

Delivering on Justice40: Perspectives from State Agency Staff

What can federal agencies, technical assistance providers, and advocates do to help states mobilize—and communities access—federal funding?



ABOUT CLIMATE XCHANGE

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Climate XChange is a 501(c)3 non-profit, non-partisan organization with a mission to achieve a rapid and equitable transition towards a zero-emissions economy by advancing state climate policy. We strive to accomplish this through three areas of impact: connecting thousands through our State Climate Policy Network, tracking 65+ climate policies through our State Climate Policy Dashboard, and building a broad coalition through our direct advocacy in Maryland. Learn more at climate-xchange.org.

ABOUT EPIC

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The Environmental Policy Innovation Center (EPIC) builds policies that deliver spectacular improvement in the speed and scale of environmental progress. A non-profit start-up, EPIC is committed to advancing the best approaches to achieving results quickly. EPIC focuses on clean water, environmental markets, and utilizing data and technology to achieve conservation outcomes. Our technology work focuses on building capacity, policies, and processes to help government agencies better leverage technology for environmental stewardship.

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EXECUTIVE SUMMARY

It's been more than two years since the creation of the [Justice40 Initiative](#), which established the goal that 40% of federal climate and clean energy investment benefits flow to priority communities long overburdened by pollution. Building on decades of tireless environmental justice (EJ) efforts, we now have a national network of innovative policies and technologies; unprecedented funding and technical assistance (TA) programs in place; and robust partnerships and collaborations emerging to transform infrastructure investments across these historically underserved communities.

State agencies sit at the crossroads of federal funding for communities—they administer and award federal formula funds, facilitate competitive grant applications¹, and coordinate stakeholder engagement and information sharing. During the spring and summer of 2023, [Environmental Policy Innovation Center](#) (EPIC), [Climate XChange](#), and Beech Hill Research spoke with 16 state agency staff (“interviewees”) working on Justice40-covered programs across the country, to shed light on how states are navigating federal guidelines and identify barriers to reaching the communities Justice40 was designed to serve. Our goal was to understand the experiences of state agency staff and distill a snapshot of their work *in their own words*.

STATE AGENCY STAFF INTERVIEWED:

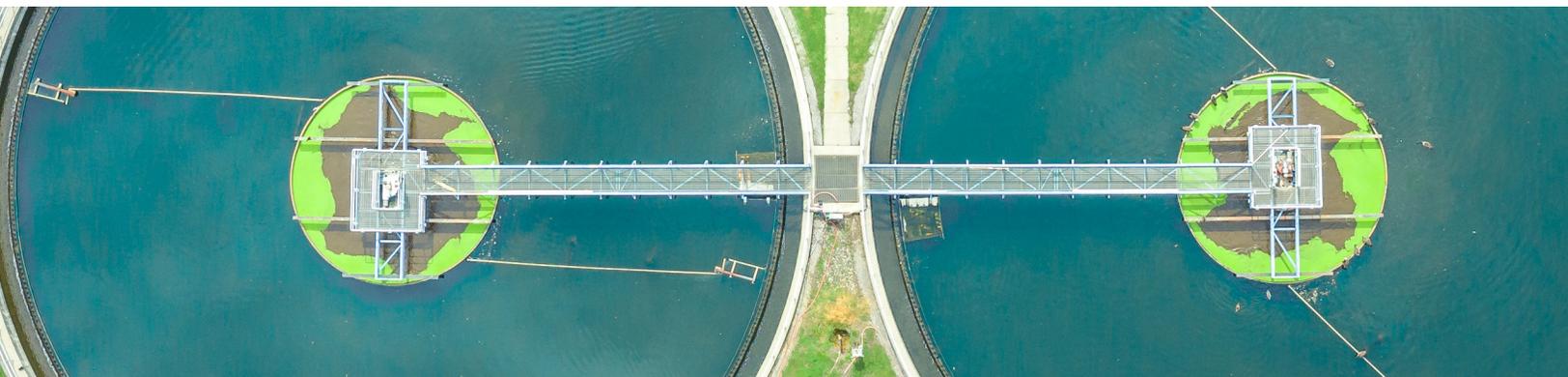
Roles: Program managers, EJ officers, infrastructure (BIL/IIJA) coordinators.²

Programs: Drinking Water State Revolving Fund (DWSRF)³, Nonpoint Source Pollution (NPS 319), DOE Grid Resilience, DOT PROTECT, Climate Pollution Reduction Grants (CPRG), discretionary grants.

States: IL, MD, ME, MN, PA

The overarching question we sought to answer: **What is needed to meet the promise of Justice40?**

The findings presented in this report represent input from the 16 staff we interviewed to provide perspectives from *within state governmental agencies*; our findings should be understood within the context of the interviews, however illustrative the insights or suggestions of state staff may be. In general, interviewees were interested in talking about capacity constraints (for themselves as well as communities), the outreach they've done and partnerships they've developed, and communications issues with federal agencies.



Water treatment plant in Annapolis, MD

1. For differences between formula (non-discretionary), competitive (discretionary) grants, and other funding mechanisms, see: <https://www.transportation.gov/rural/toolkit/overview-funding-and-financing-usdot> and https://www.epa.gov/sites/default/files/2019-06/1_introduction_to_epa_grants.docx.

2. The Bipartisan Infrastructure Law (BIL), also known as the Infrastructure Investment and Jobs Act (IIJA), secured funding to expand or create new federal programs across numerous agencies, many of which are covered by Justice40. States may serve as administrators of formula-funded programs or facilitate applications to competitive grants.

3. While EPIC is a national Environmental Finance Center and supports BIL SRF implementation through its technical assistance, research, and policy work, these interviews were conducted independent of this work. Only three of 16 interviewees work on Water SRFs.

Summary of Findings

As federal agencies work to finalize new programs and guidelines, and state agencies continue to confront challenges on the frontlines of Justice40 work, one thing is increasingly clear: *now is the time for candid feedback and meaningful change* in program design, communication, and technical and grant assistance to reach underserved communities. In our interviews, we found that state staff are committed to reaching the under-resourced communities prioritized by Justice40 but frequently run up against barriers. One interviewee offered this metaphor for the challenges state staff face:

“We’re taking all of the funding and resources that those above us want us to give these communities, and we’re sealing it in a can, we’re handing them the can, but we’re not giving them a can opener. So they have the resources there, but they can’t access them.”

Experiences varied, though we heard common themes about communication, capacity, what’s needed to support historically underserved and lower-capacity communities, and where technical assistance fits in. Findings—which are described alongside almost 50 quotes from interviewees—are grouped into six themes:

1 FEDERAL GUIDANCE, COMMUNICATION, AND SUPPORT

State staff believe they are seeing the most critical federal guidelines, thanks to personal communications with federal agency and regional administrator staff. However, they fear they are missing details or opportunities in the overwhelming amount of information from governmental and non-governmental (NGOs) alike. Further, the perception that more detailed guidance is coming can delay making or updating plans.

“It’s like a quilt, trying to meet all the [federal program] requirements out there.”

“EPA Region 5 has been really helpful with providing guidance so far—**we talk almost weekly.**”

2 STATE STAFF CAPACITY CONSTRAINTS AND RELATED NEEDS

State staff are used to solving issues with constrained state resources. They have low but growing awareness of federal and NGO assistance and are open to outside help if it’s packaged succinctly. Still, they are wary of the procurement and contracting process to secure them.

“One thing that’s hard to do from a capacity standpoint is **how to even let people help us**. We know there’s a technical assistance source, and we vaguely know what they’ve done for other states, **but how exactly can we coordinate or leverage that resource? I don’t feel I have time for that.**”

3 REACHING UNDERSERVED COMMUNITIES: OUTREACH, “CIRCUIT RIDERS,” AND “NAVIGATORS”

Funding local stakeholders (termed “circuit riders” and “navigators” by interviewees) to connect communities with programs is critical for reaching low-capacity and historically underserved applicants, who may have weaker relationships with state staff and community-based organizations (CBOs). Interviewees want federal programs to enable—and other parties to facilitate—paid partnerships and contracts with local entities.

“With engagement, **the messenger matters, where you show up matters**; we have some connections and relationships we’ll be using, **but we haven’t made all the relationships we need**, we’re not in all the spaces we need to be.”

4 FUNDING UNDERSERVED COMMUNITIES: APPLICATION ASSISTANCE AND END-TO-END SUPPORT

Nearly all interviewees were concerned about smaller and lower-capacity communities finding resources (and networks) to plan and apply for funds. Lower-capacity and historically underserved communities need long-term capacity-building support, in addition to grant and application assistance, which is also a long-standing critical barrier. Connecting these communities with providers (e.g., TA or engineers) can take longer than application timelines.

“EPA people have big grand ideas, but these communities and organizations are **literally three people who meet up on the weekends.**”

“Local community leaders have ideas for projects but don’t have technical capacity to make it happen—**it’s so much more than grant-writing assistance.**”

5 USE OF ENVIRONMENTAL JUSTICE AND DISADVANTAGED COMMUNITY (DAC) SCREENING TOOLS

State staff feel that their agencies are using federal and state EJ/DAC screening tools as required, primarily to prioritize or determine funding among applicants. However, few are using maps or tools proactively, e.g., to prioritize outreach or direct technical assistance. While some interviewees feel that existing DAC screening tools fail to identify communities they know to be underserved, and are unsure about which tools and criteria to use and when, they generally know how to address these questions.

