

PHASE ONE

SCORECARD

RECOMMENDATIONS

REPORT

3/8/2022

WHITE HOUSE ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

PHASE ONE SCORECARD RECOMMENDATIONS REPORT



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WHEJAC REPORT COVER LETTER

WHITE HOUSE ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

Members:

Richard Moore,
Co-Chair

March 8, 2022

Peggy Shepard,
Co-Chair

**Catherine Coleman
Flowers, Vice Chair**

The Honorable Brenda Mallory, Chair
The Council on Environmental Quality

Carletta Tilousi,
Vice Chair

Executive Office of the President
Washington, DC 20500

LaTricea Adams

Susana Almanza

Dear Chair Mallory:

Jade Begay

Marla Belen Power

Dr. Robert Bullard

Tom Cormons

Jerome Foster II

Kim Harey

Angelo Logan

Marla López-Núñez

Harold Mitchell

**Dr. Rachel Morello-
Frosch**

Juan Parras

Michele Roberts

Ruth Santiago

Dr. Nicky Sheats

Viola Waghtyl

Dr. Kyle Whyte

Dr. Beverly Wright

Hil Xyooj

Miya Yeshaltani

The White House Environmental Justice Advisory Council (WHEJAC) enthusiastically submits its Phase One Scorecard Recommendations Report to you, President Biden, and the White House Environmental Justice Interagency Council (IAC). This report is in response to a charge issued in March 2021, from The Council on Environmental Quality (CEQ), to provide recommendations on what types of indicators or data would be useful in an agency scorecard. This report includes recommendations for the core principles and basis of an Environmental Justice Scorecard. In Phase Two, the WHEJAC will propose recommendations for metrics and scoring approaches that align with agencies environmental justice priorities and objectives.

Thank you for the opportunity to provide recommendations for the creation of this Environmental Justice Scorecard. We believe the recommendations listed in this report are essential building-blocks and should be incorporated into any scorecard created by the federal government to address current and historic environmental

injustice. We will continue working on our Phase Two Scorecard Recommendations and submit them in the coming months.

Sincerely,



Richard Moore, WHEJAC Co-chair



Peggy M. Shepard, WHEJAC Co-chair

cc: Members of the WHEJAC
Michael S. Regan, EPA Administrator
Corey Solow, Deputy Director for Environmental Justice, CEQ
White House Environmental Justice Interagency Council
Karen L. Martin, Designated Federal Officer

DISCLAIMER

This report was written as part of the activities of the White House Environmental Justice Advisory Council, a federal advisory committee providing independent advice and recommendations on the issue of environmental justice to The Council on Environmental Quality, The White House Environmental Justice Interagency Council, and other officials of the White House. This report has not been reviewed for approval by The Environmental Protection Agency or The Council on Environmental Quality, and hence, the contents of this report do not represent the views and policies of The Environmental Protection Agency or The Council on Environmental Quality, nor of other agencies in the Executive Branch of the federal government. Reports of the White House Environmental Justice Advisory Council are posted on the Environmental Protection Agency website at <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>.

ACKNOWLEDGEMENTS

The White House Environmental Justice Advisory Council (WHEJAC) acknowledges the efforts of the WHEJAC Scorecard Workgroup in preparing the initial draft of this report. The WHEJAC acknowledges the stakeholders and community members who participated in the workgroup's deliberation by providing public comments. In addition, the workgroup's efforts were supported by staff from the U.S. Environmental Protection Agency and the Council on Environmental Quality, notably, Karen L. Martin as the Designated Federal Officer, Corey F. Solow, Deputy Director for Environmental Justice, Christina Bowman, Lucas Brown, Paula Flores-Gregg, Sharmila Murthy, George Q.E. Ward and Holly Wilson.

