



April 10, 2023

Matthew Tejada  
Deputy Assistant Administrator for Environmental Justice  
Office of Environmental Justice and External Civil Rights  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20460

Re: Docket ID No. EPA-HQ-OEJECR-2023-0023

Dear Administrator Tejada and EPA Staff,

The Climate Justice Alliance (CJA) welcomes the opportunity to comment on the Environmental and Climate Justice Block Grant Program (ECJ Program) created by the Inflation Reduction Act (IRA) under Clean Air Act (CAA) Section 138, to provide funding for financial and technical assistance to carry out environmental and climate justice activities to benefit disadvantaged communities. We urge you to prioritize funding directly to organizations accountable to frontline environmental justice communities and Just Transition solutions as you disburse funding for climate justice block grants.

Climate Justice Alliance is a member-based alliance of 89 urban and rural frontline communities, organizations and supporting networks in the United States, including Guam and Puerto Rico. Our translocal organizing strategy and mobilizing capacity is building a Just Transition towards resilient, regenerative, and equitable economies. The comments below represent the wisdom, experience and vision of frontline led environmental justice organizations and our allies, who see these funds as an opportunity to directly, and urgently, address the systemic, root causes of climate change and redress historical and ongoing environmental injustices affecting frontline communities across the United States.

**The Climate Justice Alliance encourages the EPA to use Just Transition Principles and Framework to inform all of its work :<sup>1</sup>**

Just Transition is a vision-led, unifying and place-based set of principles, processes, and practices that build economic and political power to shift from an extractive economy to a regenerative economy. Essentially, community controlled projects that enable community leadership from inception to implementation is critical in forging a Just Transition. This means approaching production and consumption cycles holistically and in a waste-free manner. The transition itself must be just and equitable, redressing past harms and creating new relationships of power for the future through

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<sup>1</sup> <https://climatejusticealliance.org/just-transition/>

reparations. If the process of transition is not just, the outcome will never be. Just Transition describes both where we are going and how we get there.

## **ECJ Program Design**

### **(Question 1) To ensure the grants benefit disadvantaged communities,**

- A. Ensure multilingual outreach of the Fund Program and invest in targeted outreach to Black, brown, Indigenous, AAPI, and people of color, as well as multilingual applications and technical assistance. Language is a barrier to capital and financing in some disadvantaged communities.
- B. Ensure that the Fund Program is designed to provide equal access for people with disabilities. State and local governments are required to be ADA-compliant. All grantees and subgrantees should also be held, at least, to the same standard.
- A. Develop a co-governance process with environmental justice community experts for program design. EPA should continue to seek comment and guidance from environmental justice communities beyond the public comment period before and during the administering of the Program. The EPA should also support the White House Environmental Justice Advisory Council (WHEJAC) in developing a work process among WHEJAC, the White House Interagency Council (IAC), and National Environmental Justice Advisory Council (NEJAC), in providing support to the EPA in the design, implementation, and evaluation of the Fund.
- B. The EPA should provide a public fact sheet about how the Fund is designed to meet Justice40 goals for the sake of transparency and accountability. Additionally, the CEJS tool should add a layer showing government investments, including those required by Justice40, by census block.

### **(Question 2) To reduce burdens on applicants, grantees, and/or subrecipients,**

- A. Technical assistance should be provided in the form of EPA staff assigned to grantees and/or subrecipients to help put together application submissions and to complete required grant reporting.
- B. Longer applications should be divided into multiple sections that can be completed one at a time. Applications should offer multiple choice options over long form responses as much as possible, allow for multiple answers on multiple choice where possible, and make essay questions cut and paste where possible.
- C. Provide a rubric/key for grantees and subrecipients to understand the scoring of applications and for transparency.
- D. Provide an explanation of all terms of the grant and grant application process in plain language, as well as translated into all languages represented by potential applicants). Plus, offering the ability to work with a staffer or designated rep to complete the application, and allow for (but not require) non-traditional application forms (video & voice recordings)
- E. Provide clear guidelines and options for applicants to receive funding and reduce financial reporting guidelines. Audits should not be required for grants to community based organizations in disadvantaged communities. Grant payments from the EPA should be made in full at the start of the grant period.

**(Question 3)** Regarding the considered process of a single rolling NOFO versus multiple separate NOFOs, we support a rolling application process with 90-day submission periods to allow those who may have missed the first announcement or are not “project ready” by the first round to apply. We recommend the EPA provide specific feedback and coaching to applicants who present projects with potential.

