

Justice40 Initiative Implementation

Phase 1 Recommendations

ACKNOWLEDGEMENTS

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DISCLAIMER

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

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August 17, 2022

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The White House Environmental Justice Advisory Council (WHEJAC) enthusiastically submits its J40 Phase One Implementation Recommendations Report to you and the White House Environmental Justice Interagency Council (IAC). This report is the second of two reports in response to the March 2021 charge to provide recommendations about how certain Federal investments might be made toward a goal that 40 percent of the overall benefits flow to disadvantaged communities. This report includes cross-cutting agency recommendations, as well as recommendations specific to individual agencies.

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Thank you for the opportunity to provide recommendations for the implementation of the Justice40 Initiative. We believe the recommendations listed in this report are essential building-blocks and should be incorporated by the federal government to address current and historic environmental injustice. We will continue working on additional recommendations and submit them in the coming months.

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Sincerely,



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INTRODUCTION

The White House Justice40 Initiative (J40) is founded on an understanding that environmental injustice is fueled by deeply embedded systemic inequities. J40 recognizes that reversing the cumulative and destructive impacts of pollution, poverty, and racism in rural and urban communities across the United States requires nothing less than transformative solutions. However, the success of J40 depends on implementation that is as transformative in practice as its goals are in theory.

The hard work of redressing the enduring legacy of environmental injustice requires agencies to proactively resource underserved communities, so it is imperative that agencies consider their J40 investments as a floor, not a ceiling. Justice40 benefits should also be defined as direct financial investment in frontline communities.

Practices to ensure that resources and benefits reach the communities that need them the most (as described in these recommendations) must be thoughtfully developed, deeply coordinated, highly prioritized, and strongly incentivized. Importantly, programs must be led by the communities most impacted by previous harm. Without agency commitment to full community participation, benefits will continue to flow to places and entities already advantaged in terms of capacity, infrastructure, and connections. Moreover, in the absence of community participation and leadership, well-meaning programs have the potential to further concentrate pollution and inequity in the very places they are intended to support. To ensure that investments reach frontline communities, local and state governments must be held accountable. To do so, federal agencies should develop community engagement requirements and a process for accountability and oversight by recipients.

Further, our recommendations insist that agencies must invest heavily in intensive outreach to disadvantaged communities historically overlooked. Agencies must engage in careful and respectful listening to understand realities on the ground and offer intensive technical assistance to level the playing field so that J40 proves to be a meaningful and equitable way to build more healthy, resilient, and thriving communities.

Our J40 implementation recommendations are grounded in the principle that agencies must first do no harm. Agencies must reject the policies, practices, and approaches that can cause and have caused government initiatives to reinforce environmental racism and injustice. Our recommendations are also predicated on our conviction that equitably implemented federal investments that advance environmental health and the transition to clean energy can bring transformative benefits to disadvantaged communities while addressing global climate change.

Conversely, federal investments in fossil fuel infrastructure promote serious harm to disadvantaged communities while locking our country and the world into worsening climate change. Such investments divert limited federal resources from generative clean energy initiatives advanced by J40.

Our first set of recommendations submitted a year ago explicitly addressed the need to end, not extend, federal support for fossil fuel infrastructure.¹ Nevertheless, President Biden has recently asked the CEOs of fossil fuel companies to increase production and has opened public land to further fossil fuel development. We believe investments in technologies that extend the dominance of fossil fuels are contrary to the intention of Executive Order 14008 because they will increase rather than curb climate pollution. Therefore, we explicitly reiterate in these recommendations our strong opposition to the investment of federal resources to promote fossil fuel infrastructure. 1. White House Environmental Justice Advisory Council, White House Environmental Justice Advisory Council Final Recommendations: Justice40, Climate and Economic Justice Screening Tool and Executive Order 12898 Revisions, (Washington, DC: EPA): May 21, 2021. <https://www.epa.gov/sites/default/files/2021-05/documents/whiteh2.pdf/>.