WHITE HOUSE ENVIRONMENTAL JUSTICE ADVISORY COUNCIL MEMBERS

- Richard Moore, Los Jardines Institute (WHEJAC Co-Chair)
- Peggy Shepard, WE ACT for Environmental Justice (WHEJAC Co-Chair)
- Catherine Coleman Flowers, The Center for Rural Enterprise and Environmental Justice (WHEJAC Vice-Chair)
- Carletta Tilousi, Havasupai Tribal Council (WHEJAC Vice-Chair)
- LaTricea Adams, Black Millennials for Flint
- Susana Almanza, People Organized in Defense of Earth and Her Resources
- Jade Begay, NDN Collective
- Maria Belen Power, GreenRoots
- Dr. Robert Bullard, Texas Southern University
- Tom Cormons, Appalachian Voices
- Jerome Foster II, One Million of Us
- Kim Havey, City of Minneapolis Division of Sustainability
- Angelo Logan, Moving Forward Network
- Maria López-Núñez, Ironbound Community Corporation
- Harold Mitchell, ReGenesis
- Dr. Rachel Morello-Frosch, UC Berkeley
- Juan Parras, Texas Environmental Justice Advocacy Services
- Michele Roberts, Environmental Justice Health Alliance
- Ruth Santiago, Comité Dialogo Ambiental and El Puente, Latino Climate Action Network
- Dr. Nicky Sheats, Kean University
- Viola Waghiyi, Alaska Community Action on Toxics
- Dr. Kyle Whyte, University of Michigan
- Dr. Beverly Wright, Deep South Center for EJ
- Hli Xyooj, Advancement of Hmong Americans
- Miya Yoshitani, Asian Pacific Environmental Network

Karen L. Martin, Designated Federal Officer, U.S. EPA Office of Environmental Justice

WHITE HOUSE ENVIRONMENTAL JUSTICE SCORECARD WORKGROUP
MEMBERS

Dr. Kyle Whyte

University of Michigan
Workgroup Co-Chair

Peggy Shepard

WE ACT for Environmental Justice
Workgroup Co-Chair

Dr. Robert Bullard

Texas Southern University

Maria López-Núñez

Ironbound Community Corporation

Dr. Rachel Morello-Frosch

UC Berkeley

Michele Roberts

Environmental Justice Health Alliance

Dr. Beverly Wright

Deep South Center for Environmental Justice

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ORIGINAL MANDATE FROM THE COUNCIL ON ENVIRONMENTAL QUALITY

Executive Order 14008 Sec. 220 (d)

Executive Order 14008 Sec. 220 (d) requires that the White House Environmental Justice Interagency Council (IAC) develop clear performance metrics to ensure accountability and publish an annual public performance scorecard on its implementation, and that the IAC do so by consulting with the White House Environmental Justice Advisory Council (WHEJAC). The scorecard would provide a method for evaluation and accountability to assess progress on the agency's progress in addressing current and historic environmental injustice. The Council on Environmental Quality (CEQ) requested WHEJAC address the following question regarding development of the Scorecard: What types of indicators or data would be useful in an agency scorecard? The WHEJAC was asked to provide input in the form of general ideas or specific data. The development of the Scorecard will be a continuing process and the WHEJAC will have an ongoing opportunity for providing further input.

The following are Phase 1 Recommendations for the core principles and basis of an Environmental Justice Scorecard. In Phase 2, the Scorecard Workgroup will propose recommendations for metrics and scoring approaches that align with agencies environmental justice priorities and objectives.

WHEJAC SCORECARD WORKGROUP STRATEGY

- Draw from: (a) all WHEJAC recommendations, (b) consultations with outside experts and federal agency representatives, (c) the Justice40 Interim Guidance and (d) the Climate and Economic Justice Screening Tool Interim Guidance.
- Identify areas of need for scoring federal agencies on their contributions to EJ.
- Learn what agencies are doing now to track progress on Justice40 initiatives and programs. Form recommendations that ensure an Environmental Justice Scorecard effectively tracks agency accountability.

GOALS OF THE ENVIRONMENTAL JUSTICE SCORECARD

1. Every agency should have an Environmental Justice Scorecard that tracks the impacts that all government investments have on disadvantaged communities, especially where disadvantage is produced by racial discrimination and economic barriers. Impacts are changes in outcomes in the areas relevant to environmental justice, including outcomes in health, economic opportunity, food security, environmental quality, climate change, maintenance of culture, access to quality housing, energy, transportation, safe affordable drinking water and sanitation, health care, and other physical and social infrastructure. The Scorecard must grade federal agencies on access, distribution, and benefits of the impacts according to race, income, as well as other demographic and geographic indicators. These recommendations will refer to the “EJ Scorecard” and agency scale scorecards. The “Environmental Justice Scorecard” refers to all combined scorecards that agencies specify in combination with any cross-agency and whole-of-government scorecard metrics.

