



NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

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December 29, 2022

Michael S. Regan, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Regan:

Following much deliberation, the National Environmental Justice Advisory Council (NEJAC, or the Council) requests an in-depth look at the way in which environmental justice (EJ) and equity are incorporated into finance and investments at the EPA (“the Agency”). This call for action has been made by the NEJAC at previous public meetings to learn how the Agency is measuring demonstrable outcomes and prioritizing resources in EJ communities to address harmful air, soil, water, and other environmental impacts in the U.S., as well as among states, territories, and tribal nations.

To formalize this appeal, the Finance and Investment Workgroup (“the workgroup”) was established in the summer of 2021 by the NEJAC to look at the ways in which funding has been/is being distributed to overburdened and under-resourced communities. Given the public comments received during the NEJAC public meetings regarding funding, which raised the same issues over multiple years, the workgroup was asked to investigate both funding questions as well as how funding and finance issues can get resolved in a timely manner.

The Council would like to acknowledge the work that is currently being done by the EPA’s leadership in response to the NEJAC’s concerns, particularly its involvement in the April 20-21, 2022, public meeting on finance and investments. We welcome the Agency’s incorporation of equity as a fourth central principle to the overall mission of the Agency and the establishment of an Equity Action Plan. These commitments are necessary for meaningful improvements in and resolution of long-standing environmental injustices that exist across the U.S., states, territories, and in tribal nations.

The EPA’s Thriving Communities Technical Assistance Centers (TCTACs) program is a critical response to the NEJAC’s call for community-based hubs of representation and collaboration for a wide array of stakeholders. We are

encouraged by the promise of the TCTACs to increase capacity-building-related activities for EJ community residents and organizations. These hubs will facilitate leadership in equity-centered and culturally responsive methods by transforming research, increasing potential capacity for greater access to funding opportunities, and deepening community engagement practices through training and mentorship.

We acknowledge and greatly appreciate the work that is being done across the EPA's national programs to address EJ in tangible, meaningful ways. Given the considerable work that has gone into developing the Justice40 framework, which covers a large number of EPA programs, the NEJAC would like to learn more about EPA's methodology for calculating the distribution of program benefits, including descriptions of the metrics used to measure them, particularly for marginalized, overburdened and under-resourced communities and their residents. In addition, we are interested in understanding how funding and investments are being disbursed by relevant programs to ensure that EJ concerns are being addressed.

This inquiry is divided into five sections regarding marginalized, overburdened and under-resourced community investments and benefits to gain an understanding of EPA's methodology within and across programs. They consist of: (1) defining, (2) prioritizing, (3) assessing and distributing, (4) measuring and tracking, and (5) mapping and reporting. Each section aims to inform the NEJAC about how direct and indirect financial benefits and investments are intended and are derived through EPA programs and leadership decisions.


The NEJAC is asking for the following information from the EPA across all five (5) sections within the next six months:

1. A response as to how each of the sections we describe above are being implemented.
2. A roadmap plan that outlines how EPA's implementation of Justice40 objectives will be conducted.
3. A presentation of foreseen challenges or barriers toward ensuring timely prioritization of funding and investments to EJ communities across short-, medium-, and long-term timeframes.
4. A consultation with the NEJAC on the ways in which finance and investment opportunities in communities with legacy EJ problems will result in environmental and economic improvements for these communities.

Finally, in the attached document, we present an outline of our questions and then offer some initial recommendations for your consideration.

The NEJAC is truly appreciative of your time and consideration of these concerns, questions, and recommendations. We believe your administration's unmatched commitment to ensuring equitable and meaningful policies and regulations for communities with EJ concerns can only be improved with greater transparency and reporting of the finance and investment activities in these communities.

Sincerely,



Sylvia Orduño, Co-Chair



Na'Taki Osborne Jelks, PhD, Co-Chair

cc: NEJAC Members

Robin Morris Collin, Senior Advisor for Environmental Justice

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NEJAC Requests for the EPA Methodology on Investments and Benefits in Environmental Justice Communities

1. DEFINING Investments and Benefits in EJ Communities

The NEJAC seeks information on how the EPA defines investments and benefits so they can be provided to overburdened and under-resourced communities (i.e., how do the definitions of investments and benefits help direct or determine where, how, when, and why EPA-funded resources are utilized). **The NEJAC calls for race/ethnicity to be at the center of any definition regarding environmental justice**

