

Comments submitted in response to the Environmental Protection Agency's Request for Information 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

Docket Number [EPA-HQ-OEJECR-2023-0023](#)

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The Environmental Justice Health Alliance for Chemical Policy Reform (EJHA) and Coming Clean write to offer feedback on the Environmental Protection Agency's (EPA's) Request for Information (RFI) 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. We work together in principled partnership as members and allies of the Environmental Justice Health Alliance for Chemical Policy Reform and Coming Clean collaborative network. We urge the EPA to ensure that ECJ Program funds are distributed in line with the *Louisville Charter for Safer Chemicals: A Platform for Creating a Safe and Healthy Environment Through Innovation* (louisvillecharter.org).

The Environmental Justice Health Alliance for Chemical Policy Reform (EJHA) is a national collective of grassroots Environmental and Economic Justice groups located throughout the United States. Along with our partners, we support a diverse movement towards safe chemicals and a pollution-free economy that leaves no community or worker behind. EJHA organizes direct engagement in industry reform strategies by grassroots organizations in frontline communities to promote just outcomes. EJHA hosts a network and policy platform engaging organizations and individuals in advocacy for communities that are disproportionately impacted by toxic chemicals, from legacy contaminated sites, from ongoing exposure to polluting facilities, and from toxic chemicals in consumer products. The EJHA network model features leadership of, by, and for local Environmental Justice groups with participation and support by additional allied groups.

Coming Clean is a nonprofit environmental health collaborative working to transform the chemical industry so it is no longer a source of harm, and to secure systemic changes that allow a safe chemical and clean energy economy to flourish. Our members are organizations and technical experts — including grassroots activists, community leaders, scientists, health professionals, business leaders, lawyers, and farmworker advocates — committed to principled collaboration to advance a nontoxic, sustainable, and just world for all.

Our work together is guided by the *Louisville Charter for Safer Chemicals: A Platform for Creating a Safe and Healthy Environment Through Innovation* (louisvillecharter.org), a vision

and set of principles to guide transformation of the chemical industry, backed by policy recommendations. This Charter is endorsed by over 100 diverse organizations across the country. The very beginning of “the Charter” recognizes that: Justice is overdue for people of color, low-income people, Tribes and Native/Indigenous communities, women, children and farmworkers, who experience disproportionate impacts from cumulative sources. This chemical burden is unprecedented in human history and represents a major failure of the current chemical management system.

The ECJ program provides a critical funding opportunity to address the disproportionate burdens experienced by many communities of color and low-income communities. EPA must ensure that the ECJ Program maximizes investments and benefits for those affected most by environmental injustice, including exposure to toxic chemicals which harm EJ communities throughout their life cycle—from hazardous facilities that are disproportionately located in communities of color and low income, to chemicals in consumer products primarily targeted and sold to low income people, and from extraction to disposal. If implemented well, projects funded through this program can redress past and ongoing harm in legacy communities, while preventing future harm, making communities more resilient and increasing economic opportunities for local residents.

ECJ Program Design

1. What should EPA consider in the design of the ECJ Program to ensure that the grants benefit disadvantaged communities?

Environmental justice (EJ) communities—including Black, brown, Indigenous and low-income communities—are often hit first and worst by the negative impacts of climate change, including the exacerbation of local air quality issues and the cascading effects of “double disasters” from chemical plants that are disproportionately located in their neighborhoods¹. Therefore priority should be given to programs and projects that reduce greenhouse gasses and copollutants, and/or those that result in a reduction of health harms or an increase in environmental and economic benefits to EJ communities.

The design of the ECJ Program should facilitate the equitable and meaningful engagement of impacted communities from the start and throughout the life of the project. The impacts of the program should be felt at the neighborhood and household level in EJ and disadvantaged communities. EPA should prioritize the capacity building of small community-based organizations (CBOs) who directly deliver services to the impacted communities, and whose membership and governance is composed predominantly of EJ communities members.

