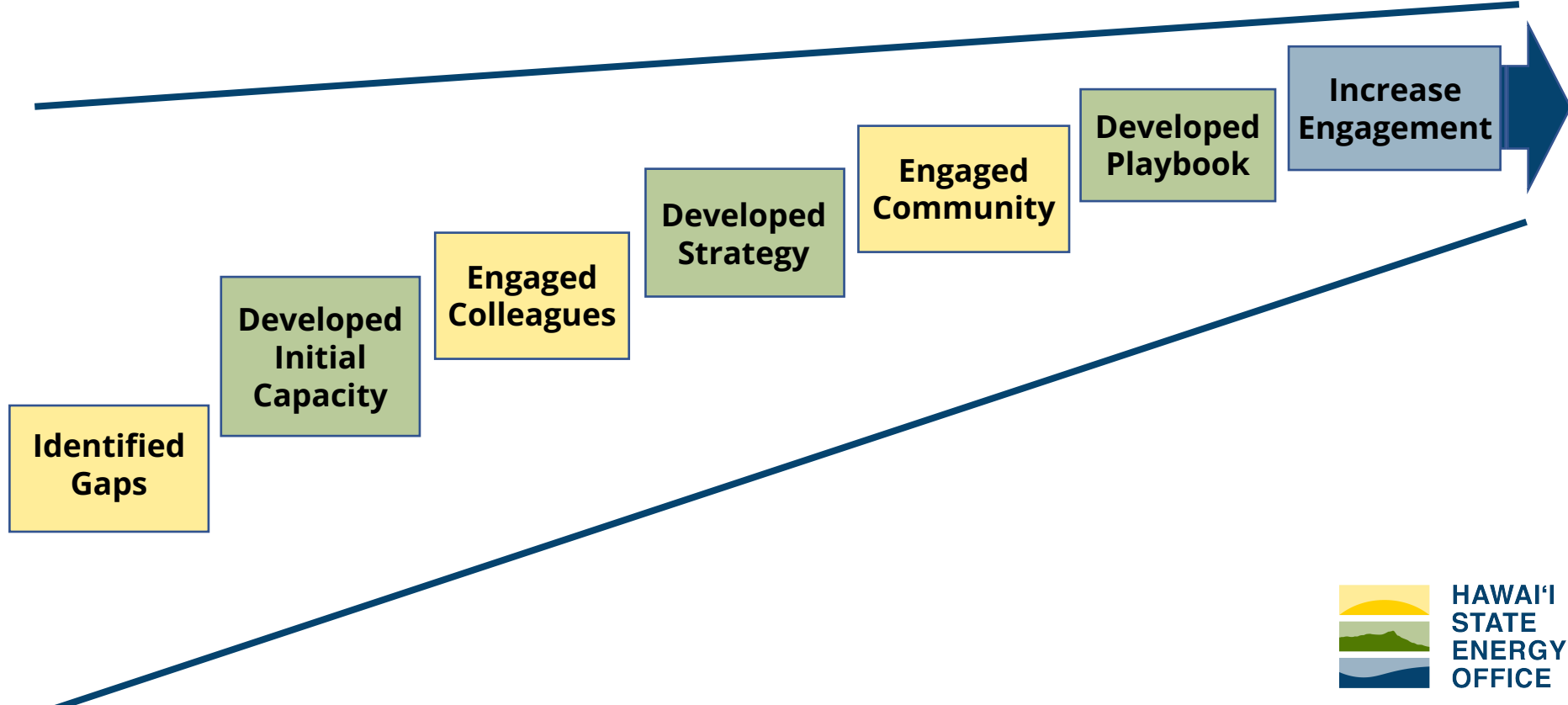


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# Environmental Justice = Energy Justice



# Roadmap to Increased Capacity



# 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



Developed by MEDB STEMworks for the Hawai'i State Energy Office

**STEMWORKS**  
science, technology, engineering, math & business

Curriculum at a Glance	
Grade Levels	K-2
Time Required	Estimated: 5 Days
Group Sizes	3 - 4
NGSS Performance Expectations	K.PS3-1, K.PS3-2, 1.PS4-3, 2.PS1-2, K-2.ETS1-1, K-2.ETS1-3 <a href="#">Evidence Statements</a>
Activity Title	Guiding Questions
<b>Kilo Exercise:</b> Nature Walk in Sun and Shade	What do I see? What do I feel? What do I smell? What do I hear?
<b>Reading Exercise:</b> Energy Physical Science for Kids	What is energy? What things need energy?
<b>Lab 1:</b> Light and Shadow Adventure	How does the sunlight affect my shadow? How long is my shadow? Why does my shadow grow taller or shorter throughout the day? What patterns do I see? How do observations and data help me answer my questions?
<b>Lab 2:</b> Heat from the Sun	How does the sun make me feel? How does the sun change the water temperature? Do some items get hotter than others faster? If so, why? How do observations and data help me to answer my questions?
<b>Lab 3:</b> Solar Oven Engineer - Cooking with Sunlight	What happens to different materials in the solar oven? How can science help me make a better solar oven? What time of day will my solar oven work the best? How can I modify my solar oven design to improve it?
<b>Online Extension Activity:</b> TinkerCAD	What tools do engineers use? How do engineers create 3D designs (or models)?
<b>At Home Extension:</b> Solar Water Purifier	What did I observe? How could this device be useful?