“When you’re a local, you look at [a screening tool] and you say, that’s not a disadvantaged community...When we compare that with communities that have experienced redlining, or when we compare that with — fill in the blank [EJ indicator]— people are like, **this is definitely a disadvantaged community. How did that not get included?**”

“How do you know **which viewer reigns supreme**, so to speak? Is it appropriate to use the same viewer for all situations?”

6 TRACKING AND REPORTING TOWARD EQUITY AND JUSTICE40 GOALS

State staff believe their programs are able to meet the quantitative goals⁴ of Justice40. However, with the exception of SRFs, interviewees have limited tracking or dashboards and few have started thinking about data collection or reporting on these goals.

“State agency staff **need technical assistance...related to tracking and reporting benefits**, defining benefits, et cetera. This is currently an unmet need.”

4. Justice40’s quantitative goal is that 40 percent of the “overall benefits of certain Federal investments”—those related to combating climate change and prioritizing EJ—flow to disadvantaged communities that have been historically marginalized, underserved, and overburdened by pollution. Qualitatively, Justice40 also directs administrators of “covered programs” to conduct meaningful engagement with stakeholders to ensure community members have an opportunity to provide input on program decisions. See: <https://www.whitehouse.gov/environmentaljustice/justice40/>

Summary of Recommendations

State staff we interviewed do not expect federal agencies to solve every problem, and they are highly empathetic to everyone's capacity constraints (federal and municipal governments, community organizations, etc). Many of the suggestions we heard from state staff were aimed at providing critical outreach and support to lower-capacity communities and applicants, and making the most of their own (state) capacity to navigate program guidelines and connect communities with resources.

State staff identified several cross-cutting needs that could be addressed by governmental and non-governmental stakeholders, and in fact, are only possible with collaboration among federal, state, local, and NGO actors:

1 Reduce written communications in favor of personal connections.

Due to the deluge of written materials and webinars—from government and NGOs alike, state staff rely on personalized communications. Prioritize personal introductions and collaborative events for applicants (state and local alike) to learn about or share approaches. Make points-of-contact visible and accessible for those navigating a federal, state, or TA process for the first time.

2 Convene mixed audiences for workshops and webinars.

Information-sharing across states and regions, governmental and non-governmental sectors, and federal-to-local levels is critical to disseminating best practices, as well as making connections between parallel agency staff across states for deduplication of efforts and faster, smoother action. Where possible, try to mix audiences and presenters.

3 Rapidly expand and fund local actors as “circuit riders” and “funding navigators.”

Build on existing community relationships and trust through a mix of models and funding streams, including but not limited to building these models into federal program design and funding, identifying federal and NGO TA funding for these positions, and enabling state or local entities to contract with local actors, whether through easing procurement and contracting requirements or otherwise.

4 Model open feedback and push for process-oriented change.

State staff seem comfortable asking clarifying questions but don't often push for process changes (e.g., program design, milestones, resource deployment)—this requires not only those “above” asking and providing options for feedback, but those “below” sharing what they see or need. Try to break “waterfall”-style communications (information flowing down from federal to state to local actors) by purposefully asking for, and giving feedback.

5 Ease contracting and procurement barriers for technical assistance.

Uncertainty about contracting processes for federal, NGO, consultant, and engineering support generates hesitancy around pursuing new forms of TA among state staff we interviewed (and, in their opinion, local applicants). When presenting services, clarify contracting requirements or fees upfront, and continue working with federal and state legislators and procurement staff to ease barriers.

Our detailed Recommendations and Considerations section contains targeted ideas and recommendations from our interviews for three stakeholder groups to consider:

- **Federal Program, Implementation, and Oversight Staff:** Federal staff and program officers across agencies and regional offices, who establish criteria, oversee programs, and coordinate state agency staff (among other administrators or applicants).
- **Technical Assistance (TA) Providers:** Organizations or individuals who provide direct assistance, capacity-building, or general support to federal funding applicants or administrators, including for state agency staff, local communities, and Tribal Nations or entities.
- **Policy makers, Legislators, and Advocates:** Elected officials, policy experts, and legislative staff at both state and federal levels, as well as advocates and organizations working to influence policy, program design, and implementation related to Justice40.

Per above, these are all from the perspective of state staff we interviewed—we recognize that other stakeholders and applicants, including municipal leaders and CBOs in underserved communities, may have different recommendations and priorities. We also recognize that many of these recommendations may, in some form, be underway, though gaps in communication or delivery of new programs/services likely persist.

Terminology

Interviewees for this report included state agency staff of federally-funded [Justice40 “covered programs”](#) across multiple states. For simplicity and clarity, we refer to interviewees throughout this document interchangeably as “**interviewees**” or “**state staff**.” Of course, findings are not meant to be representative of all state agency staff experiences with Justice40 programs broadly.

The term “**communities**” in this document reflects colloquial use among participants and is in reference to local geographic areas, such as municipalities or neighborhoods within larger cities and towns. We also recognize that [Justice40 interim guidance](#) underscores the fact that “communities” may refer to non-geographically defined groups sharing similar characteristics (e.g., a linguistic community).

The term “**Disadvantaged Communities**” (DACs) in this document follows White House [guidance](#) on Justice40 that refers to “disadvantaged communities that are marginalized, underserved, and overburdened by pollution.” Several federal screening/mapping tools (e.g., Council on Environmental Quality (CEQ)’s Climate and Economic Justice Screening Tool [CEJST](#), DOE’s Energy Justice [Dashboard](#), or DOT’s Equitable Transportation Community Explorer) and state tools (e.g., [CA](#), [NY](#)) use the term “disadvantaged communities” specifically, while other federal tools—[EPA’s EJScreen](#), for instance—map similar information using different terms like “EJ indicators.” This report employs the term DAC to refer to areas identified by federal or state EJ community screening/mapping tools.⁵

Through federal and state listening sessions and public comments, numerous community and Tribal Nation leaders have requested alternative terms for “disadvantaged” or “vulnerable” communities.

Some leaders request terms that [shift focus from people to the systems that created inequities](#) — including how systemic racism was enacted upon communities, creating exclusion from decision-making, denial of rights, and displacement of Indigenous Peoples from ancestral lands.

In the context of **Drinking Water or Clean Water State Revolving Funds (DWSRFs, CWSRFs)**, the term “Disadvantaged Communities” is used in federal statutes authorizing DWSRF programs, and state programs use these terms in reference to state criteria for allocating DWSRF funding. For example, SRF DACs may be (though are not necessarily) defined by three to four criteria, such as median household income, poverty rates, or community size, and those criteria may classify the same or different

5. Some states use other terminology to describe priority populations and/or populations of concern (e.g., “overburdened communities”, “disproportionately impacted”). Additionally, some states have separate tools and criteria to map specific EJ data that are of interest to them (e.g., differentiating EJ, DAC, or overburdened communities).

communities compared to what CEQ considers a DAC. The federal statute authorizing CWSRF programs used the term “affordability criteria” to refer to similar criteria for allocating CWSRF funding. In practice, the term “disadvantaged communities” is used across both Drinking Water and Clean Water SRF programs. As such, we use the term “**SRF DACs**” when referring to criteria applied in relation to a state’s specific SRF DAC definition.

The term “**technical assistance**” (**TA**) in this document refers to professionally provisioned support—from an organization or individual subject matter experts (SMEs)—related to planning, application, or deployment of governmental funds. TA recipients often include municipal entities, Tribal Nations, utilities, or eligible NGOs, though some TA providers work with state agency staff on design or delivery of federal formula funds. Notably, throughout our interviews we found that state agencies commonly use the term “technical assistance” to refer to *support for communities* rather than state agencies themselves; but for simplicity, we use the term to describe such assistance to any relevant entity.

See Appendix: Acronyms for a full list of acronyms used throughout this report.



Water quality testing in rural Illinois

KEY FINDINGS

The following sections summarize the areas of consensus that emerged from interviews, each illustrating the various challenges of, and barriers to, allocating funding where it is most needed in a timely manner.

1 FEDERAL GUIDANCE, COMMUNICATION, AND SUPPORT

State staff believe they are seeing the most critical federal guidelines, thanks to personal communications with federal agency and regional administrator staff. However, they fear they are missing details or opportunities in the overwhelming amount of information from government and NGO sectors alike. Further, the perception that more detailed guidance is coming can delay making/updating plans.

In general, interviewees feel backlogged and overwhelmed with written communication and federal guidelines, and need streamlined—and less—material. They appreciate when a federal or regional project officer flags critical updates or information for them, since state staff are regularly experiencing information and webinar “burnout,” regardless of whether the source is governmental or from an NGO. At the same time, interviewees conveyed that they likely miss information that could benefit their work.