Further, when the WHEJAC submitted its recommendations in May 2021, we made it clear that J40 benefits and investments should not cause or increase harm to the communities J40 is meant to help. For example, we stated that non-biological carbon capture, use, and storage and hydrogen should not be considered benefits to disadvantaged communities. If, against the WHEJAC's recommendations, agencies consider such investments in their calculation of benefits to communities, they perpetuate the marginalization of the voices of those who have borne the greatest burden of pollution and use disadvantaged communities as testing grounds for unproven technologies.

While we applaud the agencies that have expressed ambitious plans to center J40, and we recognize there have been some positive strides to address climate and environmental justice, the challenge of doing so at the pace we need for humanity to survive this crisis remains enormous. Investment in fossil fuels is the antithesis of progress. With competing forces like the Supreme Court's *West Virginia vs EPA* ruling, which weakens the power of EPA, and the current context which highlights global implications surrounding fossil fuels and the Russia-Ukraine war, it is more critical than ever for the White House to utilize all tools to support a robust, rapid, and just transition to a safe, healthy, and equitable climate at home and abroad, instead of a fear-based response that further entrenches us in a fossil fuel system.

JUSTICE40 WORKGROUP CHARGE

Provide advice and recommendations on how certain Federal investments might be made toward a goal that 40 percent of the overall benefits flow to disadvantaged communities to the Chair of the Council on Environmental Quality, the Director of the Office of Management and Budget, and the National Climate Advisor. The recommendations shall focus on investments in the areas of clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of critical clean water infrastructure.

CROSS-CUTTING AGENCY RECOMMENDATIONS

Transformative Practices

These recommendations seek to transform the practices of all federal agencies to ensure that J40 initiatives rectify—rather than reinforce or amplify—existing inequities.

1. Each agency should convene a J40 Advisory Board of environmental and climate justice advocates whose mission is to recommend and review J40 implementation and agency metrics for the ongoing improvement of the agency scorecard.
2. Each agency should require state and local recipients of J40 funds to use the Climate and Environmental Justice Screening Tool (CEJST) to identify disadvantaged communities. Recipients should submit results to the appropriate local, tribal, or territorial environmental regulatory agency for approval. If a state has a tool in use that assesses the cumulative impacts of environmental, socioeconomic, racial, and other burdens, that tool may be used instead of the CEJST.

In these recommendations, “disadvantaged” refers to communities that, as described in Executive Order No. 14008, Section 219, have been “historically marginalized and overburdened by pollution and under-investment in housing, transportation, water and wastewater infrastructure, and health care.”

3. Because access to monies is a benefit to localities, communities, and minority- and women-owned businesses, agencies should assess their progress toward meeting the 40-percent goal by calculating the amount of J40 dollars that flow to disadvantaged communities.
4. To keep money in the community and build community wealth, highly prioritize the support of locally owned businesses employing local people.
5. Ensure that jobs created by states or subcontractors with J40 monies pay fair wages and offer good benefits, safe working conditions, and other worker protections.
6. Each agency should optimize its staffing to ensure effective implementation of J40 activities. This includes:
 - Hiring diverse staff dedicated to implementing and monitoring its J40 initiatives.
 - Devoting sufficient staff and agency resources to engaging grassroots communities, policymakers, and public officials.
 - Strongly prioritizing the recruitment and training of staff with expertise in environmental and climate justice. This staff should be tasked with proactively reaching out to disadvantaged communities to help identify needs and determine the best programs or opportunities for addressing those needs.
 - Assigning staff to be responsible for ensuring that community-based organizations have access to training and technical assistance to increase their capacity to plan, apply for, and steward J40 monies.
 - Developing communication and dissemination plans that inform frontline communities and policymakers about J40 programs and opportunities.
7. In accordance with the principle of doing no harm, no federal agency should use any J40 funds to support fossil fuel infrastructure or generation.

Public Engagement

Public engagement must be integral to each agency’s J40 implementation process, not an add-on or afterthought. Communities and stakeholders should provide on-the-ground knowledge that improves the design, implementation, and evaluation of J40 programs and investment. If no existing programs meet

community needs, or if procedures or requirements pose significant barriers for disadvantaged communities, they must be retooled to better serve those communities.