¹ Environmental Justice Health Alliance for Chemical Policy Reform, Coming Clean, and Center for Effective Government. (2014, May). Who’s in Danger? Race, Poverty and Chemical Disasters. <https://ej4all.org/assets/media/documents/Who's%20in%20Danger%20Report%20FINAL.pdf>

EPA may want to set aside a portion of the funds to be administered as smaller grants to CBOs who are earlier on in the process of developing a ECJ Block Grant proposal in order for them to be able hire necessary consultants or convene appropriate partners (among other things) to assess whether they have the capacity to implement a larger ECJ grant and ensure that, if they do, their project is fully thought-out and will produce the intended benefits to a disadvantaged community(ies). One such model of this is the California Breast Cancer Research Program,² which provides “pilot” grants for smaller amounts and shorter timescales (up to \$150,000 and up to 18 months) to support the initial phase of a potential project—such as developing partnerships, tools, and developing feasibility methods—before applying for a full award. While this program is specifically funding research in breast cancer, they have developed materials including: principles for partnership, model agreements, training, and evaluation aspects, which EPA may want to consider is looking for successful models.

The ECJ Program must not become a driver of displacement and gentrification in disadvantaged communities. Funding through the ECJ Program must account for the right to return and recover. As the climate crisis continues to intensify, communities displaced by climate and/or chemical disasters must be intentionally and meaningfully engaged in any build back process.

EPA could look to indicators and thresholds in the Climate and Economic Justice Screening Tool (CEJST) as a one way to help define what it means to be a disadvantaged community for the purposes of receiving ECJ Program funds while recognizing the tools’ limitations. For instance, indicators added to the most recent version of the CEJST better identified farmworker communities who often experience unsafe housing conditions, and communities who experience environmental injustices due to the legacy of racist public policy. However, farmworkers communities are uniquely distinguished from other environmental justice communities and have characteristics that are not fully represented by the current CEJST. The ECJ Program should use innovative ways to look at farmworker communities in terms of agricultural areas that are subject to additional hazards such as sugar cane burning, fires, and pesticide spraying.

EPA may want to consider asking specific questions in the application process to ensure that the grant benefits disadvantaged communities such as:

- Who specifically will be benefiting from the project and how will it benefit them?
- How will this project avoid unintended consequences such as driving displacement and gentrification in disadvantaged communities?
- How will you determine whether and how community members are benefiting from the project or program?

Other elements that should be considered in the ECJ Program design include:

² California Breast Cancer Research Program. Community Research Collaboration Awards. <https://www.cbcrp.org/funding-opportunities/crc/>

- Many CBOs operate with limited budgets and do not have the flexibility to front the costs of projects where money isn't already in hand. Therefore, a percentage of funding for this program should be designed to be available ahead of the project's implementation rather than after the program has begun.
- EPA should ensure that partnerships between CBOs and local governments or institutions of higher education are equitable and community-driven by including measures in the grant design to verify that the partnership has been established to maintain principled collaboration throughout the project's funding cycle, and ideally beyond.
- Since the main purpose of the funding is to benefit disadvantaged communities, EPA should make explicit in all communications that ECJ program grants are primarily intended to fund CBOs with government or institutional partners serving in an advisory or complementary role.
- Capacity building for CBOs should be prioritized with this funding. For CBO applicants with minimal capacity, funding should be available to hire a consultant or administrator to assist with managing the grant. Where partnerships are applying, applicants should specify how they plan to ensure that CBOs have the maximum flexibility and autonomy needed to direct the project.
- CBOs who do not have their own 501c3 tax status should not be barred from receiving ECJ grants. Many grassroots community organizations do not have the capacity or desire to maintain their own nonprofit status and they often work with a fiscal agent. Community organizations should be allowed to accept ECJ grants through their fiscal agent while maintaining control for decision making and grant administration. EPA should think of innovative ways to include small, grassroots CBOs who are not a 501c3.
- There needs to be greater transparency about how these grants will be awarded, and who will be deciding which grants are awarded.

2. Are there best practices in program design that EPA should consider in designing the ECJ Program to reduce burdens on applicants, grantees, and/or subrecipients?

EPA should consider accepting both written and verbal applications in the languages primarily spoken by the applicant in order to reduce the burden on applicants, grantees and/or subrecipients. Likewise, written and verbal reporting should be accepted for all grant reporting requirements in order to ease the burden on grantees and subrecipients. We further discuss the proposed oral presentation approach under Question #4 of this section below.