State staff also reported positive interactions and relationships with federal Program Officers and EPA Regional contacts—and expressed empathy for the challenges linked to their role (e.g., trying to share and interpret guidance that may be incomplete). Interviewees’ general sense from federal agencies is that more specific guidance is often forthcoming—which for some state staff has the unintended effect of creating a “waiting game” that delays planning (e.g., putting off updates to an already-overdue management plan until final federal guidance is available.)

Overwhelmingly, interviewees appreciate state-to-state knowledge sharing—such as in regional webinars or forums, or a one-on-one interaction—including learning how program-specific staff in other states have approached applications, engaged communities, or designed programs. Examples mentioned include EPA Regional Forums and the National Association for State Energy Officers (NASEO).

State staff emphasized their desire for an established point of contact, potentially from their relevant federal or regional office, that they feel comfortable calling on at any point during their process, particularly when it comes to more minor questions on program development, eligibility criteria, etc.

While interviewees feel comfortable asking general clarifying questions to federal contacts, they do not ask or “push”

Quotations from interviewees

It's like a quilt, trying to meet all the [federal program] requirements out there.

EPA Region 5 has been really helpful with providing guidance so far—we talk almost weekly.

The program officer's supervisor is helpful for hard line things, but in gray areas he always wants to ask Headquarters... even people at Headquarters don't have that much guidance.

EPA guidance and state guidance on technical terms for DACs is fuzzy. In the recent annual NPS Report, EPA requires [that] there's an EJ section, but gives no guidance on what to include.

Please just tell us what to do, [federal agency], it would be so much easier.

One thing is that US EPA regions need to spend more time talking to each other and confirming what each region is expecting from their states, and if that's consistent.

This comes from a place of empathy—we understand federal agencies are also under the gun to get money out the door.

for the further support they think they need. Several interviewees mentioned appreciating examples or templates for creating plans or completing applications.⁶

2 STATE STAFF CAPACITY CONSTRAINTS AND RELATED NEEDS

State staff are used to solving issues with constrained state resources. They have low but growing awareness of federal and NGO assistance and are open to outside help if it's packaged succinctly. Still, they are wary of the procurement and contracting process.

Many interviewees feel that staffing and resource constraints will remain in place despite ongoing hiring efforts, and do not expect to acquire the staff they'd ideally like to bring into their work for equitable implementation—e.g., for outreach and communication with potential applicants, long-term planning, or connecting communities with needed assistance.

At the time of our interviews, state staff had relatively low awareness of organizations and TA providers, both governmental and from NGOs, funded to support precisely the work interviewees are asking for. The paths they described for seeking support indicate that state staff may often look within state government first for instance, attempting to find state funding for community outreach or grant assistance, or conducting additional mapping or analysis with state funds. Although interviewees “see value” in contracting outside organizations to support their work (e.g., dedicated TA providers, consultants), they assume that procurement will be prohibitively burdensome.

Several interviewees recommend that TA providers and consultants present succinct, “packaged” services or examples of what they've specifically done for other states and programs versus an iterative, often onerous, custom scoping. Examples of needed assistance mentioned by state staff include: administrative support, stakeholder outreach and engagement, connecting and working with partner organizations, interpreting federal requirements, reducing match requirements, program development and design, grant-writing, and tracking and reporting benefits.

Quotations from interviewees

For [state agency], we used to have a technical advisor who we could turn to to help us update our program with new science and policy, but now [with staff constraints] we have to be that as well. So we've stepped away from [community] capacity-building until we know that what we're proposing is solid.

One thing that's hard to do from a capacity standpoint is how to even let people help us. We know there's a technical assistance source, and we vaguely know what they've done for other states, but how exactly can we coordinate or leverage that resource? I don't feel I have time for that.

Everyone [in state government] is good at what they do—we need access to someone who will help [state staff] understand how they must change to do their work.

It's hard to build long-term agency capacity beyond adding staffers, it's hard to scale up. We need technical assistance, not just staffing.

6. See, e.g., [sample work plans, timelines, and budgets for EPA Climate Pollution Reduction Grants](#)

3 REACHING UNDERSERVED COMMUNITIES: OUTREACH, “CIRCUIT RIDERS,” AND “NAVIGATORS”

Funding local stakeholders (termed “circuit riders” and “navigators” by interviewees) to connect communities with programs is critical for reaching low-capacity and historically underserved applicants, who may have weaker relationships with state staff and CBOs. Interviewees want federal programs to enable—and other parties to facilitate—paid partnerships and contracts with local entities.

Interviewees conveyed that their agencies have some capacity for outreach and some existing community partnerships, but they are ill-equipped for personalized “matchmaking” between communities and funding opportunities. At present, many state staff rely on pre-existing networks and a “come-to-us” model for projects and applications—primarily because of limited staff resources, but also (in some cases) a backlog of prior applicants, or a belief that outreach isn’t necessary if you get more applications than you can fund. They recognize that reliance on existing networks is insufficient to reach and engage in relationship building with historically underserved communities but feel constrained by resources and short federal timelines (e.g., 60 day requirements to conduct outreach or identify projects).

Several interviewees emphasized the important role of “**circuit riders**” or “**navigators**”—professionals who, whether through federal, state, NGO, and/or philanthropic funds, prioritize, engage, and build relationships with potential applicants (municipal or otherwise), working intimately with communities (on a “circuit”) to identify relevant funding opportunities and connect them with stakeholders. Staff highlighted the importance of empowering and funding local stakeholders for these roles, to build on the existing relationships, trust, and community priorities necessary for effective communication.

In this context, interviewees expressed willingness to broker partnerships or contracts with governmental or NGO outreach partners—though they need models of how to do so effectively, as well as assistance navigating complex contracting requirements.

With respect to the resources required to prepare a funding application, one interviewee described a “chicken-and-egg” problem between state staff and communities: communities need to know from states what funding is available before developing projects, but state staff need to know what the potential project is in order to determine relevant funding. Funding “navigators” could help.

Quotations from interviewees

With engagement, the messenger matters, where you show up matters; we have some connections and relationships we’ll be using, but we haven’t made all the relationships we need, we’re not in all the spaces we need to be.

There’s no time to make all the new [relationships], but we’re trying to meet everyone where they’re at, especially in a short timeline that is not conducive to meaningful engagement.

For communities, you have to rely on partner organizations that have relationships. It’s about building a network of regional support for communities, ideally working with existing entities with relationships.

A lot of EJ communities are wary of government, understandably; they’ve been mistreated and forgotten—we don’t want to come in and say ‘hey, we’re here, we’re gonna save you.’

We have a list of CBOs we’ll reach out to, but this is yet another thing on top of existing work.

We don’t have capacity to get out there and talk to communities like we need if we’re going to get them benefits.

If there was an external navigator set up that DACs were familiar with...to answer ‘how to’ questions...

“You need handoffs and introductions to reach communities if you’re new to an area.”

Lastly, nearly all interviewees are concerned about smaller and rural communities missing out on new funding opportunities and believe that more diverse partnerships are needed to reach and assist them.

Several state staff especially expressed concern about populations with Limited English Proficiency (LEP), including within urban areas, and see an enduring need for (1) more accessible information (e.g., plain language, graphics), (2) translation and language accessibility support, and (3) flexible meeting or public input formats.⁷ Moreover, when public input is required for state plans or applications, some interviewees expressed concern about overlapping public input requirements being a burden for low-capacity communities. One interviewee conveyed their hope that prior state efforts might be used to fulfill federal requirements for community input (e.g., public input on a State Climate Action Plan, municipal planning organization (MPO) priorities, etc).

4 FUNDING UNDERSERVED COMMUNITIES: APPLICATION ASSISTANCE AND END-TO-END SUPPORT

Nearly all interviewees were concerned about smaller and lower-capacity communities mounting resources (and networks) to plan and apply for funds. Lower-capacity and historically underserved communities need long-term capacity-building support, in addition to grant and application assistance, which is also a long-standing critical barrier. Connecting these communities with providers (e.g., TA or engineers) can take longer than application timelines.

State staff are eager for end-to-end support for the communities they hope to assist—beginning with “circuit riders” or “funding navigators” as described above, but also including other technical experts communities need for assistance throughout the entire application and implementation lifecycle. At present, some state agencies are staffing up for application assistance, while others don’t see this as their role.

Across the board, interviewees recommended reducing application burdens, especially for EJ/DAC communities, ranging from simplifying grant management technology and platforms, to allowing audio or video application submissions, to lowering technical, managerial, and financial (TMF) readiness criteria.

Interviewees were more aware of in-state TA providers such as regional or municipal planning organizations, Rural Community Assistance Partnership (RCAP) affiliates, and local nonprofits, compared with national TA providers funded via federal programs or NGOs. Some

Quotations from interviewees

Local community leaders have ideas for projects but don't have technical capacity to make it happen—it's so much more than grant-writing assistance.

EPA people have big grand ideas, but these communities and organizations are literally three people who meet up on the weekends.

There are [technical, managerial, financial] guidelines for distributing this funding...Small communities don't have the resources or tools to get in line for these funds.