Agencies must launch strategic efforts to reach new stakeholders whose past engagement may have been hindered by language, scheduling, or other accessibility barriers. Broad community engagement helps local stakeholders stay informed about issues and enhances their capacity to bring J40 benefits and resources to their neighborhoods. But robust public engagement benefits the federal government, too. If done well and sustained, public engagement can keep agency efforts informed and on track as realities on the ground change. Engagement also includes responding to community input and requiring that disadvantaged localities have a direct role in decision making and in determining how funding is spent in their communities.

Finally, although U.S. consultative policies with Indigenous peoples (including federally recognized Tribes and Native Hawaiians) are not covered specifically in this document, the WHEJAC expects that J40 will be implemented by the federal government and federal agencies through consultative practices that engage Indigenous peoples fairly and equally.

Each agency should:

8. Ensure that its public engagement and communication personnel are experienced professionals with community engagement expertise.
9. Develop a responsive and flexible community engagement plan that is reviewed by its J40 Advisory Board (see recommendation 1, above).
10. Align its work to address the priorities of disadvantaged communities and invest in projects that emerge from broad community participation.
11. Ensure all public-facing print and digital materials are translated or interpreted to cover all languages spoken in an impacted community, as defined by clear metrics. For example, if 3 percent or more of residents speak a language, then it will be considered “spoken” in the community. Similarly, an “impacted” community could be defined as residents living within a 3-mile radius of a project. In addition, all materials should be accessible to people who are Deaf or hard of hearing or have visual impairments or disabilities.
12. Require that events and presentations are accessible to individuals who are Deaf or hard of hearing or have visual or mobility disabilities, such as providing ASL interpretation services and ensuring that meeting locations are wheelchair accessible. Public events must also comply with state and local public health recommendations.
13. Require that food, childcare, transportation, interpretation services, and other incentives are provided to increase attendance in disadvantaged communities.
14. Public engagement performance must be prominently incorporated into agency, department, and individual evaluation metrics. Senior managers must be evaluated on and held accountable for the public engagement performance of their departments using measures such as diligence, effectiveness, and impact.
15. Fund local environmental and community-based organizations to increase their capacity to participate in local decision making and to hold government officials accountable.
16. Fund state agencies to add or expand outreach to disadvantaged communities by adding a J40 Community Program Manager position responsible for direct outreach to target communities.
17. Facilitate collaboration across state agencies and among states to help them share best practices for reaching and supporting disadvantaged communities.

PUBLIC OUTREACH BEST PRACTICES

- ❖ Allow sufficient budgets for outreach and community engagement.
- ❖ Develop a robust outreach database that captures key demographics of engaged communities, such as racial, ethnic, socioeconomic, and linguistic data.
- ❖ Provide at least 1 month’s notice of any public meeting, input opportunity, grant workshop, or Request for Information, and provide at least 3 months’ notice of any grant application opportunity.
- ❖ Notices of events, requests for information, funding opportunities, and other information should be made available online and in print. Disseminate all information through community leaders, social media, newspapers, and through federal and state agencies that provide services to communities and businesses.
- ❖ Offer public events such as information sessions, grant workshops, or public input sessions at multiple times during normal work hours, evenings, and weekends.
- ❖ Hold public meetings and workshops both virtually and in-person to accommodate persons who are unable to travel as well as those without internet access.
- ❖ Ensure materials are accessible, easy to understand, and well designed, and that digital materials are Section 508 conformant.
- ❖ Public engagement expectations must be actionable and trackable in terms of process, outputs, and outcomes; meetings should be documented.
- ❖ Provide childcare and refreshments.
- ❖ Record public meetings and post them online.

Grants and Funding

Recommendations in this section aim to close the opportunity gap between well-resourced communities and disadvantaged communities and to increase the capacity of disadvantaged communities to apply for and administer grants.

Each agency should:

18. Establish regional federal grant assistance hubs in the most disadvantaged communities to provide direct assistance with applying for grants and other opportunities.
19. Provide targeted outreach to diversify the pool of grant applicants and give those who are not usually a part of the process a fair chance to apply for funding.
20. Prioritize outreach to disadvantaged communities that have not received resources in recent years.
21. Create one centralized online location that facilitates access to J40 funding opportunities, such as the hub developed by the Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization.²

2. <https://energycommunities.gov/>.