- a. Defining investments
 - i. How does the EPA define investments – direct and indirect – for economically under-resourced, communities of color and/or communities overburdened with significant environmental problems and/or communities with health disparities? Does this definition include both EJ community residents and organizations?
- b. Defining benefits
 - i. How does the EPA define benefits – direct and indirect – for economically under-resourced, communities of color and/or communities overburdened with significant environmental problems and/or communities with health disparities? Does this definition include both EJ community residents and organizations?
- c. Defining improving capacity
 - i. How does the EPA define quantifiable, measurable, and sustained improvement in local capacity building?
- d. Standardizing definitions across EJ communities
 - i. Regarding under-resourced, socially and economically disadvantaged, communities of color, and/or communities overburdened with significant environmental problems or with health disparities, what terminology and criteria is the EPA employing to define and describe areas with EJ concerns for the purpose of distributing investments and assessing benefits?
 - ii. How has the EPA incorporated health, equity, and civil rights into the definition of EJ communities?
 - iii. How has the determination of these definitions been informed through meaningful community engagement?

2. PRIORITIZING Investments and Benefits in EJ Communities

At the NEJAC’s April 2022 public meeting, Deputy Administrator McCabe indicated that a fourth principle for the EPA is advancing justice and equity. This is a laudable principle, and the Council is hopeful it will lead to the resolution of many long-standing concerns over environmental injustices that have been brought forward in multiple fora.

The NEJAC seeks to understand how the EPA’s offices and programs prioritize and center the concerns and needs of communities experiencing EJ problems through distribution of financial investments and benefits. We anticipate that evidence toward these priorities would be shown

through programs and policies operating with meaningful community involvement, authentic public engagement, community-based project inputs, direct funding initiatives, and staffing. The Council has been informed that there may be implementation barriers or challenges (e.g., technological) experienced by some Agency offices and programs.

- a. How is the EPA seeking to incorporate community-defined priorities and selected investments?
- b. How is equity utilized as a determinant in the EPA's prioritization of when, how, where, and why funding and investments are placed for EJ concerns?
 - *Example from the NEJAC's meeting public comments:* In Michigan City, Indiana, where two (2) million tons of toxic coal ash waste are leaking into Lake Michigan and neighboring Trail Creek at the Northern Indiana Public Service Company's (NIPSCO) Generating Station, residents are highly concerned that any EJ funding that will become available to the State of Indiana – whether through the Infrastructure Plan or Justice40 Initiative – will be deliberately misappropriated. The EPA is urged to have boots on the ground in EJ communities like Michigan City, where residents have tried to solidify funding through the EPA's air monitoring grant contest. The residents attempted to navigate that complicated process only to discover they needed matching funds to receive a grant. Frontline community organizations do not have that kind of money and/or resources and ask the EPA to consider changing this requirement.
- c. Among the [EPA's seventy-three \(73\) pilot areas](#) [pilot areas], how are priorities established to determine where, when, and why finances and investments were placed to correct environmental problems in affected communities and to ensure justice and equity?
 - With respect to the EPA small grants program flowing through universities and large nonprofits, we are concerned that EJ communities will not be meaningfully engaged, and that organizations will prioritize existing relationships instead, which will preserve the status quo. Thus, the EPA won't have the necessary critical relationships, won't be directly involved with disadvantaged communities, and won't have direct access to the innovative opportunities that offer a better understanding of project needs across regions and systemic issues.
- d. How is the EPA prioritizing the types of technical and financial assistance opportunities that it is providing to governmental partners, other stakeholder groups, and, particularly, EJ community groups, to include "ground floor" level assistance to communities with traditionally lower capacity and funding?

3. ASSESSING/DETERMINING and DISTRIBUTING Investments and Benefits in EJ Communities

The NEJAC is keenly interested in learning how the EPA determines and distributes funds for Justice40 programs. We seek information on how the EPA provides avenues to allow for residents and community-based organizations (CBOs) to gain access to funding and overcome barriers that often prevent them from competing with better-resourced non-governmental organizations (NGOs) and academic institutions.