It's frustrating, from my perspective, to be told that I have to give money to a community that I know is either

7. However, interviewees noted that they do not lack policies or guidelines related to outreach and accessibility (several cited state policies or guidelines). For them it is a matter of putting policies into practice.

interviewees expressed their preference for in-state TA providers and are skeptical that nationally-focused entities (governmental or non-governmental alike) could be effective for local communities.

Generally, state staff are unsure of how to fund TA for communities and fear contracting. And with limited awareness of emerging federal and non-governmental TA, they may start by seeking state funding rather than utilizing federal and NGO resources. Still, all interviewees see a significant need for outside organizations.

Nearly all state staff expressed concerns about smaller and lower-capacity communities—those with fewer local staff, technical experts, volunteers, or CBOs—being able to find and apply for funding. While we heard from few staff working directly with Tribal Nations, one interviewee reported that Tribal Communities in particular struggle to meet program and grant application requirements, which often mirror what states must submit, even though most Tribal Nations have significantly fewer financial and staff resources.

Several interviewees feel that preferential scoring for EJ/DAC communities is not enough to ensure access to funding when combined with TMF readiness criteria, or other application criteria (e.g., having a comprehensive or management plan). State staff suggested that EJ/DAC criteria might also be used to direct assistance and resources to build capacity, or improve utility or municipal finances to receive a loan or grant.



not capable of doing the work because they don't have the staff in place, or they have the staff but they don't have the knowledge.

For CPRG [Climate Pollution Reduction Grants], there is a lot of work to meet grant requirements, and there are identical requirements for Tribes, but Tribes have far less money to meet those.

I'll be honest with you, there are a lot of gaps. One main thing is a community's ability to be 'SRF ready.'

Even if they are interested, they need to be able to continue the project after [state agency] completes work.

On the community side, the issue is in building on relationships they have and getting support throughout the entire project process.

It's great that EPA is getting involved and providing TA, but they're often looking on a grander scale with bigger nonprofits, whereas [our agency] is looking to support smaller communities.

Low-capacity communities don't have money to develop a watershed plan, to manage a grant nor to cover expenses while waiting for reimbursement.

We have communities without laptops, let alone understanding questions on applications or providing a 40% match.

The bigger challenge is putting together a capital project—it takes years of work to prepare an application for a capital project like a combined sewer overflow.

The guidance we get is focused on the engineering side and project delivery. Not so much on how to interact with communities or minimize disruption to communities.

5 USE OF ENVIRONMENTAL JUSTICE AND DISADVANTAGED COMMUNITY SCREENING TOOLS

State staff feel that their agencies are using federal and state EJ/DAC screening tools as required, primarily to prioritize or determine funding among applicants. However, few are using maps or tools proactively, e.g., to prioritize outreach or direct technical assistance. While some interviewees feel that existing DAC screening tools fail to identify communities they know to be underserved, and are unsure about which tools and criteria to use and when, they generally know how to address these questions.

Interviewees are aware of—and use—numerous federal and state EJ/DAC criteria and mapping tools⁸ to score and rank projects or applications.⁹ The application of criteria mentioned the most by state staff was around the scoring and prioritization of projects and applications that come to the state from DACs (i.e., DACs may receive extra points, or better financial terms, based on how they meet various criteria).

Although we spoke with only a few DWSRF program staff, two expressed appreciation for new EJ/DAC criteria at the census tract level because they believe that the granularity has allowed applicants to find and fund EJ/DAC areas within larger water utility service areas that are often—in aggregate—not classified as DACs. Thus, this approach offers the potential for projects benefitting DACs within larger service areas to score higher.

Still, these tools are not required for prioritizing or conducting outreach for federal funding. Few interviewees mentioned using these criteria or maps for proactive outreach (i.e., soliciting project proposals or identifying communities for additional assistance). They are, for the most part, reliant on existing state and NGO partners to conduct outreach and expand the applicant pool. One state staff member noted that an Environmental Finance Center (EFC) asked for the state agency's list of "priority communities"—however the program defined them—suggesting that the EFC could lead outreach to those communities.

Quotations from interviewees

The whole understanding of a DAC does not mean a BIPOC neighborhood in an urban setting.

At national calls and conferences, we've asked if other states use these tools to target areas, and it's a mixed bag - some do, but some acknowledge that there's qualifying factors because you can't only use this tool and expect it to be correct.

When you're a local, you look at it [DAC screening tool] and you say, that's not a disadvantaged community... When we compare that with communities that have experienced redlining, or when we compare that with - fill in the blank [EJ indicator]- people are like, this is definitely a disadvantaged community. How did that not get included?

What the [state EJ] tool allows us to do that's different than what we've done historically is...identify certain

8. These include, but are not limited to: The White House [Climate and Economic Justice Screening Tool](#) (CEJST), EPA's [EJScreen](#), DOE's [Energy Justice Mapping Tool](#) and [IRA Energy Communities Mapping Tool](#), DOT's [Historically Disadvantaged Communities \("RAISE"\) Mapping Tool](#), state criteria (e.g., EJ or "Overburdened Community" layers), and Drinking Water SRF Disadvantaged Communities criteria developed by states. When it comes to how different tools define DACs, DOE's Energy Justice Mapping Tool offers this explanation: "DOE's working definition of disadvantage is based on cumulative burden. There are thirty-six (36) burden indicators that reflect fossil dependence, energy burden, environmental and climate hazards, and socio-economic vulnerabilities." DOT's definition of DACs refers explicitly to Justice40 guidance: "A 'Historically Disadvantaged Community' is defined by USDOT, [sic] consistent with OMB's Interim Guidance for the Justice40 Initiative."

9. SRFs may have different criteria for project prioritization versus establishing financial terms. For instance, projects are typically prioritized for SRF assistance on the basis of the severity of water quality concerns or risk that a water system will fall out of compliance with water quality regulations, whereas the type or level of assistance for which the applicant for a prioritized project is eligible—e.g., a lower interest rate, higher loan forgiveness, or longer loan terms—are determined by SRF DAC criteria. Notably, numerous states have revised their SRF DAC criteria following passage of BIL.

Interviewees also emphasized their appreciation for the flexibility that comes with leveraging any one of multiple DAC criteria in federal applications. And while several staff had questions about the “hierarchy” of tools (i.e., which tool “reigns supreme,” in one staff member’s words), sorting through EJ/DAC criteria guidelines was not seen as a major hindrance when compared with the barriers to community outreach and assistance noted above.

Moreover, interviewees in states with existing EJ legislation or maps described a growing set of criteria they use in screening projects. When federal guidance is flexible—for instance, in DOE/EPA/DOT funding announcements (NOFOs or FOAs) for Justice40-covered programs—interviewees expressed a preference for using state tools over federal ones.¹⁰ They noted that such tools better reflect state-specific issues and local concerns by virtue of their indicator selection, inputs, and review by communities and agencies on the ground.

Lastly, interviewees also made clear that where federal guidance is flexible, states will opt for tools that fit their overall funding priorities. For example, if existing tools (or federal tools) don’t highlight or reflect known priority areas in their region—problems identified through localized, “lived” experience—states will utilize their own data layers or qualitative analysis, which, although inconsistent with recommended criteria, may be perceived as more accurate in practice.



areas within [a water utility] service area...The service area as a whole doesn’t meet the criteria, but they have census tracts that do, and then submit applications for projects and their census tracts.

EPA loves numbers, I totally understand, but whenever you get to where that’s a requirement in all cases, you’re going to miss smaller watersheds or EJ communities surrounded by wealthy areas that won’t be identified if you don’t know the area and talk to people—[NOAA] Sea Grant people are so important because they go into communities.

How do you know which viewer reigns supreme, so to speak? Is it appropriate to use the same viewer for all situations? Is there a sub-portion of that viewer that we should really be focusing on, as it relates to carbon or a particular health risk or hazard? What would they prefer us to use when evaluating hazards?

It gives [a larger water utility] a reason to look at doing projects in specific areas, because those areas generally will do better in the scoring, and also will qualify for loan forgiveness, whereas their normal application for just an overall program they’re doing may not qualify.

It’s super complicated—potential applicants don’t know how they are going to fare because they have to go through a financial assessment before they can know if they are a disadvantaged community.¹¹

Federal and state level may say something different...we don’t have a definition of EJ consistently at state level. This is a problem.

10. Notice of Funding Opportunities (NOFOs) from the EPA and DOT, as well as Funding Opportunity Announcements (FOAs) from DOE, often allow multiple criteria for applicants to identify DACs.

11. While many states have clear DAC criteria or worksheets that allow for applicant self-assessment—and often advise potential applicants on which subsidies they may be eligible for—some impose a financial assessment post-application that serves as a barrier to applicants.

6 TRACKING AND REPORTING TOWARD EQUITY AND JUSTICE40 GOALS

State staff believe their programs are able to meet the quantitative goals¹² of Justice40. However, with the exception of SRFs, interviewees have limited tracking or dashboards and few have started thinking about data collection or reporting on these goals.

The majority of interviewees believe that, overall, their programs will be able to meet Justice40's distributive goal of delivering "40 percent of benefits of certain federal investments" to DACs. However, nearly all interviewees also expressed concerns that smaller and lower capacity communities will be left behind in terms of this funding, even if that overarching goal is met. Nonetheless, few interviewees' agencies are tracking or analyzing applications (or other metrics) by community capacity or size (i.e. communities of less than 10,000 people), so this sentiment may come more from intuition or experience than quantitative analysis.