22. Provide grants for capacity building and planning in communities, such as for staffing.
23. Create funding streams that meet the specific needs of the Gulf South, Native communities, and U.S. territories.
24. Allow for climate investments in public health, education, immigration, and other areas with clear climate impacts, in addition to the seven issue areas named in Executive Order 14008.
25. Establish procedures for widely disseminating information about funding opportunities to disadvantaged communities. Because many rural and low-income residents do not have internet access, it is not sufficient to post this information only online.
26. Support the competitiveness of small communities and community-based organizations by:
 - Enabling communities to apply for multiple grants across federal departments with one application.
 - Eliminating matching fund requirements.
 - Simplifying application and reporting systems. Systems such as Workspace, SAN (System for Award Management) and DUNS (Data Universal Numbering System) accounts are not community friendly.
 - Expanding the range of expenses covered by grants to include overhead and other costs.
27. Following a successful grant application, support small communities and community-based organizations by:
 - Expediting the disbursement of funds.
 - Supporting grant administration by providing technical assistance or supporting a program officer that partners with a group to provide post-award assistance.
 - Creating simplified accountability procedures for small awardees.
 - Funding small organizations with direct funding, rather than reimbursing up-front cash expenditures that small organizations usually cannot afford.
28. Diversify economic opportunity by requiring that all grants paid out under the J40 initiative are directed to local minority-owned businesses to the fullest extent possible. In addition, proactively help minority-owned businesses increase their capacity to take on larger contracts through subcontracting requirements or other means that support the development of skills and experience.

Proposed Infrastructure Projects

Historically, infrastructure projects have disrupted community life in frontline communities, separating neighborhoods and harming small businesses. This administration has the opportunity to reverse that legacy and ensure that frontline communities get the investment in infrastructure that sustains and improves community life.

Agencies should:

29. Ensure federal government-funded infrastructure projects increase social resilience by supporting social infrastructure projects, such as schools and childcare.
30. Prioritize the funding of projects that incorporate fair labor standards and union jobs and support worker-owned companies, cooperatives, community-based organizations, and minority- and women-owned business enterprises.
31. Provide workforce development programs and trainings related to climate change free-of-charge, and compensate participants for expenses associated with transportation, childcare, and lost wages.

32. Provide the public with plain language information on renewable energy infrastructure projects to ensure that the transition from fossil fuels does not continue to overburden disadvantaged communities. Because not all communities have the expertise to understand lengthy and technically complex Environmental Impact Statements (EIS), Technical Assistance Grants should be made available so communities can hire expertise to assess and respond to EISs.

Accountability and Incentive Structures

Robust and effective incentive structures are key to accountability and the successful implementation of J40. These recommendations aim to ensure that J40 resources do not perpetuate existing inequities, but instead address historic inequities.

To promote accountability within federal agencies, each agency should:

33. Incorporate J40 strategies and tactics into its strategic plans and continually monitor and evaluate implementation.
34. Develop and disseminate an annual report on its J40 implementation, environmental justice activities, and community engagement plans, including budgets, benefits, and impact. Federal agencies should track several cross-cutting metrics for J40 investments, including direct dollar investment in disadvantaged communities, percentage of dollars invested in J40 communities, carbon emissions reduced, pollutants reduced, and number of people and businesses benefitted.
35. Incorporate relevant J40 implementation metrics into individual performance evaluations at all agency levels.
36. Respond to questions and comments regarding J40 implementation made by the public during public meetings.

To incentivize states and other implementation partners to ensure benefits are accruing to disadvantaged communities, federal agencies should:

37. Release J40 funds through staggered disbursements that are contingent upon completion of work stages or milestones to ensure that money granted to states and localities is implemented in accordance with both the spirit and the letter of J40.
38. Disburse limited duration grants, creating an opportunity to evaluate performance before regranting and to inform future grant decisions.
39. Ensure that states, localities, or contractors and recipients of J40 and other federal funds comply with Title VI of Civil Rights Act. Polluters or permit violators should be required to mitigate the damage done to communities. Title VI complaints should result in a benefit for the communities impacted by a violator's disregard for the law.
40. Develop a remedy or penalty for states or agencies that do not implement or comply with the intent of J40 investments to benefit disadvantaged communities.