- a. Regarding the assessment and distribution of funding for programs that fall under the Justice40 framework, what research and methodology are being used to ensure EJ communities and their residents directly benefit from current and new investments (i.e., by what processes are the programs funded to ensure equitable distribution of financial resources to benefit EJ communities)?
 - i. How many EJ communities are recipients of the initial Justice40 six (6) pilot programs? What is their distribution across EPA regions?
 - ii. Under the Justice40 framework, how are CBOs included in the assessment and distribution of funding and investments to address concerns in EJ communities?
 - iii. How is the EPA improving its assessment and distribution process to provide a higher level of investments and benefits to EJ communities and their residents in the future?
 - iv. How does the EPA plan to improve procurement and contracting processes to ensure that resources get to targeted communities and their residents?
 - v. How does the EPA plan to integrate strong DEI accountability for companies who receive funding to install new infrastructure and provide benefits to EJ communities and their residents?
 - vi. How does the EPA plan to ensure that ownership opportunities improve for local residents in EJ communities and provide economic opportunity for communities of concern?
 - vii. How does the EPA plan to apply racial equity principles and objectives outlined in Executive Orders on racial equity in providing investments and benefits to EJ communities and their residents? How will the EPA track this?
- b. How are the EPA National Programs ensuring that their funding and investments are successfully distributed to produce measurable benefits and outcomes for EJ communities?
 - i. How are communities being selected?
 - ii. What are the standards being used to monitor where the funding is going and then what they are being used for?
 - iii. What is being done to bring in new underserved and under-resourced communities to the funding table?
 - iv. How is the EPA supporting EJ communities across its [pilot areas](#) through finance and investments in the establishment of community workforce development through training and worker programs?
- c. When multiple agencies are contributing to an EPA EJ initiative, how is baseline funding assessed by the EPA National Programs?
- d. Assessing and strengthening regional engagement: the EPA Regional Offices are central to ensuring the resolution of EJ problems. During the April 2022 public meeting, NEJAC members raised questions about how the relationships between the EPA Regional Offices and local community organizations and residents can be strengthened.

- i. How are the EPA National Programs assisting Regions with outreach and proactively supporting EJ communities through funding and investments?
 - ii. How are the EPA Regional Offices assisting with community outreach across its [pilot areas](#)?
- e. How will public engagement in EJ communities become a central component of EPA's success in distributing investments and benefits in these communities? To this end, how has EPA effectively utilized the NEJAC's [Model Plan for Public Participation \(2000\)](#) in its determination and distribution of investments?
 - i. How are adaptive and innovative approaches being incorporated into public outreach and engagement (including culturally and linguistically appropriate means)?
 - ii. How will the EPA provide accessible and culturally appropriate opportunities for low-income, minority, and linguistically isolated stakeholders to meaningfully participate in the decision-making process?
 - iii. How is the EPA funding or investing in hiring for language and cultural access skills among those directly connected to the community and culture of the impacted population, across its [pilot areas](#)?
 - iv. How are web-based Geographic Information System tools (e.g., EJScreen) being used to help identify the location and concentrations of EJ communities, issues, needs, and responses?
- f. Developing capacity-building centers within marginalized communities can be an invaluable resource to aid in the effective distribution of investments and benefits to EJ communities and their residents. There are key questions about how the Thriving Community Technical Assistance Centers (TCTACs) and other capacity-building centers will be developed and operated.
 - i. What criteria will be used to determine the location of capacity-building centers?
 - ii. What EPA programs can be leveraged with capacity-building centers to streamline the allocation of Agency resources?
 - iii. How will they engage with other EPA technical assistance centers such as the Environmental Finance Centers (EFCs) and other federal agency TCTACs?
 - iv. For lower capacity communities in need of training, consultation, coaching, meeting coordination, tools and resources, capacity development, and support, how will these centers provide "ground floor" level assistance?
 - v. What steps will the EPA take to increase support for community-led initiatives?

4. MEASURING and TRACKING Direct Investments and Benefits in EJ Communities

To understand the scope and flow of the EPA direct and indirect funding, financing, and investments in EJ communities, the NEJAC would like to learn how the following parameters are measured and tracked in national programs, including those governed under the Justice40 framework.

The unfair treatment of EJ communities has resulted in increased vulnerability to environmental hazards, which is a result of adverse environmental, health, economic, or social conditions within these areas. Investing in these communities will address decades of underinvestment, provide essential critical resources, and promote equity and reduce disparities, which is crucial to creating sustainable and just communities.