Few interviewees raised questions about defining or tracking benefits, though when questioned on the topic, they expressed that they would need more specific guidance and/or direct TA to do so effectively.¹³ One interviewee explained that the uncertainty around how the federal government will track outcomes linked to Justice40 goals creates uncertainty within their own state agency on how to approach program design and community prioritization.

Still, no interviewee reported receiving pressure for tracking or reporting (beyond federal requirements), and few mentioned examining current or historical data on the distribution of applications to identify gaps, per Justice40 criteria (i.e., using federal screening tools). State staff are generally not (yet) thinking about tracking or reporting as central to delivering on Justice40. SRF programs, however, have been investing in and reporting on funding to DACs (per state criteria) for years, and the three SRF program staff we interviewed discussed numerous metrics on funding allocations to SRF DACs.

Lastly, some staff reported seeing advocates and nonprofits use historical funding data to prioritize their work and outreach (e.g., by using maps or dashboards of funded projects to identify underserved areas).

Quotations from interviewees

State agency staff need technical assistance...related to tracking and reporting benefits, defining benefits, et cetera. This is currently an unmet need.

[We] Need a matrix to identify how to drive benefits into disadvantaged communities and what the associated benefits are for each opportunity... for example: when do benefits like economic opportunities, reduction in energy burden, seasonal storm resilience, or health improvements apply?

We are not a state that has had a problem meeting Justice40 requirements...We receive more than sufficient applications on an annual basis from those communities to make sure we're meeting the Justice40 requirements.

I would like to see a heat map of where investments are being made, and then track what the change in the EJ score is over time.

We have a tendency to 'obligate' as much funding as we can to just a few projects. It's easier to choose just a few projects. But that doesn't meet the merit of what the program was stood up for.

12. Justice40's quantitative goal is that 40 percent of the "overall benefits of certain Federal investments"—those related to combating climate change and prioritizing EJ—flow to disadvantaged communities that have been historically marginalized, underserved, and overburdened by pollution. Qualitatively, Justice40 also directs administrators of "covered programs" to conduct meaningful engagement with stakeholders to ensure community members have an opportunity to provide input on program decisions. See: <https://www.whitehouse.gov/environmentaljustice/justice40/>

13. We recognize that the Office of Management and Budget (OMB) has not published detailed Justice40 metrics guidance, and that federal agencies have provided some—but limited—direction to funding recipients.

COMMUNITY SUPPORT: “CIRCUIT RIDERS” AND “NAVIGATORS”

State staff underscored that soliciting projects/applications from historically underserved areas is a crucial but difficult piece of delivering on Justice40. While state staff have some capacity for outreach and leveraging existing partnerships, they rely on existing networks and a “come-to-us” model. Interviewees want to see more support for (1) identifying and developing projects (and navigating federal funding) relevant to community-specific needs, (2) preparing grant applications, (3) grant and budget management and (4) long-term capacity-building to continue this work beyond the project end date.

“The type of technical assistance that communities need isn’t going to be fixed with a few tools and some consultants here and there.”

ENVISION THE CHOPTANK (MARYLAND)

One effective partnership for facilitating federal funding is [Envision the Choptank](#), a Maryland-based consortium of conservation organizations, government agencies, and local residents formed in 2015 to support oyster reef health and to restore water quality in the Choptank River.

This partnership created and funded a technical assistance circuit rider to “go around to [communities in] the entire watershed, figure out which grant proposals they need to develop, where things need to be, and what partners to bring in for funding.”

State agencies can look to fund these types of existing partnerships across the climate, water, and public health spaces to enhance program implementation. Envision the Choptank predated recent federal funding developments—they already had relationships with the county, homeowners, and consultants—and trust was built organically from the “bottom up.” Ultimately, those key relationships were leveraged to help with federal funding applications and project implementation.

Interviewees shared several models for community outreach that fund local organizations or individuals—building on the trust and relationships local actors already hold. We heard the term “circuit rider” in multiple interviews to describe individuals working with municipalities in a defined region to identify community needs, navigate funding opportunities, and communicate with stakeholders. Creating local and regional alliances or partnerships, and utilizing existing ones, is important for ensuring effective implementation and equitable decision-making throughout the process. Below are two examples of how “circuit riders” can facilitate project planning and applications.

“You need to find one or two champions in the community who are committed to the idea—then, when bringing in partners, they can develop a relationship of trust with the champion, and then others trust you.”

RURAL COMMUNITY RESILIENCE CIRCUIT RIDER (MAINE)

One model TA circuit rider is an individual consultant whose work is funded by the state of Maine and assists with outreach and TA for a specific program. They work with small towns in one region of the state—where they’ve lived and worked for years—to get communities talking about their climate priorities, facilitate partnerships with other grantees, and coordinate with state agencies. To keep towns connected, they curate a newsletter with announcements on state and federal funding programs and events, relevant state legislative updates, and even job openings created by new federal funding. This circuit rider already had connections and deep relationships with community organizations and residents, but needed funding to provide robust support to educate and engage stakeholders and facilitate state-to-local partnerships.

“Individuals like these exist in our communities.” Organizing entities (e.g., states or outreach partners) can look for potential “circuit riders” among or within existing CBOs (such as faith-based organizations, health advocacy groups, or civic engagement entities) or within state climate action forums or events.

These are just two of numerous programs that state agencies, regional organizations, utilities, CBOs, and others are funding from a mix of federal, state, and philanthropic sources. The Appendix: Technical Assistance Resources provides a list of federal and NGO technical assistance pathways and funding opportunities.

What entities can support community engagement, project management and implementation, and capacity-building? From our interviewees, we heard about:

General types of entities: Metropolitan and regional planning organizations (MPOs, RPOs), county government officials and associations of county commissioners, soil and water conservation district managers, agricultural extension agents, rural development corporations, rural water associations, engineers and technical consultants.

Specific organizations mentioned by interviewees:

- **National/regional:** [Sea Grant Extension](#), [Moonshot Missions](#), [Rural Community Assistance Partnership \(RCAP\)](#), [State Funding Readiness Project](#), [Hua Nani Partners](#), [U.S. Climate Alliance](#), [Justice40 Accelerator](#), [Pew Charitable Trust State Resilience Planning Group](#), [Renewing America's Nonprofits](#), [Great Plains Institute](#), [Southeast Regional Community Assistance Program \(SERCAP\)](#) and other RCAP affiliates.
- **State/local:** [Maryland Rural Development Corporation](#), [Envision the Choptank \(MD\)](#), [Center for Water Quality Excellence \(PA\)](#).

Note: At the time of our interviews there was limited information on the [BIL Environmental Finance Centers](#) (EFCs), and few interviewees mentioned them, although EFCs are currently staffing to provide community outreach, engagement, technical experts, and proposal and application support.



RECOMMENDATIONS AND CONSIDERATIONS

The following section offers recommendations to address the needs and barriers that state staff raised. These recommendations are not intended to fully address the wide range of stakeholder needs and ideas to advance environmental justice in federal funding, but rather to build on the perspective of state agency staff as one way to identify necessary resources and process changes that may help other stakeholders.

We recognize that federal actors, TA providers, advocates, and others are hard at work to bridge gaps and connect communities with assistance and funding.¹⁴ Below, we identify recommendations already underway (“What’s Working”) to scale or expand on, as well as considerations for future work (“More Needed”)—some of which may also be underway.

To help readers identify recommendations to consider in their work, we group recommendations into three broad categories, for consideration among: (1) Federal Program, Implementation, and Oversight Staff; (2) Technical Assistance (TA) Providers; and (3) Policy Makers, Legislators, and Advocates. The Summary of Recommendations above contains cross-cutting recommendations.

Considerations for Federal Program, Implementation, and Oversight Staff

Considerations for federal staff working within agencies and organizations including but not limited to:

- EPA, DOE, DOT, USDA, and other agency staff who establish criteria and oversee programs
- Regional offices and program officers working directly with state staff
- Oversight staff writing guidance for applicable screening or tracking tools (e.g., CEQ, OMB, Treasury)

Federal Guidance and Communication

What’s Working:

- Hosting forums that facilitate state-to-state connections and sharing of best practices and experiences
- Personally flagging critical new information and resources from the deluge of updated guidance for state agency staff
- Designating approachable program or regional points of contact (POCs) that state staff can easily reach (e.g., call) for tactical how-to questions

More Needed:

- Proactively ask state agency staff and applicants for feedback on processes, tools, and resources
- Provide more specific, detailed, tangible interim requirements and guidance to states
- Be candid about whether or when guidance or new criteria is coming (and how states can proceed pending guidance)
- Allow longer or flexible timelines for public input or milestones to allow for partnerships or relationships to reach underserved communities
- Ensure consistency and clarity across regions in interpreting federal guidance

14. As noted in Bounds of Research as part of our Motivations and Methodology, we and interviewees recognize that much of the guidance, resources, and/or funding requested may already exist—or in cases where guidance has not been issued, there are reasons why.