2. In brief, the EJ Scorecard will follow where and how federal money is spent, and what happens as a result of federal spending to communities disadvantaged by racial and economic inequities. Federal spending and investments will be tracked to evaluate community-level impacts, benefits, improvements, and lessons learned in terms of advancing environmental justice for Black, Brown, Indigenous and low-income communities.
3. The EJ Scorecard should ensure just treatment and full protection for disadvantaged communities and advance the application of Title VI of the Civil Rights Act of 1964 (Title VI) and the National Environmental Policy Act (NEPA) in agencies.
4. Agency scale scorecards will align with agencies' environmental justice goals. The establishment of environmental justice goals should involve a review and approval process established by CEQ, including continued engagement and consultation with the WHEJAC.
5. Agency and administrative professional culture should encourage and incentivize staff to reflect and share lessons learned, including mistakes, and to develop processes for incorporating iterative and bidirectional feedback with communities and other stakeholders for the sake of crafting sustainable and socially equitable solutions that avoid repeating and that redress the impact of past mistakes. Agencies should be forthcoming about where they are falling short of procedural and outcome goals and solicit public input on how to address these challenges.
6. When agency endorsed programs and activities have direct or indirect causal relationships to occurring harm or potential harm, the existence and representation of ongoing and potential harms should be paramount in scoring measures, including intergenerational harm, such as harm to future generations. The EJ Scorecard must by no means dehumanize or render abstract the fact that diverse communities are suffering severe environmental burdens, including burdens that negatively impact their health today and that pose real risks to living persons and future generations.

SCALE AND SCOPE OF THE EJ SCORECARD

1. The EJ Scorecard is for all environmental justice programs, including (but not limited to) Justice40.
2. The EJ Scorecard must assess investments and benefits in terms of racial and income-based equity.
3. The EJ Scorecard assesses environmental justice for all federal spending. The EJ Scorecard is not limited to federal investments that are explicitly intended for environmental justice.
4. The EJ Scorecard will be based on the precautionary principle.
5. The EJ Scorecard will address agency specific and interagency investments.
6. Agencies will develop their own versions of the EJ Scorecard for application to their specific programs and mandates.
7. Agency-specific EJ Scorecards should have a data strategy for developing environmental justice indicators that map onto short- and long-term environmental justice goals. Scorecards should draw from existing data sources, develop new data, and identify data needs. Data on race and income must be used to identify racial and income inequality.
8. EJ Scorecards must reflect the most up-to-date methods of timely, transparent, and accessible data acquisition, storage, analysis, and reporting.
9. Nation-to-nation consultation with Tribes and Indigenous peoples must be developed for specification of the purposes and uses of the scorecard for Indigenous peoples. Agencies with duties toward Tribes and Indigenous peoples will develop scorecards for their programs consistent with the guidance recommended in this document. Consultative processes should not overwhelm Tribes and Indigenous peoples who are receiving many consultation requests without a corresponding increase in Tribal or Indigenous capacity to respond to and engage in consultations. That there is a risk of over-consultation is not a reason for the federal government to

fail to consult. This challenge can be addressed through provision of staff and financial support that allows for effective and appropriate engagement of Tribal communities in consultation processes.

10. The EJ Scorecard must address compliance by states and localities in terms of ensuring that federal funds, investments, and benefits are delivered to the frontline communities identified by the Climate and Economic Justice Screening Tool.
11. For situations where there is some special legal status pertaining to certain communities, including in territories, for Native Hawaiians, and for other communities, their special legal status must not create a gap in their being duly considered by the EJ Scorecard.
12. The EJ Scorecard will forecast and track how well-prepared agencies are to understand where their investments go before the investments, contracts, grants, cooperative agreements, and other forms of federal spending are distributed. Scoring for environmental justice, including Justice40, should be both anticipatory and forecast investment distributions as well as evaluate the impacts of federal spending.
13. The Scorecard must address community engagement and consultation efforts in the implementation of Justice40 Initiative as well as other federal investments.