Our questions related to measuring and tracking investments and benefits are presented in three sections: (a) What types of investments and benefits are being measured? (b) How are investments and benefits being measured? and (c) How are specific barriers and challenges to measuring investments and benefits being addressed?

a. What types of investments and benefits are being measured?

i. **Direct benefits:** In which ways are program investments and benefits for communities with EJ problems and their residents measured and tracked for program areas, and what measures were utilized to ensure intended targets receive direct EPA benefits? Below are a few examples of how these direct benefits might be actualized

1. Benefits can include cumulative impacts, jobs, health, housing, resilience building, capacity building, economic capital, and quality of life. Contribution of funding is a critical part of benefits, so are “avoided harms.” These include: avoided heat islands, avoided flooding, avoided death dismemberment, and disparities (economic, social, environmental, health).
2. Case study #1: One specific example is the Portland Clean Energy Community Benefits Fund (PCEF), which is a community-driven model that measures direct economic benefits and economic inputs for indexing community benefit. The PCEF is the nation’s first climate fund created and led by communities of color. PCEF centers Black and Indigenous people, and other disadvantaged and marginalized groups, in addressing the climate crisis and advancing racial and social justice. PCEF strives to offer and implement a community-led vision, grounded in justice and equity, that builds citywide resilience and opportunity. The fund raises and distributes millions of dollars in new annual revenue for workforce development, clean energy, green infrastructure, and regenerative agriculture projects resulting in green jobs, healthy homes, and sustainable communities.
(<https://www.portland.gov/bps/cleanenergy>)

ii. **Indirect benefits:** While it is common for services provided to be used as an indirect or surrogate measure of benefits, the NEJAC is interested in working with the EPA to ensure that investments focus more on delivering greater levels of direct benefits for EJ communities and their residents. Yet we would raise questions regarding how indirect benefits are measured.

1. In which ways does the EPA include services or other indirect benefits such as grants and/or technical assistance to local institutions in its measurement of benefits?
2. How will requiring an investment minimum strengthen the 40% goal for direct investments in disadvantaged communities?

3. What is the EPA doing to maximize direct investments and benefits and minimize the reliance on indirect investments and benefits as measures of impacts on EJ communities and their residents?

iii. **Cumulative benefits:** Just as cumulative impacts must be considered; cumulative benefits must also be considered. Cumulative impacts and benefits are the long- and short-term effects resulting from a range of activities in an area or region. Any individual impact or benefit may be minor in isolation but in combination with multiple effects they can be significant.

1. How can tracking positive cumulative effects better inform policymakers, decision makers, and community advocates on how to balance negative and positive impacts? Often, economic benefits to communities are promoted to counter negative health impacts but communities rarely realize the proposed economic benefits. Can better tracking help communities and their residents realize these benefits?
2. To understand how to track benefits it is crucial to understand how negative impacts are tracked. If proximity to polluters, lack of healthcare, high levels of racial and economic segregation are all tracked as cumulative negative impacts, how will indicators like healthcare access, neighborhood diversity, improved access to nature, improved air quality, and mixed income communities be tracked as cumulative benefits?
3. How can cumulative benefits tracking empower at-risk communities to identify potential areas for growth and future partnerships?
4. How will tracking cumulative benefits inform policymakers in determining the effectiveness of their proposals?
5. Where can cross program collaboration/coordination ensure cumulative benefits for disadvantaged communities and their residents?
6. What additional metrics will need to be developed for adequate benefit tracking to determine whether a community and its residents are receiving **cumulative benefits**?

b. How are investments and benefits being measured?

i. **Methodology**

1. What methodologies is the EPA using for measuring and tracking each of the following types of benefit indicators in its programs? (Recognizing that some methodologies may be complex, please identify current online references for them)
 - Social benefit indicators used by the EPA.
 - Economic benefit indicators used by the EPA.
 - Environmental benefit indicators used by the EPA
 - Built
 - Infrastructure