Support Low-Capacity State Staff

What's Working:

- Personalizing communications with state staff
- Filtering or flagging what is essential for state staff to read
- Introducing state program staff with TA providers who can help them

More Needed:

- Use government channels (e.g., EPA regional meetings) to introduce TA providers, including NGOs, or funding to fill state capacity gaps
- Intentionally solicit state agency experience with federal processes and resources, and integrate their recommendations into future changes
- Provide a point-of-contact and encourage states to ask questions—big and small—at every stage of the process
- Directly connect state program staff with TA program staff (e.g., BIL EFCs, EJ TCTACs, etc.)

Reaching Underserved and Lower-Capacity Communities

What's Working:

- Designing programs that encourage and fund small, local organizations and individuals, including for critical community outreach and planning

More Needed:

- Extend timelines for community engagement (potentially beyond application deadlines) to allow for the development of new community partnerships
- Be mindful of eliminating overlapping “asks” of CBOs and community residents (e.g., soliciting input or consultation on multiple plans)
- Intentionally solicit applicant experience with federal processes and resources and integrate their recommendations in program design or redesign

Application and End-to-End Support for Communities

What's Working:

- Providing funding and guidance to support TA that delivers end-to-end application support.

More Needed:

- Allow tasks, time, and budget in program design for applicants to identify, contract, and pay small local organizations
- Consider how low “project readiness” or “technical, managerial, and financial” capacity criteria could be used to bring application support or other TA to applicants
- Where allowed, develop flexible guidelines for technical, managerial, or financial criteria in applications from DACs
- Provide direct grant application assistance (i.e., no application or contract)
- Ensure that application processes meet language accessibility and translation needs, and consider alternatives to written content (e.g., video or audio options)
- Provide pathways for increased use of [advanced pay models](#) as an alternative to the current, and onerous, reimbursement-based model
- Consider a single entry point for multiple programs (e.g., an applicant submits a need or application in one area, such as restoration, and the agency identifies applicable programs and funding)

Using EJ and DAC Criteria, Maps, Tools

What's Working:

- Allowing flexibility in DAC criteria and tools - i.e., allowing states to identify eligible or priority communities via multiple maps, tools, and criteria

More Needed:

- Illustrate how tools can be used programmatically (e.g., “here’s what this information could mean for administering program X”)
- Encourage the use of criteria and tools beyond scoring and eligibility processes (i.e., for prioritizing outreach to DACs or soliciting public input) or if this is not legally possible, illustrate through examples (e.g., how a TA provider or NGO is using them)
- Provide context and guidance on when or why to use each tool (e.g., policy or program applications; plain language of what it covers and does not cover)
- Create easy exports into statewide lists or spreadsheets (i.e., lists of DACs in each state, county, or city by town name¹⁵; lists of current or past applications or funding)
- Consider capacity factors like community size, governance, or TMF capacity in criteria—either as independent criteria or an index or as part of DAC criteria

Tracking and Reporting toward Equity and Justice40

What's Working:

- Creating templates and examples for benefits reporting and data collection

More Needed:

- Provide examples and/or templates for key metrics, tracking, and reporting Justice40 goals and outcomes (e.g., CPRG templates)
- Emphasize data collection, benefits tracking, and reporting in funding requirements
- Encourage equity-related metrics and tracking for outreach, assistance, and application activities (i.e., in addition to funding allocations)
- Require geospatial data on project applicants and/or project location
- Provide direct contact or structured Q&As with federal staff on benefits tracking
- Clearly communicate what guidance the federal government can and cannot provide such that stakeholders know where there is flexibility and where further guidance is forthcoming
- Analyze early (or public) applications for Justice40 programs in comparison with screening tools (e.g., overlap of applications with federal DAC definitions)

15. For example, the CEJST platform provides a national dataset of all census tracts and input indicators, though data does not contain city/town names, making it difficult for state staff and NGOs who think of communities by municipal boundaries to understand who’s classified as a DAC.

Considerations for Technical Assistance (TA) Providers

Considerations for Technical Assistance providers working with both states and local communities, including but not limited to:

- Organizations providing capacity-building, direct assistance, or general support to federal funding applicants (including states and communities)
- Federal agency staff providing direct TA (e.g., through EPA, DOE, DOT, such as EPA [Creating Water Resilient Utilities](#))
- Governmentally-funded TA providers (e.g., BIL Environmental Finance Centers (EFCs), EJ Environmental Justice Thriving Communities Centers (TCTACs))
- Non-governmental TA providers (e.g., U.S. Climate Alliance, RCAP)

<p>Federal Guidance and Communication</p>	<p>What's Working:</p> <ul style="list-style-type: none"> • Translating interim federal guidance and flexibility (where it exists) for state staff <p>More Needed:</p> <ul style="list-style-type: none"> • Synthesize and prioritize relevant program-specific information for capacity-strained state staff • Facilitate direct connections and introductions between parallel program staff across states, and with TA providers • Convene states you're working with, especially state staff working on the same program
<p>Support Low-Capacity State Staff</p>	<p>What's Working:</p> <ul style="list-style-type: none"> • Providing a concise, "packaged" list of offerings or examples of applicable work done for other states to enable easier and faster contracting decisions <p>More needed:</p> <ul style="list-style-type: none"> • Use specific terms to describe services and outputs instead of the term "technical assistance" (for example, see EPA's WaterTA services) • Publicize templates and example application narratives from states you've worked with • Publicize states' contexts if you cannot share specific states you've worked with (e.g., policy or regulatory context, total state funding, staff volume, etc.) • Meet state staff where they are to publicize your services (e.g., conferences or meetings they're in vs. new or stand-alone webinars) • Conduct periodic "awareness" studies or surveys to gauge state and local stakeholders' understanding of the TA landscape • Coordinate with other TA providers to create a public one-stop shop for resources, templates, FAQs, etc.

<p style="text-align: center;">Reaching Underserved and Lower-Capacity Communities</p>	<p>What’s Working:</p> <ul style="list-style-type: none"> • Regional resource hubs or dedicated coordinators who support multiple towns • Connecting with (and funding) community “navigators” and “circuit riders” to serve as an ongoing resource for communities <p>More Needed:</p> <ul style="list-style-type: none"> • Identify and present funding pathways for community outreach that are either easy for states to contract or a TA provider or partner to lead • Compile lists of relevant NGO and governmental organizations/TA providers who can lead or facilitate outreach to EJ/DAC communities • Commit to culturally competent, respectful engagement
<p style="text-align: center;">Application and End-to-End Support for Communities</p>	<p>What’s working:</p> <ul style="list-style-type: none"> • Emerging NGO navigator funding programs • Pro bono capacity-building for communities <p>More needed:</p> <ul style="list-style-type: none"> • Provide grant application assistance with no or limited application or contract (e.g., capped hours or service for initial work) • Support communities in long-term capacity-building and post-implementation project management and evaluation • Align your language with what states are seeking (see “Technical Assistance for States vs. Communities) and note the terminology and topics they use in discussing their work • Be ready to fund or reimburse CBOs, residents, and local organizations
<p style="text-align: center;">Using EJ and DAC Criteria, Maps, Tools</p>	<p>What’s working:</p> <ul style="list-style-type: none"> • Determining which federal and/or state EJ/DAC tools are most appropriate given particular program or community needs • Applying federal or state criteria to score or rank projects and applications <p>More needed:</p> <ul style="list-style-type: none"> • Use EJ and DAC criteria or lists to prioritize communities for outreach or direct assistance • Identify (or help states identify) governmental and NGO contacts in DACs using screening tools and/or historical data—especially historical data on applications and funding • Provide funding and assistance to EJ and DAC applicants with lower “project readiness” scores to help applicants obtain project readiness • Create actionable lists or information across multiple tools (e.g., lists of towns or regions versus census tracts) for states and partners to use for outreach and/or analyzing current and past investments or financial data

Tracking and Reporting toward Equity and Justice40

What's working:

- Upgrades to existing dashboards such as upcoming revisions to EPA's Online Interface for SRF Data (recording coming soon [here](#)) that provide transparency in allocation of SRFs and allow user-friendly filtering of data by DACs and demographics.

More needed:

- Provide targeted consulting support to states on tracking and reporting goals, metrics, and outcomes linked to Justice40
- If you are conducting outreach or assistance, track your own work, contacts, etc. to build data on successes and barriers (e.g., who you've contacted; who is and who is not interested in assistance, who applies, who receives assistance but does not apply, etc.)