SPECIFIC AGENCY RECOMMENDATIONS

Council on Environmental Quality (CEQ)

CEQ should:

41. Request that each agency subject to Executive Order 14008 assign a senior staff person responsibility for the agency's J40 implementation and robust compliance with the executive order.

42. The White House Environmental Justice Interagency Council should meet as an entire body with the WHEJAC as well as in public meetings to provide transparency, share knowledge, and discuss any obstacles that agencies are encountering in J40 implementation or pilots.
43. In the J40 interim guidance:
- References to “clean energy” should be changed to “renewable energy,” especially distributed renewables such as rooftop solar and battery energy storage and decentralization of the grid.
 - Include communities exposed to coal ash waste in the list of energy communities.
 - Add more specifics about local air pollutants that create hot spots and the disproportionate burdens of these cumulative impacts on disadvantaged communities.
 - Add protections against the forced displacement of communities following a disaster, and support the community’s right to decide to relocate or rebuild.
 - Define renewable community energy projects and community microgrids to clarify that they should be sited in disadvantaged communities, and that the microgrids should generate renewable energy.

U.S. Department of Agriculture (USDA)

USDA should:

44. Promote climate change resilience in the housing it administers through the Office of Rural Development.
45. Leverage its resources and discretion to promote the protection of outdoor workers from heat illness. As the agency concerned with the impacts of climate change on agricultural production, food security, rural development, and forestry, USDA must support climate change adaptation and the resilience of farm workers, who are 35 times more likely to die due to heat-related causes compared with all other civilian occupations.
46. Ensure that its Rural Utility Service J40 benefits provide small farmers with on-site renewable energy without displacing agricultural activity, and prohibit the use of arable land and agricultural reserves in places with scarce agricultural land (such as Puerto Rico) for utility-scale renewable energy infrastructure.

U.S. Department of Energy (DOE)

DOE should:

47. DOE should use J40 investments for energy conservation, efficiency, customer engagement, demand response programs, and Quick-Start Energy Efficiency programs such as:
- Wide-scale implementation of solar water heaters.
 - Energy audits.
 - Appliance replacement programs.
 - Tuning up air conditioners or replacing old air conditioners.
 - Expanding low-income weatherization programs.
 - Energy literacy and consumer education programs.
48. Make grants and tax incentives available to frontline communities for the purchase and installation of solar panels on roofs of existing and new homes and affordable housing units.

- 49. Support programs for innovative household (and perhaps small business) renewable energy financing approaches, including utility-administered pay as you save (PAYS) programs. Under PAYS, the utility pays for the upfront cost of energy-efficient upgrades, and homeowners pay the utility back, over time, with a modest additional payment on their electric utility bill.
- 50. Prioritize and incentivize the reform of state policies to facilitate affordable, distributed solar generation that is locally owned and operated.
- 51. Leverage all existing low-income energy programs (such as fuel assistance/Low-Income Home Energy Assistance Program) to quickly reach impacted and eligible populations and households.
- 52. Identify and support innovative approaches to addressing the landlord–tenant split incentive as overburdened residents are less likely to be supported by conventional low- and moderate-income energy assistance programs.
- 53. Include a Social Cost of Carbon (SSC) analysis (based on the carbon lifecycle) for all grants or procurements, and triple the SSC in areas that are designated disadvantaged communities.

U.S. Environmental Protection Agency (EPA)

EPA should:

- 54. Ensure that J40 benefits result in monitoring and remediating coal ash waste pollution in water bodies and land, and provide medical monitoring for impacted communities.
- 55. Expand air monitoring in disadvantaged communities.
- 56. Prioritize the monitoring of air pollution and air pollution-related health concerns in disadvantaged communities throughout all of its funding.
- 57. Ensure that 100 percent of J40 investments made from any market-based greenhouse gas emissions reduction schemes are invested in disadvantaged communities.
- 58. Prevent the allocation of J40 investments to market-based emissions reduction schemes. Existing schemes must show that they do not continue to overburden disadvantaged communities.
- 59. Invest in and prioritize the replacement of lead service lines in schools, public housing, and in prisons in disadvantaged communities.
- 60. Establish safety and health standards for workers who use fossil fuel landscape equipment with a goal of phasing out the equipment.
- 61. Require baseline data on air pollutants in each disadvantaged community, and target funding to reduce those pollutants through incentives and regulation.
- 62. Provide resources to increase enforcement of the Clean Water Act in disadvantaged communities in coastal and inland areas.
- 63. Promulgate guidance on cumulative impacts and risk.
- 64. Hold consultations with frontline communities that have filed Title VI complaints, and set timelines to expedite those complaints.