2

So friends, what did you observe during your kilo practice?

**Post Kilo Assessment:** Once you come back inside, have students collaboratively share their observations in small groups, then make a collective list together. You may want to toss Pi's anskals around as a means to take turns sharing. If they notice that they felt warmer in the sun and cooler in the shade, highlight that observation. At the end, share with them that everything around them that they observed using their senses requires **energy** to exist and function. But what is energy?

[Extra Kilo Resource](#)

**What is energy?**

Energy is all around us. It is the power that makes things go, including you. What gives you energy? (Draw three pictures or write three sentences about things that give you energy.)

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



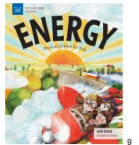
Energy comes in many forms. You get energy from the foods that you eat and the liquids you drink. Have you ever noticed how much energy you have after a sugary treat? But what about other animals? How about plants? How about your iPad or Chromebook? How do they get energy? Let's read a book together to learn more.

**Reading Activity: Energy Physical Science for Kids**

(one class period or less)

Read [this book](#) out loud in your classroom. For older students, you may want them to read to themselves, or with a partner. This book will help young learners discover different forms of energy including chemical energy, light energy (solar), and electrical energy.

You want students to engage with the text by reflecting and communicating like scientists and engineers. They should use



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# Online Engagement

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



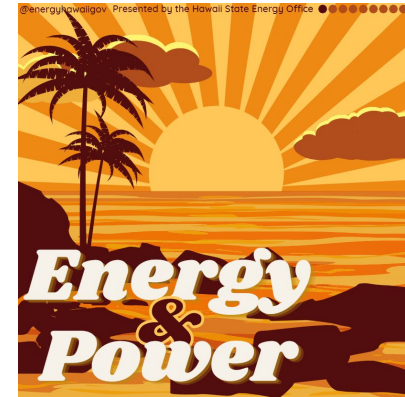
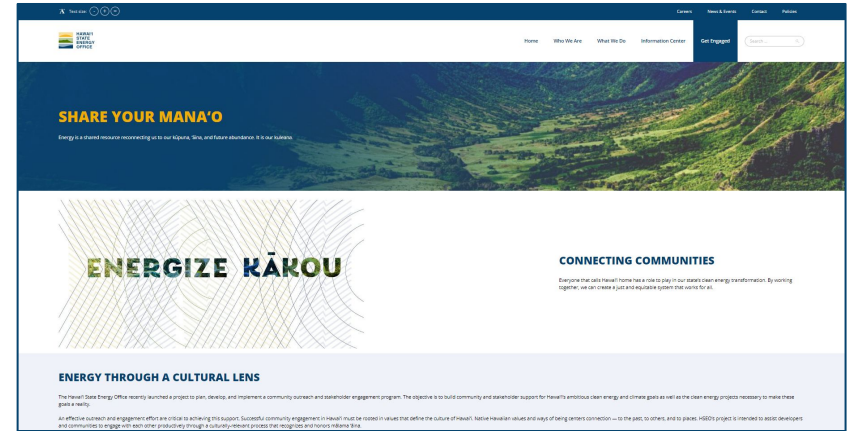
<https://energy.hawaii.gov>