- Natural/Ecological
 - Health benefit indicators used by the EPA
- ii. **Performance targets:** What performance targets have been established by the EPA to determine EJ community benefits?
 1. How will the EPA improve methods for identifying, addressing, tracking, and measuring progress toward achieving environmental justice?
 2. What are the metrics of success that the EPA will use to evaluate the Justice40 initiative?
 3. How can the EPA integrate procedures that include justice-oriented funding criteria to ensure Justice40 objectives are achieved across administering agencies, EPA regions, and states?
 4. How are targets modified based on data or community experience?
- iii. **Tracking Tools:** The NEJAC acknowledges and appreciates the work being done by the former Office of Environmental Justice (OEJ) to develop a tool to track EJ investments and benefits.
 1. Will meaningful community involvement and authentic engagement be central components in the further development of tracking tools? How will the EPA make this happen?
 2. How will developing nationwide tracking tools allow for communities to compare different strategies and for policymakers to understand the effects of their decision making?
 3. How will the system for tracking the allocation of EJ funds and their community impact allow for the essential reporting on investment and community benefits? Understanding the paper trail of funding and correlated benefits or negative impacts will provide the stakeholders with vital information concerning ongoing environmental injustices.
 4. How will the NEJAC and OEJ work together in an integrated process to prepare tracking tools? These tools will provide accurate on the ground community data. With this data communities can drive the placement of the investments and benefits to advance environmental justice.
- iv. **Tracking outcomes of funding and investments:**
 1. What are the baseline standards for the defined benefits in the EPA programs that are now covered under the Justice40 framework?
 2. What are the baseline benefits for EJ communities, including goals and progress?
 3. Are there common categories of benefits that are defined?
 4. How are technical assistance programs adequate for assisting new EJ communities and their residents in coming to and staying at the funding

table? And how will they track and improve outcomes for these communities?

5. How does the EPA hold itself accountable for ensuring that community-defined benefits are materialized? How does the EPA hold stakeholders (state and local government, banks, business, and industry) responsible for providing community-defined benefits?
- c. How are specific barriers and challenges to measuring investments and benefits being addressed?
 - i. How will the EPA ensure that place-based indicators of environmental hazards and population characteristics are community-informed and relevant to the geographic area of interest?
 - ii. How will the EPA expand access to and the availability of high-resolution, hyperlocal data for tracking investments?
 - iii. How will the EPA incorporate indicators for social progress and climate resilience to fortify existing screening tools so they can provide a robust profile of the communities in greatest need of policy intervention, meaningful involvement, and funding allocation?
 - iv. How will the EPA develop wellness and quality of life indicators in a way that accurately represents individual and community well-being, while maintaining an efficient and uniform system to evaluate and quantify wellness and stress/stressors?
 - v. How will the EPA measure the impact of natural and environmental/industrial hazards on disadvantaged groups, as opposed to on regions as a whole? This is important because disproportionate impacts on these groups can be masked by the overall estimate for a region.

5. MAPPING and REPORTING Investments and Benefits in EJ Communities

- a. The EPA needs to develop a clear and transparent approach to mapping and reporting to the public on where the Agency's funding is distributed and used. How is the EPA planning to accomplish this?
- b. How will the EPA develop a visualization tool for funding that includes mapping of indicators, applicants, and awarded grants/projects? This tool should include information about names of grantees, if they are publicly available, as well as demographic breakdowns of grantees and participating organizations, locations of communities where the project is taking place, and specific information on how the funds are being used once they have been disbursed, etc.
 - i. How will future mapping tools incorporate longitudinal records, so each year's data can be recorded and updated? The ability to provide longitudinal data is crucial and the [Department of Energy's Energy Justice Dashboard](#) provides a framework for success.

- ii. Will the EPA engage with the WHEJAC to determine whether a funding visualization tool can be incorporated into the Climate and Economic Justice Screening Tool (CEJST)?

In conclusion, the NEJAC believes that prioritizing the tracking and transparency of funding to under-resourced and overburdened communities is essential in achieving environmental justice. There is momentum given the Justice40 framework and the associated political objectives to make leaps forward in addressing environmental injustices within the U.S., states, territories, and tribal nations. The NEJAC is encouraged by some of the work that is currently being done by the EPA and looks forward to learning tangible results as it pertains to finance and investments to address issues faced by communities with EJ concerns.

NEJAC Recommendations to the EPA

1. **DEFINING Benefits and Co-benefits in EJ Communities**

- a. The NEJAC recommends a “model” definition of benefits that will be used to determine how benefits will be assessed in relation to the multiple funding streams that have been designated to address environmental injustices, paying close attention to the Biden Administration’s EOs #14008 and #13834, and Justice40 initiative. This definition should include a co-creation¹ of metrics through meaningful engagement with residents of communities that face environmental injustices to determine the prioritization of benefits – both direct and indirect. Additionally, we seek an understanding of the EPA’s definition and measurement of co-benefits or ancillary benefits.