**(Question 4)** While we applaud EPA’s innovative approach to address the burdensome application process, we urge you to consider allowing organizations to choose between submitting written and/or digital presentations, with guidance on accessing both processes. Taking into account that these processes will still place a burden on organizations with limited staff bandwidth, it does provide some agency for organizations to assess their capacity and have further decision making power over their submissions.

### **Eligible Projects**

**(Question 1) in addition to listed eligible projects, the EPA should include the following as eligible projects**

- A. energy retrofits and building requirements for landlord/renter properties with safeguards against displacement.
- B. Building retrofits in disadvantaged communities to enable energy upgrades.
- C. Rooftop + community solar, and battery projects in disadvantaged communities.
- D. Home energy efficiency upgrades including weatherization in disadvantaged communities.
- E. Urban food gardens
- F. Urban rain gardens
- G. Public transportation expansion designed to reduce vehicular traffic/vehicular pollution.
- H. Weatherization (for health and energy burdens)
- I. Direct funding for upstream waste solutions. Source reduction and reuse/refill (First 2 R’s of waste hierarchy), organics collection programs, compost infrastructure, food waste prevention, new city-scale reuse systems and infrastructure.
- J. Remediation and land purchase – land use for freshwater projects, food sovereignty, community-based and community-centered programs that provide zero waste, reuse, composting, and recycling education and outreach as well as initiatives that aid in the development or improvement of municipal composting and recycling infrastructure

**The EPA should create a list of ineligible projects for false solutions that will not be funded.**

- A. False solutions are approaches to solving the climate crisis that do not address the root causes, exacerbate existing injustices, allow polluting industry to continue business as usual and their reliance on fossil fuels, and/or are reliant on unproven/underdeveloped technology that disrupts the natural sustainability of the planet, **causing additional direct or indirect environmental harms.**
- B. False solutions include: fossil gas with and without carbon capture and storage and other fuel-based technologies; waste incineration and other combustion-based technologies; bioenergy including biomass, biofuels, factory farm gas, landfill gas, and wood pellets; hydrogen; nuclear energy; geoengineering, and new, large-scale and ecosystem-altering hydropower, and all

market-based accounting systems like offsets. List should include: Incineration/WTE, chemical recycling, advanced recycling, and molecular recycling.

**Investments should prioritize recipients that will invest in projects that reduce greenhouse gas emissions with racial equity and repairing of historical harms. To that end, we provide more detailed considerations:**

- A. Ensure projects reduce greenhouse gas emissions and do not cause negative environmental externalities. Ensure projects do not perpetuate reliance on natural gas and fossil fuels, even if it is in conjunction with carbon capture and storage (CCS) technology. These types of technologies should be excluded.
- B. Prioritize projects that will invest in distributed energy solutions that democratize access and cooperative and/or community ownership of clean energy like solar and wind. The EPA should support projects of home weatherization, microgrids, community composting, community-owned renewable energy generation, and building electrification.
- C. Prioritize projects supporting proven energy efficiency and renewable energy resources like solar and wind that have undergone meaningful community input in the design and/or include community governance of the project.
- D. Projects must demonstrate commitment to the environmental justice principle of self-determination by showing community governance of the project and/or meaningful community input in design and implementation. It is critical that “low-income and disadvantaged communities are meaningfully involved in making decisions about projects that may affect them, especially with respect to pollution, health, and energy burden,” as noted in the comments submitted by Americans for Financial Reform Education Fund, Emerald Cities Collaborative, The Greenlining Institute, Just Solutions Collective, and Rewiring America. Projects that have meaningfully engaged the community from design to permitting to implementation are also less likely to be delayed.
- E. Prioritize projects that support renters, homeowners, and small community owned businesses in “low-income” and “disadvantaged” communities (in accordance to “the clean energy and efficiency incentives for individuals” sections of the IRA’s Energy Security Subtitle) in upfronting the costs of weatherization, retrofitting and needed upgrades of homes and buildings, and transitioning into cleaner appliances that doesn’t lock them into fossil fuel dependent technologies.
- F. EPA should NOT concern itself with facilitation of broad private market capital formation or the “bankability” and replicability of Fund-supported projects by private sector financial institutions. There is a long and documented history of predatory practices by banks in frontline communities, which makes relying on these same banks to finance the transition away from fossil fuels in frontline communities unacceptably risky. When grants flow to community-led projects that prove successful in reducing greenhouse gas emissions and repairing historical harms, they demonstrate that CDFIs and community-led financial institutions are capable stewards of climate change solutions and sustainable future economies.
- G. Fossil fuel companies, investor-owned utilities, primarily profit-driven entrepreneurs, and any predatory interests who can’t demonstrate accountability to frontline communities and would

reduce social equity and welfare in the name of clean energy should not be recipients of the funding, even as subgrantees.