HawaiiStateEnergyOffice



@energyhawaii.gov

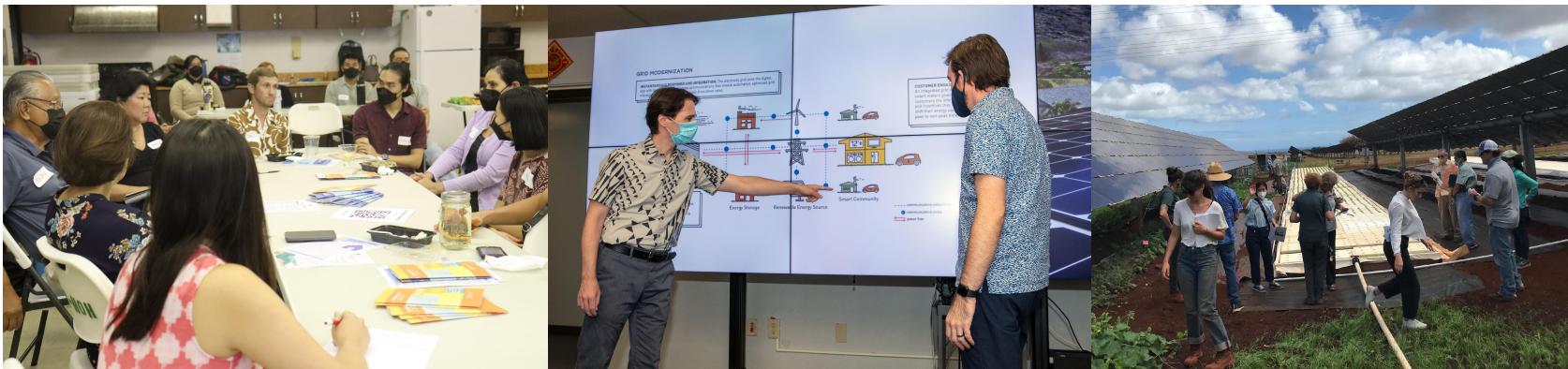


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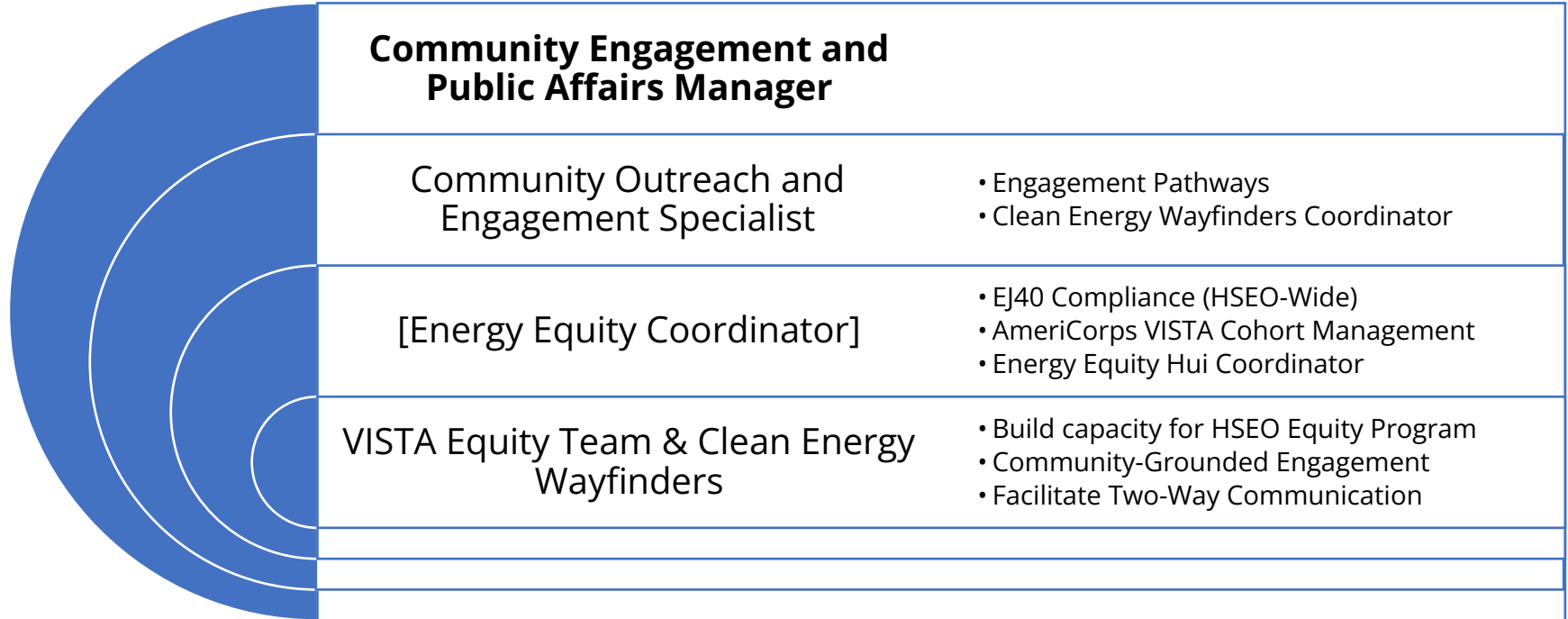