U.S. Health and Human Services (HHS)

The Food and Drug Administration should:

- 65. Work to reverse the effects of food apartheid or food deserts by supporting the growth of urban farms in disadvantaged communities and provide tax incentives for grocery stores to locate in underserved communities.

Food apartheid *refers to the systemic barriers to nutritious foods that are erected mainly in communities of color.*

U.S. Department of Homeland Security (DHS)

In September 2020, the Federal Emergency Management Agency (FEMA) allocated \$9.6 billion for work on the Puerto Rico electric system, the largest allocation of funds in FEMA's history. Subsequently, FEMA entered into an interagency agreement with DOE to determine pathways for use of the historic amount of funds. DOE recently announced the Puerto Rico Grid Resilience and Transition to 100% Renewable Energy Study (PR 100),³ an initiative with six national labs to develop energy pathways for Puerto Rico.

FEMA should:

66. Base disbursement of funds to the Government of Puerto Rico for work on the electric system on the PR 100 findings; executive orders 14008, 13985, and 12898; compliance with the National Environmental Policy Act; and no-regrets investments such as distributed renewables coupled with battery energy storage systems.
67. Provide timely responses, answers, and documents to FOIA requests.
68. Promulgate the regulations required by the Disaster Recovery Reform Act of 2018; specifically, the mandate that FEMA issue a final rulemaking on new rules and define the terms "resilient" and "resiliency."
69. Require plans and recovery dollars for energy systems to go toward energy efficiency and energy literacy programs, including solar water heaters, efficient appliances, distributed renewable energy, and battery storage.
70. Make funding available immediately and in a simplified way to prepare communities for disasters (especially hurricane season).
71. Make it easier for communities to acquire funding and access forgivable loans for capital projects and capital investment such as renewable energy microgrids.
72. Prioritize funding for the creation of renewable energy microgrids that are owned or governed by communities and municipalities.
73. Ensure that energy efficiency investments prioritize low-income homeowners, renters, and non-English speakers.
74. Offer grants that cover 100 percent of pre-weatherization costs.
75. Fund projects that increase resiliency and community self-sufficiency, such as resilience hubs, microgrids, solar with battery backup, and non-fossil fuel heating and cooling district systems, such as ground source district energy systems. Disadvantaged communities should receive funding priority.
76. Add protections against the forced displacement of communities following a disaster, and support the community's right to decide to relocate or rebuild.

3.U.S. Department of Energy, Office of Electricity, "PR 100: Puerto Rico Grid Resilience and Transition to 100% Renewable Energy Study," accessed July 26, 2022, <https://www.energy.gov/oe/puerto-rico-grid-resilience-and-transitions-100-renewable-energy-study-pr100/>.

U.S. Department of Housing and Urban Development (HUD)

HUD should:

- 77. Require that planning, response, recovery, and mitigation dollars for energy systems to go toward energy efficiency and energy literacy programs, including solar water heaters, efficient appliances, distributed renewable energy and battery storage.
- 78. Provide funding for digital infrastructure and internet access (including operating expenses); prioritizing equipping affordable housing units.
- 79. Take into account that disadvantaged communities are often embedded in surrounding areas that have much higher median incomes; therefore, to identify these communities for funding, HUD should consider local median income.
- 80. Develop incentive programs using SSC to encourage no or low carbon alternatives, as compared with the lowest cost based solely on dollars, for investment in affordable housing.
- 81. Prioritize and reinstate funding programs for lead poisoning prevention education and abatement.
- 82. Increase funding to public housing, especially in urban areas where disinvestment in maintenance has led to egregious conditions of mold, lead, and unsafe living conditions.
- 83. Create maps of communities and neighborhoods that do not have indoor plumbing, sewage treatment, or running water.