Considerations for Policy Makers, Legislators, and Advocates

Considerations for people seeking to influence policy, program design, and implementation related to Justice40 from "outside" of government agencies, including but not limited to:

- Elected officials, policy experts, and legislative staff at both the state and federal levels who can influence budget allocation, procurement policies, public participation, and other related processes
- Advocates and associations who convene and work between the communities, state agencies, and policy makers that make up this ecosystem

Federal Guidance and Communication

What's Working:

- Serving as a liaison between parties and stakeholders—and in that capacity, focusing on soliciting and sharing feedback on program design and the resources or support needed

More Needed:

- Push for data and metrics linked to applications and projects across multiple "priority" categories—e.g., on federal and state EJ or DAC (defined by census tract) as well as community size or capacity
- Promote easier or alternative grant application processes, including language accessibility and translation, or reduced writing (e.g., video submissions)

Support Low-Capacity State Staff

What's Working:

- Supporting and funding the recruitment and hiring of more state program staff

More needed:

- Ease federal and state contracting and procurement requirements so that state agencies can more effectively (and quickly) contract with NGOs or consultants to relieve capacity or TA constraints
- Ease administrative burdens around hiring/using contractors to add staff capacity

<p style="text-align: center;">Reaching Underserved and Lower-Capacity Communities</p>	<p>What’s Working:</p> <ul style="list-style-type: none"> • Using philanthropic and NGO funding, or state funding or partnerships, to fund regional coordinators, “circuit riders,” or “funding navigators” • Funding existing community organizations to navigate federal funding <p>More Needed:</p> <ul style="list-style-type: none"> • Make it easier to pay or reimburse small local organizations from federal programs or grants (including EJ, rural community and TA programs as well as infrastructure and environmental programs) • Develop and maintain contact lists of key regional and local CBOs (and other partners) • Support and advocate for administrative and legislative changes that remove barriers for lower-capacity communities in accessing funds, such as the match requirement and having “shovel-ready” projects
<p style="text-align: center;">Application and End-to-End Support for Communities</p>	<p>What’s working:</p> <ul style="list-style-type: none"> • Empowering and funding existing engineers, consultants, etc. to provide longer-term support or capacity (i.e. Minnesota’s Local Grant Development Assistance Program) <p>More needed:</p> <ul style="list-style-type: none"> • Consider how low “project readiness” or “technical, managerial, and financial readinesses” could be used to better prioritize and direct resources and TA rather than counting as a “mark against” applications from DACs • Provide pathways for consistent use of advanced pay models as an alternative to the current, and onerous, reimbursement-based model
<p style="text-align: center;">Using EJ and DAC Criteria, Maps, Tools</p>	<p>What’s working:</p> <ul style="list-style-type: none"> • Continue using federal and state tools and maps in advocacy to highlight historically underserved, overburdened or disadvantaged communities • SRFs include community size (or other indicators of community capacity) in DAC screening <p>More needed:</p> <ul style="list-style-type: none"> • Encourage proactive use of screening and mapping tools for outreach or assistance • Gather information on who/when/where tools are being used (user research), and tailor guidance/materials to user needs or questions • Connect the dots between EJ/DAC status (on federal or state maps) and programs, funding, or assistance available to those communities • Consider including community size (or other indicators of community capacity) in DAC screening, either as part of or complementary to existing criteria (per above this is already part of many states’ SRF criteria)

Tracking and Reporting toward Equity and Justice⁴⁰

What's working:

- Creating dashboards and maps of historical funding allocations and projects by EJ/DAC classification
- Providing data governance guidance to facilitate effective data collection

More needed:

- Encourage tracking of where technical and application assistance is requested and where it is provided (in addition to funding allocations)
- Track and report by community size, in addition to EJ/DAC criteria or demographics (e.g., the size of communities receiving TA, submitting applications, or allocated funding, etc.)
- Showcase early efforts to reach DACs (e.g., percentage of applications or awards in DACs) via news or dashboards



Research Overview

Motivation, Methods, and Bounds of Research



RESEARCH OVERVIEW

Motivation and Methodology

The research team behind this report includes policy, data, and technology researchers; climate policy and EJ advocates; and assistance providers for states, communities, and NGOs, all working in and around state climate policy and the implementation of federal climate funding.

Several of our team have also been involved in establishing various EJ and DAC definitions and screening tools, including through the Open Source community around the White House's Climate and Economic Justice Screening Tool (CEJST), state DAC definitions for clean water and drinking water state revolving funds, and state criteria for climate action. The presence of a screening tool—or even the policies and requirements around using one—is only one aspect of the broad and complex process of funding and delivering benefits to historically marginalized communities. For those reasons, we sought to gather feedback around screening tools in this research, however limited, and to link those timely insights to the “bigger picture” (i.e., how state staff navigate federal guidelines for funding DAC and EJ communities, and the critical gaps they see).

This report contains findings from semi-structured, one-on-one interviews with state agency staff working with Justice40-covered programs (primarily linked to BIL formula funding) conducted in March through July of 2023. A team of three researchers (Nasya Dodson, Amanda Dwelley, and Kristen Soares) led 11 in-depth virtual interviews (60-90 minutes each) with 16 state agency staff involved in Justice40 programs within their five respective states. Interviews were conducted via Zoom and recorded and transcribed for note-taking purposes. All quotes cited throughout this document are anonymized.

Our initial sample plan included engaging interviewees across three states with a target of representing four programs per state, and spanning EPA, DOE, and DOT programs. However, we ultimately spoke with staff across five states and nine different programs. Interviewees were recruited through professional networks, including inviting participation from state agency staff with whom EPIC, Climate XChange, or Beech Hill Research have interacted with previously. We also solicited help in identifying state managers of several targeted formula-funded programs we sought to interview. Unfortunately, we experienced significant challenges finding volunteer contributors, which we mainly attribute to their time constraints, limited awareness of our organizations, and uncertainty about how speaking with nonprofits could help them. Ultimately, we were unable to host formal interviews with state staff in one of our original target states, and hence expanded the list of states and programs.

The 16 interviewees we spoke with represent point-in-time perspectives from staff working in the following programs, roles, and states:

- **Programs:** EPA, DOE and DOT formula and competitive grants, including Drinking Water State Revolving Fund (DWSRF), Nonpoint Source Pollution (NPS 319), DOE Grid Resilience, DOT PROTECT, and Climate Pollution Reduction Grants (CPRG).
- **Roles:** Program managers, EJ officers, and infrastructure (BIL/IIJA) coordinators
- **States:** Illinois, Maryland, Maine, Minnesota, and Pennsylvania

We shared anonymized draft findings from our interviews with internal audiences and several national nonprofits with the goal of using draft findings to encourage reflection among these crucial audiences on how they might prioritize their programs, services, communications, or policies—recognizing that considerable work is already underway to address many of the barriers identified in our interviews.

Lastly, these findings are intended to reflect the point-in-time perspectives of the state staff with whom we spoke, and do not reflect the extent of EPIC's policy analysis or recommendations to EPA (or other agencies) and its partners.

TERMS FOR TECHNICAL ASSISTANCE

Many of the services interviewees described already exist, though may be marketed in other terms. State staff reported understanding the term “technical assistance” (TA) as something for local communities, not something to be utilized in the course of their work at state agencies. Moreover, in the SRF context, TA has come to mean specialized assistance to SRF applicants (see EPA’s [table](#) of WaterTA)—but when it comes to targeting resources to state staff, terms like “guidance,” “best practices,” or “capacity” resonate more. The lists below contain some of the terminology that interviewees used to describe desired services.

Support states are seeking:	Assistance communities are seeking:
<p>Directly connecting with people and resources</p> <ul style="list-style-type: none"> • Sharing best practices with parallel agencies/managers across states • Understanding the landscape of TA providers • Getting connected with TA providers (i.e., personal introductions, not a list with website links) <p>Outreach and engagement assistance</p> <ul style="list-style-type: none"> • Working with partner organizations to help engage more people more effectively • Connecting with organizations or individuals in communities that have pre-existing trust and capacity <p>Program Development (e.g., for distributing formula funds)</p> <ul style="list-style-type: none"> • Interpreting federal requirements • Program design, including what other states are doing (and doing well) • Receiving public input on short timelines • Defining, tracking, and reporting benefits <p>Writing Plans and Applying for Grants</p> <ul style="list-style-type: none"> • An established contact for day-to-day “how-to” questions • Administrative support for federal and state grant systems • Grant writing (state and local) <p>Supporting Community Proposal and Applications</p> <ul style="list-style-type: none"> • End-to-end support throughout application processes (i.e., as extension of state staff capacity) • Strategies to help applicants meet funding match requirements • Working with consultants within the bounds of burdensome procurement policies 	<p>Directly connecting with people and resources</p> <ul style="list-style-type: none"> • Funding “navigators” who match funding opportunities to particular community needs • Introductions to technical or grant assistance providers • Coordination with state agencies (i.e., liaisons) • Connecting with regional entities or nonprofits (e.g., as co-applicants or interested stakeholders) <p>Applying for grants and understanding technical requirements</p> <ul style="list-style-type: none"> • Registering in the federal grant system • Understanding grant application jargon • Writing grant applications • Answering “how to” questions day-to-day <p>Community Outreach and Planning</p> <ul style="list-style-type: none"> • Helping locate planning grants • Seeding grants for outreach, advocacy, or planning to fund CBOs or residents (e.g., as “ambassadors”) <p>Understanding and meeting financial requirements</p> <ul style="list-style-type: none"> • Understanding funding and financing options • Meeting matching requirements (including finding funding sources) <p>Project Development and Management</p> <ul style="list-style-type: none"> • Developing a project that is sustainable beyond the end of the grant period • Managing project construction • Managing a budget • Building long-term capacity to support the operation and maintenance of funded infrastructure projects

State administrators are seeking additional capacity and support though they may not use the language of TA providers. They have low awareness of newer federal and non-governmental programs, don’t have time for iterative scoping processes, and appreciate succinctly “packaged” offers, models, and tools.