2. **PRIORITIZING Investments and Benefits in EJ Communities:**

The NEJAC recommends the following:

- a. Clarify the scope and flow of investments, benefits, and co-benefits to EJ communities, to ensure that those communities and their residents receive direct benefits. Clarify the process for identifying, prioritizing and micro-targeting EJ communities.
- b. EJ projects should be designed and determined by impacted EJ communities and their residents through local CBOs² that serve as program leads or principal investigators with supportive partner organizations and institutions.
- c. Investments should be targeted geographically where environmental hazards, pollution, contamination, and infrastructure gaps exist. Project funding should flow directly to target communities to leverage, build capacity and expertise, not be directed solely to universities, large non-profits and/or non-local entities. This will help to maximize the positive impacts to and minimize financial and administrative burdens on grassroots organizations and impacted residents.
- d. Ensure that grassroots organizations, CBOs, and NGOs, are prioritized for funding that provides capacity building, administrative, and technical support to do the EJ work that addresses their concerns. There should be a screening mechanism included in the grant application review process that ensures the businesses and contractors paid to do the work are members of the affected communities. The EPA should provide ample funds to train community members to manage ongoing maintenance of projects in their communities.
- e. Investments need to be provided to those organizations that are based in the communities that are experiencing the injustices. There must be direct funds that go into skills training and workforce development within these communities. Creating and strengthening green

¹ “Co-creation is engaging in an intentional relationship in order to make something together. Co-creating is usually making something from nothing, using the dynamics of the relationship to build it.” “Co-creation refers to a process of collaboration that draws on different forms of knowledge, expertise and perspectives.” Source: Beyond Buzzword: What Does “Co-create” Even Mean? by Melissa Wong. <https://www.thedesigngym.com/beyond-buzzword-co-create-even-mean/>

² CBOs are place-based and therefore more likely than NGOs to hit the target where funding is most needed. NGOs can qualify for grants by showing affiliations with CBOs. There could even be a consortium of CBOs that comprise an NGO, for example.

jobs programs in under-resourced, over-burdened and marginalized communities should be prioritized. Furthermore, residents of EJ communities must lead the design and direction of workforce development projects to ensure that they will economically improve and benefit their communities.

- f. Regional EJ advisory councils (REJACs) should be created in each EPA region to expand and improve community engagement and leadership on EJ issues and related concerns.
 - i. The member nomination process should be modeled after the NEJAC. Community input from local organizations and residents is crucial in selecting members that would serve on these bodies.
 - ii. Area expert volunteers should be compensated for their work.
 - iii. At least one annual meeting should be held between the REJACs and the NEJAC to address the state of EJ concerns and develop strategies for advancing EJ at the national and regional levels.
 - iv. REJACs should directly address regional issues, in order to create a list of priorities and to determine how the EPA Regional Offices communicate with frontline and fence-line communities. There should be a method of delivering and measuring technical support and funding to EJ communities, and accountability so that people who need resources the most have capacity and access.
 - v. The EPA Regional Offices should be instructed to reach out to the NEJAC members in their regions. Quarterly regional meetings consisting of the REJAC and any state level EJACs in the region should be convened by the Regional Offices.

3. ASSESSING/DETERMINING and DISTRIBUTING Investments and Benefits in EJ Communities

We're looking for balance, equal representation, equity, participation from the community itself, serious inclusion of the community, recognition of the local people and their experiences, leadership of the residents in these projects, and demonstrations of the empowerment of local leadership by EPA funders.

We call for the meaningful and authentic engagement of communities of concern experiencing environmental injustices. There must be community-driven processes in defining the benefits and investments that result in meaningful improvements for communities and their residents.

The NEJAC recommends the following:

- a. Under-resourced, over-burdened and marginalized communities need to have the capacity to address their environmental injustices themselves. There must be an infusion approach, targeting capacity building (both depth and breadth) in these communities to effectively address injustices. This can be done through the following:
 - i. The EPA must fund and invest in technical support for CBOs and NGOs to become lead Principal Investigators (PIs)/project directors. This funding should be available for CBOs to build and maintain their capacity (leadership, organizational, fiscal, and programmatic). As indicated by the following

examples, the call for supporting CBOs and NGOs is coming directly from community members who are impacted by injustices.