# Equity Program Coordination

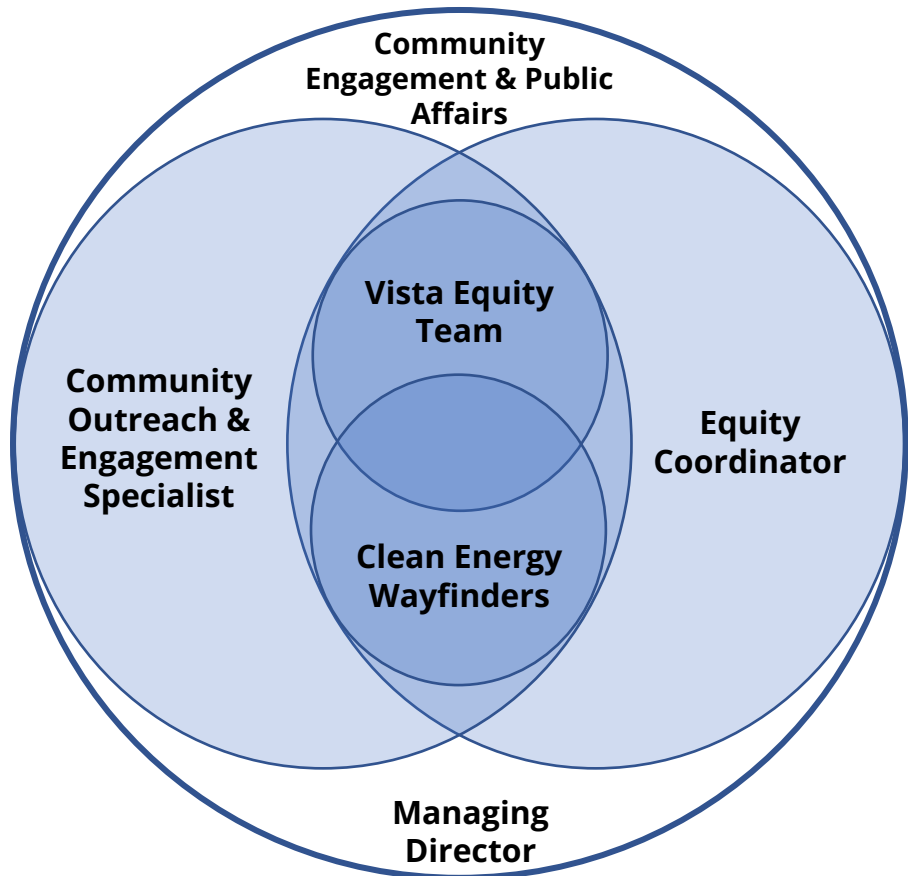
- ❖ Integrate equity into all HSEO programs
  - Align with EJ40



# Build Focused Capacity



# Community Engagement Way Forward



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



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# Mahalo!

[Kirsten.b.turner@hawaii.gov](mailto:Kirsten.b.turner@hawaii.gov)

(808) 285-4809





# A COMMUNITY PERSPECTIVE...



**Zach Lou**  
**Coalition Manger, California Green New Deal**  
**CA Justice 40 Act**



[greennewdealca.org](https://greennewdealca.org)

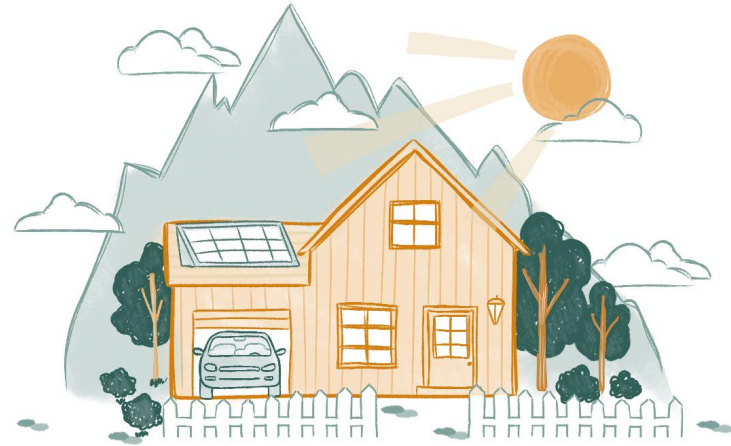
**L4GG Justice 40**

**CA** GREEN  
NEW DEAL

# 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.**



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# 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



## COMMUNITIES FOR JUSTICE40

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

**SCOPE**

## 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!

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# 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?



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# 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

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

**Resources:** [Covered programs/agencies](#); [FFOLD Tool](#), [Funding Opportunities](#)

## **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



## 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:

- ❖ [Inflation Reduction Act: What's in the Climate Bill for Me?](#) – November 17, 2022: Overview of Environmental Justice Provisions



# Questions?

More Information/Questions/Feedback:

Kristen Soares: [kristen@climate-xchange.org](mailto:kristen@climate-xchange.org)

Jillian Blanchard: [Jillian@l4gg.org](mailto:Jillian@l4gg.org)

Lauren Thomson: [lthomson@l4gg.org](mailto:lthomson@l4gg.org)

Zach Lou: [zach@apen4ej.org](mailto:zach@apen4ej.org)

DOT J40 Program: [Justice40@dot.gov](mailto:Justice40@dot.gov)

Kirsten Baumgart Turner: [Kirsten.b.turner@hawaii.gov](mailto:Kirsten.b.turner@hawaii.gov)