While grant writing is a critical need, lower-capacity communities and applicants need broader spectrum support. However, they may not have the experience or technical vocabulary to know what they need and how to ask for assistance. They need a well-marked pathway in order to participate and engage needed support.

Bounds of Research

The findings presented in this report represent input from the 16 state agency staff we interviewed, who were deliberately selected to provide perspectives from *within state governmental agencies*. Interviewees expressed their empathy for federal agency staff throughout our conversations, and while they identified the need for guidance or resources to facilitate states' work, they also repeatedly recognized that these resources or guidance may already be available. A major barrier, we learned, is that many state staff simply do not have the time or capacity to locate these resources. Still, this report does not attempt to review or include the numerous resources states need, nor to address broader questions of effective implementation of Justice40; our findings should be understood within the context of the interviews, however illustrative the insights or suggestions of state staff may be.

We received limited input on federal programs, consultation, and assistance for Tribal Nations and Communities, and therefore, lacking more dedicated or robust research, have not included generalized findings on funding or processes related to Tribal Nations and Communities. However, given that numerous EJ- and Justice40-related provisions in the Bipartisan Infrastructure Law (BIL) and American Rescue Plan (ARP) commit funding to these communities and emphasize Tribal consultation—and Tribes have been long underserved by the governmental and NGO spheres—we encourage deeper, dedicated research and feedback in this area.

Lastly, we recognize that state agencies are only one piece of a larger, dynamic ecosystem of state and non-state actors and institutions working to access and deploy federal funding and that many organizations have provided similar recommendations to federal agencies.

Note: Expanding Technical Assistance (TA) Resources for Water Equity

Recognizing that underserved communities face numerous, and often entrenched, roadblocks that prevent them from applying for state and federal funds for water infrastructure and the importance of incorporating community voices in project planning and development, EPA recently expanded its [water TA](#) through investments in existing and new TA programs. For example, in November 2022, EPA named 16 new regional Bipartisan Infrastructure Law [Environmental Finance Centers](#) (BIL EFCs) and 4 new national BIL EFCs— including EPIC—to support access to BIL resources and facilitate effective national implementation. This report does not contain findings or recommendations based on EPIC's role as a national BIL EFC, given that EPIC's grant awarded under the auspices of that program was approved after the completion of this research.

The BIL EFCs are providing a range of TA services, including community engagement and other planning and assessment support; project development; partnership and engagement support; funding and financing; and project management, all with an aim to deliver equitable health and environmental protection outcomes. Most of our interviews took place before states' introductory meetings with these BIL EFCs—and before EPA's [informational webinar](#) about the BIL EFCs in late July of 2023. At the time of our interviews, however, some state program staff were beginning to speak with or refer communities to BIL EFCs.

Appendix: Acronyms

List of Terms

ARP	American Rescue Plan
BIL	Bipartisan Infrastructure Law
BIPOC	Black, Indigenous, and people of color
CBO	community-based organization
CEJST	Climate and Economic Justice Screening Tool
CPRG	Climate Pollution Reduction Grants
CWSRF	Clean Water State Revolving Fund
DAC	Disadvantaged Community (following Justice40 guidance)
DWSRF	Drinking Water State Revolving Fund
EFC	Environmental Finance Center
EJ	environmental justice
EJ TCTAC	Environmental Justice Thriving Communities Technical Assistance Centers
FOA	Funding Opportunity Announcement
IIJA	Infrastructure Investment and Jobs Act
IRA	Inflation Reduction Act
LEP	limited English proficiency
MPO	municipal planning organization
NGO	non-governmental organization
NOFO	Notice of Funding Opportunity
NPS	Nonpoint Source (Pollution)
POC	point of contact
PROTECT	Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation
RPO	regional planning organization
SCPN	State Climate Policy Network
SME	subject matter expert
SRF	State Revolving Fund
TA	technical assistance
TMF	technical, managerial, and financial
USDA	United States Department of Agriculture

List of Entities

CEQ	Council on Environmental Quality
DOE	Department of Energy
DOT	Department of Transportation
EPA	Environmental Protection Agency
EPIC	Environmental Policy Innovation Center
NASEO	National Association for State Energy Officers
NOAA	National Oceanic and Atmospheric Administration
OMB	Office of Management and Budget
RCAP	Rural Community Assistance Partnership

Appendix: Technical Assistance Resources

White House: [Investing In American Technical Assistance Guide](#) (09/2023) – A list of **federal resources** to help communities access infrastructure and clean energy funding (from BIL/IRA).

- Includes programs from DOT, EPA, DOE, FEMA, DHHS, HUD, DOI, DOL, Army Corps of Engineers, USDA, DOC, DOT, Regional Commissions (Appalachian; Northern Border; Southeast Crescent), and joint/interagency programs.
- Lists TA category (e.g. planning and project development, financial planning, federal compliance, etc), type (direct TA, informational resource, TA funding, etc), eligible entities, status of availability, application information, total budget, and point of contact.

White House: [Investing In America State Directed Technical Assistance Resources](#) (09/2023) – A list of **state and local resources** to help communities access infrastructure and clean energy funding (from BIL/IRA).

- Includes programs from the states of CA (3 programs), CO (4), CT (1), DE (1), IL (1), KY (1), LA (1), ME (5), MA (1), MI (1), MN (5), NY (5), PA (1), RI (1), WI (8).
- Lists TA category (e.g. planning and project development, financial planning, federal compliance, etc), type (direct TA, informational resource, TA funding, etc), eligible entities, status of availability, application information, total budget, and point of contact.

EPIC, Climate XChange, and Beech Hill Research: [Resources and Technical Assistance Programs for Navigating Federal Funding](#) (06/2023) – A list of **federal, regional, and NGO resources** to help state agencies, tribal and local governments, NGOs, and communities find and navigate federal climate, energy, and infrastructure funding opportunities.

- Lists point of contact, eligible entities, and where applicable, application link, priority programs, and project types.

EPA: [Environmental Finance Centers \(EFCs\)](#) – A list of **EFCs designated by EPA** to help states, Tribes, local governments, and communities develop and submit project proposals, including SRF applications for BIL funding.

- Lists EFCs by region across categories: Regional Multi-Environmental Media EFCs, Regional Water Infrastructure with BIL Funding, and National Water Infrastructure.

EPA: [Environmental Justice Thriving Communities Technical Assistance Centers Program](#) (EJ TCTACs) – A landing page for **16 EJ TCTACs awarded by EPA** to remove barriers and improve accessibility for communities with environmental justice concerns.

- Lists national and regional EJ TCTACs and partners, and EPA points of contact.

Acknowledgements

EPIC, Climate XChange, and Beech Hill Research are just a few of the thousands of nonprofits, technical assistance providers, and community groups seeking to increase access, funding, and benefits of Justice40 covered programs among historically marginalized and underserved communities. Some of the organizations we spoke with in the design or execution of this research include:

- Atlas Public Policy
- Federation of American Scientists
- Hua Nani Partners
- Lawyers for Good Governance (L4GG)
- US Digital Service's Open Source Community for the Climate and Economic Justice Screening Tool

Continuing the Work

We are eager to learn about your work and recommendations and shape the next stage of Justice40 together. Please contact:

- **EPIC:** Jessie Mahr and Gabe Watson (jessie@policyinnovation.org, gabe@policyinnovation.org)
- **Climate XChange:** Kristen Soares and Jonah Kurman-Faber (kristen@climate-xchange.org, jonah@climate-xchange.org)
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The organizations who created this report are also involved in the following:

- **EPIC Technology Team** works to improve EJ tools for advocates, policy makers, program officers, and grant applicants. This effort focuses on increasing clarity and guidance (particularly for federal EJ Tools like CEJST), scrutinizing tool methodologies, and advocating for data-driven decision making.
- **EPIC Water Team** works with administrators and other stakeholders of Clean Water and Drinking Water State Revolving Funds (SRFs), ranging from policy analysis and guidance to direct technical assistance through its Funding Navigator.
- **Climate XChange** convenes the 18,000+ State Climate Policy Network (SCPN), including facilitating relationships with and feedback from the public and private climate sector through regular national meetings of local, state, and NGO actors; tracking state-level climate policy across sectors; and policy assistance around accessing federal climate funding and advancing state-level climate policy.
- **Beech Hill Research** facilitates climate and energy equity and Justice40 implementation discussions at the state and local level, and advises on equity metrics and data collection.

All staff are continually engaged in partnerships and discussions with other nonprofits, TA providers, and researchers working to support state and local governments, and we welcome ongoing discussions about Environmental Justice and Justice40 implementation.

For confidentiality reasons, this list excludes names of state agencies who participated in interviews. Furthermore, the findings and recommendations described throughout this report are based on our interviews and the combined perspective of the research team and are not intended to represent the experiences, recommendations, or priorities of the partner organizations listed here.



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