1. *Example 1 from the NEJAC's public meeting (April 2022) written public comments:* "Justice and Fair Treatment-Affected communities should be empowered and engaged by designating federal funding for grassroots community groups to hire independent, scientific, technical, and health consultants. The EPA federal funding must also make sure that they do not invest any time or money that does not deal with the problem from start to finish. We are on the ground taking action against these environmental injustices and we need your support."
 2. *Example 2 from the NEJAC's public meeting (May 2022) oral public comments:* "We've just had over the last two days, a whole conference with Puerto Rico and the Virgin Islands talking about climate change and wonderful projects that are being implemented and funded for climate change and those are great opportunities to change our economy to something that is not going to... make people sick and cause cancer and asthma. We needed funding and technical expertise to get us started. Finally, the funding... has to be directed to community offerings and not just local government, which has really proven that they are ineffective, and committed to implementing the forward-looking change needed. As Dr. Wilson stated: "A lot of these government offices are the ones that kept us in this sort of same result over and over."
- ii. The EPA Regional Offices should advance capacity building and maintain that capacity within under-resourced, overburdened and marginalized communities through adequate funding and investments of resources to:
 1. Improve depth of communication with frontline/fenceline communities to provide adequate resources (financial, technical, scientific, programmatic) to address community concerns.
 2. Increase the EPA EJ staffing capacity to enable hiring of community members, through direct funding and investments, particularly full-time employees (FTEs), to assist with addressing the EJ concerns of local communities and grassroots organizations.
 - iii. In getting benefits to the communities, workforce development is critical along with DEI in contracting and procurement. The latter is important to understand how the benefits get to communities without economic exploitation (i.e., contracts being given to businesses not based in the community). When funding goes directly to businesses within impacted communities, it cycles in the communities, leading to greater economic benefits.
 - iv. Assess and track outcomes of community engagement related to EJ concerns at the national, regional, and state levels to ensure that the engagement is meaningful and leads to positive impacts.
 1. Provide funding for CBOs and outside partners to evaluate engagement activities.

- v. Increase funding for after school and summer youth programs.
 - vi. The benefits must be experienced by those in the most marginalized spaces. Metrics must be developed that capture these benefits (economic, social, health, environmental, and ecological) and track how these benefits are providing distributional and restorative justice.
 - vii. The EPA programs should establish an investment framework with objectives to target and address disparities in EJ communities.
 - viii. Develop processes that enable residents of EJ communities to drive local policy as well as address local administrative and legislative issues related to environmental, climate, and energy injustices.
 - ix. Develop regional and local green banks to promote affordable, equitable green energy growth through federal and regional agencies.
- b. Commit to developing capacity-building centers (including EJ-funding accelerator projects) within target communities to enable them to have local technical resources available for applications.
- i. Provide capacity-building resources to communities, especially to underserved communities and those facing EJ challenges. For instance, in 2016, the EPA sponsored a Near-Port Community Capacity Building Project with The Port of Seattle (POS) in collaboration with Just Health Action. The Port of Seattle decided to fund Just Health Action through a Memorandum of Agreement so they could participate in the process as a community organizer and advocacy organization. As a result of this investment, the Port Community Action Team (PCAT) worked collaboratively with the POS in 2019 to develop a Community Benefits Commitment.
 - ii. The EPA should work with EJ stakeholders to develop community-building metrics for projects.

4. MEASURING and TRACKING Direct Investments and Benefits in EJ Communities

It is imperative that investments in communities that have been historically under-resourced be a national priority. Metrics must be developed to determine which strategies allow communities to receive the maximum available benefits. Processes must be developed to identify investments that achieve action-based outcomes to solve issues in EJ communities rather than simply monitoring and reporting existing conditions.

The NEJAC recommends the following:

- a. Develop clear and strong guidelines for states to implement EJ objectives with the federal funding they receive. These guidelines should also apply to the states' work with local governments and municipalities.
 - i. These guidelines should include:
 - 1. Strong guidelines that provide for justice-oriented funding criteria, implementation requirements, transparent reporting of results, objective

evaluation, and enforcement mechanisms to ensure Justice40 objectives are achieved.