**(Question 2)**

**With respect to supporting workforce development opportunities in marginalized communities, the EPA should:**

- A. Invest in community accountable and based organizations; worker-owned cooperatives, and small-scale businesses who will train workers from marginalized communities; integrate ecological practices; use community workforce agreements to ensure wealth building in marginalized communities and relocalize production, aggregation, and distribution.
- B. Partner with schools and other public programs that provide vital services to communities and to enable them to move away from tax dollars paid by extractive industries.
- C. Support projects that train workers in learning trades that are NOT associate with false solutions (as named on page 3).

**(Question 3)**

With respect to addressing climate disasters, extreme weather, and ecosystem restoration with adaption in mind, the EPA should invest in projects like:

- A. Community Hubs: Move resources to build out local infrastructure and community hubs powered by renewable energy to meet the needs of disaster-impacted communities to offer broadband services, and to provide shelter, heat/cooling, electricity, food, water, medicine, and communication in times of crisis and need.
- B. Invest funds in Mutual Aid Collectives
- C. Community initiatives are often more effective and impactful in disbursing funds, supplies, and counseling support compared to national nonprofits. Funding should be made available to staff local mutual aid networks, and these centers should be prioritized for disaster and federal funding support in order to move resources in local and accountable ways.
- D. Just and Equitable Recovery Funding: Increase funding and resources to support community-driven recovery and mid- to long-term rebuilding and implementation projects with improvements that further equitable mechanisms for adaptation, recovery, and rebuilding. Local control should be fostered for administering disaster insurance programs, such as the National Flood Insurance Program, rather than allowing private companies to control these resources, services, and processes.

**Eligible Recipients**

**(Question 1)** On defining community-based nonprofits / partnerships, EPA should define the following:

- Organizational composition: eligible recipients should demonstrate that staff and board members reflect the community they serve.
- Organizational governance: eligible recipients should demonstrate in their governing documents how they are accountable to marginalized or frontline communities.

**(Question 3)** With respect to important criteria to ensure projects are community-driven and result in benefits flowing to the community while avoiding consequences such as community displacement and gentrification, the EPA should incorporate the following Just Transition values into their project criteria:

- Shift economic control to communities
- Support community wealth building and democratize the workplace
- Advance ecological restoration
- Drive racial justice and social equity
- Relocalize most production and consumption
- Retain and restore cultures and traditions
- Include community members from the start of design to implementation
- Include community members or those most impacted in the governance
- Address cumulative impacts from the combination of environmental harms that result from past or present-day polluting industries located in and around predominantly low-income, working class communities.
- Address pre-existing health conditions, and social factors such as historical divestment as well as ethnic, racial, or national diversity, should be considered. Climate and Economic Justice Screening Tool<sup>2</sup> (CEJS) provides a good foundation for assessing communities with intersecting factors such as those previously named. The Department of Energy’s Working Definition of Disadvantaged Communities<sup>3</sup> based on cumulative burden and including data for 36 burden indicators at the census tract level (developed with recommendations from the WHEJAC and others) and its Disadvantaged Communities Reporter mapping tool<sup>4</sup> also provides a good foundation.

Additionally, the EPA should provide extra points in their evaluation rubric for disadvantaged communities as identified in the CEJS that have not been previously funded by the EPA.

### **Reporting and Oversight**

- A. **Equitable engagement and representation in identifying and tracking cross-cutting standards.** To uphold the congressional intent of these provisions, the Biden Administration needs to identify cross-cutting labor, equity, and environmental standards for OMB to track. This creates an opportunity for the Administration to ensure a coherent, whole-of-government approach to IRA implementation, in which multiple agencies work to uphold a core set of high-road standards that apply across agencies, offices, and programs –including and going beyond Justice40. These standards, tracked by OMB, also could inform the metrics that GAO uses to assess the distributional, economic, social, and environmental impacts of IRA funds. Impacted communities and stakeholder groups must play a central role in helping the Administration to identify standards that are sufficiently strong and reflective of on-the-ground realities, drawing from best practices among government agencies and helping to craft new standards where gaps exist. Many of our groups have worked arduously with stakeholders,

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<sup>2</sup> <https://screeningtool.geoplatform.gov/>

<sup>3</sup> <https://www.energy.gov/diversity/justice40-initiative>

<sup>4</sup> <https://energyjustice.egs.anl.gov/>

including impacted communities, to develop broadly backed standards and guardrails for public investment. To ensure that those voices are heard, we respectfully request to be meaningfully engaged in discussions and decisions, alongside other allies, regarding which standards should be tracked and how investment impacts should be evaluated. We particularly strongly urge you to **allocate part of the funds of Section 70004 and Section 70005 to enable members of disadvantaged communities that are normally marginalized from such processes to participate in the identification of cross-cutting standards and the implementation of these IRA provisions, including through the creation and meaningful engagement of an Advisory Committee. The Advisory Committee should be composed of representatives of impacted communities and workers, in addition to relevant public interest stakeholder groups.** We also urge you to regularly solicit and meaningfully incorporate feedback from the public on the implementation of these provisions through public comment and public hearing opportunities, as well as other appropriate means.