U.S. Department of the Interior (DOI)

DOI should:

- 84. Restructure the Abandoned Mine Land Economic Revitalization (or AML Pilot) program and expand its scope to allow the program to target the most disadvantaged communities impacted by the decline of the coal mining industry.
- 85. To protect overburdened communities from further harm, ensure proper land and water reclamation at each coal mine site. For active coal mines, the Office of Surface Mining Reclamation and Enforcement (OSMRE) must enforce contemporaneous reclamation standards and provide additional oversight at sites requiring long-term water treatment. For mine sites that have been abandoned, OSMRE must trigger the bond forfeiture process and provide oversight of the reclamation process.
- 86. Ensure a consistent, uniform, reliable, and engaged notice and comment processes when mining permits are issued, renewed, transferred, or revised.
- 87. Engage in coal bankruptcy cases to ensure reclamation requirements are funded and the requirements of the Surface Mining Control and Reclamation Act of 1977 are enforced to ensure communities are not left with hazardous abandoned mine sites after coal bankruptcies.
- 88. Improve the Applicant/Violator System database and close permitting loopholes to ensure that coal companies, owners, and officers who have ongoing violations or patterns of violations are not granted new mining permits through existing or new companies, which would allow them to cause additional harm in communities.
- 89. Publish comprehensive reports regarding state and tribal reclamation liabilities from coal mine abandonments as well as outstanding reclamation requirements at current mine permits in order to identify communities at risk of dealing with unfunded, unreclaimed coal sites.

U.S. Department of Labor (DOL)

The Occupational Safety and Health Administration (OSHA) should:

- 90. Develop a federal standard to protect outdoor workers, including, but not limited to, workers in construction, agriculture, landscaping, and professions on the frontlines of exposure to wildfire smoke.

U.S. Department of Transportation (DOT)

DOT should:

- 91. Prioritize public transportation in electrification investments.
- 92. Build rebates into electric vehicle programs and make them immediately available to low-income communities.
- 93. Implement air pollution reduction standards.
- 94. Upgrade transit systems in underserved communities.
- 95. Provide incentives for alternative public transport such as vans and bicycles.

Appendix A. WHEJAC Members and Affiliations

Chairs

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Peggy Shepard | Co-Founder and Executive Director, WE ACT for Environmental Justice

Vice Chairs

Catherine Coleman Flowers | Founder, Center for Rural Enterprise and Environmental Justice

Carletta Tilousi | Member, Havasupai Tribe

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LaTricea Adams | Founder, CEO & President, Black Millennials for Flint

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Maria Belen Power | Associate Executive Director, GreenRoots

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Tom Cormons | Executive Director, Appalachian Voices

Jerome Foster II | Executive Director and Founder, Waic Up

Kim Havey | Director, City of Minneapolis Division of Sustainability

Angelo Logan | East Yard Communities for Environmental Justice

Maria López-Núñez | Deputy Director, Organizing and Advocacy, Ironbound Community Corporation

Harold Mitchell | Founder, ReGenesis

Rachel Morello-Frosch | Professor, University of California, Berkeley

Juan Parras | Founder and Executive Director, Texas Environmental Justice Advocacy Services

Michele Roberts | Co-Coordinator, Environmental Justice Health Alliance for Chemical Policy Reform

Ruth Santiago | Attorney, Comité Dialogo Ambiental and El Puente, Latino Climate Action Network

Nicky Sheats | Director, Center for Urban Environment, John S. Watson Institute for Urban Policy Research, Kean University

Viola Waghiyi | Environmental Health and Justice Program Director, Alaska Community Action on Toxics

Kyle Powys Whyte | George Willis Pack Professor, Environment and Sustainability, University of Michigan

Beverly Wright | Founder and Executive Director, Deep South Center for Environmental Justice

Hli Xyooj | Founder, Advancement of Hmong Americans

Miya Yoshitani | Senior Strategist, Asian Pacific Environmental Network

Designated Federal Officers

Karen Martin | U.S. EPA Office of Environmental Justice (March 2021–May 2022)

Victoria Robinson | U.S. EPA Office of Environmental Justice (May 2022–present)