2. Processes to cultivate the ability of EJ communities to manage and lead local investments and to be included in decision making that promotes a multi-sector approach to community-driven priorities.
 3. Ensure EJ communities receive consideration for principal forgiveness on loans, direct grants, and additional points on applications for infrastructure projects.
 4. Stronger EJ guidelines for regions, states, and local municipalities that require reporting on how EJ objectives are being measured and met. These guidelines should be developed in collaboration with leaders from communities with EJ issues.
- ii. This priority was highlighted in a recent [\(11/15/2021\) letter by State of Michigan officials](#) [regarding EPA consultation on permitting in EJ communities] seeking “clarity on how states should protect vulnerable communities in [controversial] permitting decisions.”
- b. Consult with EJ communities to expand the EPA database for Supplemental Environmental Projects (SEPs) at the state level.
 - c. Evaluate and measure the performance of TCTACs, EFCs, and other capacity-building initiatives designed to assist EJ communities with planning and design grants and/or bridge loans in terms of their success in helping these communities get through the application, project development, implementation, and evaluation processes.
 - d. Provide EJ CBOs with grants for the construction of infrastructure (sewer, water, transportation, housing, food, climate resilient) needed to provide safe and healthy neighborhoods.
 - e. Develop measurement and tracking mechanisms that ensure investments in target communities will build long-term climate equity and generate community wealth through localized employment that will be retained to address economic inequality.
 - f. Use community input from local organizations and residents to build new initiatives that address climate change, with a focus on equity in preparedness, response, recovery, mitigation, adaptation, and resilience, build community wealth, and address inequities in clean energy programs and/or social services funding.
 - g. All EPA supported programs at the national, regional, state, county, and municipal levels should provide written documentation on the metrics that address direct and indirect investments and benefits to the EJ communities served. This documentation should include performance measures and goals designed to promote programmatic accountability.
 - h. All EPA supported programs should measure their effectiveness in informing and engaging community members around the investments needed to produce desired community benefits. This approach increases public awareness about social, economic, environmental, and health indicators for EJ communities.

5. MAPPING and REPORTING Investments and Benefits in EJ Communities

All EPA programs should develop an easily accessible and user-friendly public tool that provides data on where EPA funding is distributed, used, and assessed. This tool should allow for transparency and accountability, and it should be something that can be used by EJ communities. There must be a method for communities to provide feedback on the tool, and for that feedback to inform improvements in the tool over time.

- a. Develop an online **visualization tool for EPA funding** that maps indicators, including data on distributed resources, and allows for community-based analyses, such as:
 - i. Unit of analysis: develop a clear unit of analysis for defining EJ communities from a geographic perspective.
 1. Need units of analysis for geographic spatial understanding of the data (e.g., block groups or census tracts, zip codes or community defined boundaries) to reduce the potential for places getting lost or missed in the analysis (i.e., masking).
 - ii. Applicant location: locations of project applicants and fiscally sponsored groups, if different.
 - iii. Grantee demographics: a breakdown of grantees, organizations, and communities where funded projects take place.
 - iv. Longitudinal data: provide longitudinal data on funding to EJ communities. For example, the [Department of Energy's Energy Justice Dashboard](#) is a good model.
 - v. Accountability: provide a transparent accountability framework for tracking federal spending for EJ.
 - vi. Disparities: provide data to identify and track absolute and relative magnitudes of disparities within and across communities to support robust evaluation and accountability.
- b. There should be an EJ screening mechanism that ensures that the contractors paid to do the work are members of the affected communities. If necessary, provide ample funds to train residents from communities of concern to carry out ongoing maintenance.
- c. Support improvement of currently existing tools and their concurrent use to identify and prioritize community members' concerns.
 - i. Support better engagement with the WHEJAC regarding CEJST to determine whether a funding visualization tool can be incorporated into this screening tool.
 1. The purpose of the CEJST tool is to help Federal agencies identify disadvantaged communities that are under-resourced and overburdened by environmental hazards and related pollution and help with the disbursement and allocation of funding to these "disadvantaged communities." The current version of the tool provides socioeconomic, environmental, and climate information to inform decisions that may affect these communities.
 - ii. Need interoperability of screening tools to microtarget resources to communities with the most need. Thus, EJScreen should be used in concert with CEJST.

1. CEJST can be used in the initial review as an indicator of EJ concerns, but since it doesn't include race, environmental racism, which is an important predictor of environmental hazards, can't be directly incorporated into screening with this tool. Thus, EJScreen must be used as a paired tool with CEJST.
- d. Codify the use of screening tools or other processes for microtargeting federal funding allocations to EJ communities and businesses. These screening tools should be used along with community engagement to prioritize the needs within communities that have been highly ranked due to their EJ concerns.
- e. Use integrated indicators in EJ screening tools to consider cumulative impacts in environmental decision making.
 - i. Formalize a mechanism to conduct and evaluate cumulative impacts for Agency actions. Engaging with the Science Advisory Board, the NEJAC, and the National Academy of Sciences can provide valuable feedback on how to include cumulative impacts analysis into EJScreen.