- B. **Rigorous oversight above and beyond OMB and GAO's ordinary mandate.** In Section 70004 and Section 70005, Congress charges OMB and GAO with tasks that go above and beyond their ordinary oversight responsibilities: tracking labor, equity, and environmental standards and performance, and the economic, social, and environmental impacts of IRA funds. This **funding should be utilized explicitly for the direct purpose of additional capacity, oversight, and accountability processes, including staffing at the agencies for the explicit implementation of these provisions: to track and monitor these standards and impacts of IRA programs and funds. The staff hired to implement these provisions should be qualified by training, education, and experience to track and assess these standards and impacts in a way that addresses the priorities of impacted communities.** In particular, part of the intent of these provisions is to extensively monitor the equity of distribution and impact of funds across demographics, utilizing a broad set of metrics, and we encourage the agencies to utilize these funds for this explicit purpose.
- C. **Transparency.** Frontline communities have experienced historic exclusion and discrimination against participating in government benefits due to discriminatory policies and practices. The assessments of OMB and GAO must be transparent and accessible to impacted communities and stakeholders in order for Section 70004 and Section 70005 to be effective in helping ensure that IRA funding advances broadly-shared economic, equity, and environmental outcomes. We encourage your offices to work closely with agencies and offices already charged with developing social, economic, and environmental standards such as the Good Jobs Initiative led by the Department of Labor, environmental standards of the Environmental Protection Agency, and the White House Justice40 Initiative development of equity standards across agencies. In addition to regular reporting to the House Committee on Oversight and Reform on the implementation of Section 70004 and Section 70005, we urge you to establish a user-friendly mechanism to regularly report to our groups and the public at large. For IRA funds already being distributed, we ask that you and the agencies responsible for allocating those funds provide detailed documentation on project selection and evaluation, including **an online information hub that centralizes OMB's findings on whether and how IRA programs are meeting the**

**cross-cutting labor, equity, and environmental standards identified with input from impacted communities, in addition to GAO’s findings on the distributional, social, economic, and environmental impacts of IRA programs.**

- D. **Accountability.** Section 70004 and Section 70005 will only serve their oversight purpose if OMB and GAO create effective mechanisms that hold implementing agencies accountable for tracking labor, equity, and environmental standards and performance, and evaluating the economic, social, and environmental impacts of the funds they administer. **We urge you to establish such monitoring mechanisms**, to report on their effectiveness, and to advise Congress and the President on enforcement as needed **to deliver key outcomes: (i) a reduction in poverty, economic insecurity, and racial, economic, and gender inequities from expanded access to good union jobs, particularly in disadvantaged communities; (ii) healthy communities, free from exposure to toxic pollution, with a focus on communities facing disproportionate environmental burdens; and (iii) healthy ecosystems and a stable climate.**

### Technical Assistance

1. Release the locations of the 5-10 technical assistance centers that have been selected by the Environmental Justice Thriving Communities Technical Assistance Centers (EJ TCTAC) Program as soon as possible. The staff at these centers must provide support for the EJ block grant. Moreover, by utilizing existing staff with EJ expertise, state and municipal offices can support processes such as establishment of advisory councils or community convenings to provide opportunities to educate communities by sharing resources and funding opportunities. Agencies can also designate an office or individual who has experience working with disadvantaged communities to serve as a point of contact for technical assistance needs for the EJ Block Grants and future funding opportunities.
2. Provide technical assistance in grant reporting to reduce administrative burden on community based organizations.
3. Develop an FAQ for the application and reporting processes.

We thank the EPA for the opportunity to comment and urge you to prioritize direct grants and investments to frontline communities and/or their trusted partners.

Sincerely,

[Climate Justice Alliance](#)

*A member-led organization of 89 frontline, base-building organizations; networks; and alliances.*

*Contact: If you have any follow-up questions please contact CJA Co-Executive Director Marion Gee at [marion@climatejusticealliance.org](mailto:marion@climatejusticealliance.org)*