EPA could provide grant navigators, analogous to Affordable Care Act Navigators, to work with applicants/recipients throughout the process of applying for and implementing grants. These navigators can assist grant recipients in understanding applicable federal requirements, support with filling out forms, and help connect recipients with technical assistance and/or other organizations who have successfully carried out similar projects. In order to ensure the sustainability and continued success of projects funded by the ECJ Program, navigators can also

assist in helping recipients to identify additional support (from EPA or other government programs) and sustainable sources of public or private funding for projects that establish programs or extend beyond the life of the grant period. This EPA help with identification of other potential sources of public and private funding to continue programs/support projects beyond the three year grant term should be built in to the ECJ Program design for all recipients who want it.

3. EPA is considering a process where it issues a NOFO soliciting applications for projects under the five ECJ Program eligible activities described above (Section III) that allows applicants, on a rolling basis over an extended period such as 12 months, to apply for the funding activities they are interested in, when they are interested in applying, as opposed to applying under multiple separate NOFOs that have 45-day submission periods. What are your views on this approach?

We support EPA's proposal to accept combined applications for projects under the five eligible program activities and to accept applications on a rolling basis in order to provide flexibility to grant applicants. This approach gives applicants time to get their projects fully fleshed out and build support within the community and with potential partners. However, EPA should ensure that funds are available for projects throughout the timeframe of the rolling deadline to avoid giving priority to organizations with more capacity to get a proposal together quickly and to avoid wasting CBOs' time completing an application when funds are no longer available. One possible way of doing this would be for EPA to plan to disburse a certain amount of funding each quarter or each month during the rolling application period. It will be critical that in EPA's Notice of Funding Opportunity (NOFO) that EPA make the notice available in multiple languages, written in plain language (avoiding acronyms and jargon to the maximum extent possible) and use innovative ways to get the word out to CBOs that may not be traditional recipients of EPA grant funding or know to sign up for EPA notices and/or check the agency's website.

4. EPA is aware that applying for competitive Federal grants can be burdensome and that placing too much importance on written applications for projects to benefit disadvantaged communities may not be the best way to help communities address environmental justice challenges. EPA is considering innovative techniques to replace portions of the written application process, such as an approach where EPA would invite applicants whose initial written application scored well to then provide a 30–60-minute oral presentation discussing predetermined questions or sets of issues. The purpose of the oral presentation would be to replace portions of the written application process to streamline the grant competition process and expedite the delivery of assistance for disadvantaged communities. What are your thoughts on this approach?

We support EPA's proposal to accept oral responses to the grant application process. The written application process required should be minimal so as not to be a barrier to entry. EPA should be

prepared to accept all written or oral sections of the grant application in multiple languages. EPA could also consider accepting video applications.

As discussed in our response to Question 2, EPA should consider providing grant navigators – in addition to the opportunity to provide an oral presentation– to assist with reducing barriers for applicants from EJ and disadvantaged communities.

Eligible Projects

1. What types of projects should EPA focus on and prioritize under the five eligible funding categories in CAA Section 138(b)(2) listed below? Please also describe how the projects you identify would benefit disadvantaged communities:

In general EPA should prioritize:

- Projects which will deliver MULTIPLE benefits to a disadvantaged community or communities. (ex. retooling existing polluting facilities and training/retraining local residents to work in them so the facilities are no longer a source of harm and can become a course of economic opportunity).
- Projects which reach members of EJ and disadvantaged communities at the household level (ex. a program to provide emergency supplies and training to residents that are in areas vulnerable to climate and/or chemical disasters³).
- Projects which are led by organizations that are entirely or primarily made up of residents from the community or the constituency (recognizing that not all communities are bound by geography, but rather some have another uniting trait—such as sharing the same occupation, racial identity or religion) which they are proposing to serve (for example the staff, board, members of the organization).
- Projects which acknowledge and proactively address potential unintended consequences. An example would be a project that builds in protections for existing homeowners and renters in the area to ensure that improvements funded by ECJ Program funds benefit the existing community and don't cause displacement through gentrification.
- Projects which build the capacity of a community or community based organization(s) beyond the grant period. One example would be a program to get more disadvantaged community residents involved in local decision making by joining a planning board or zoning committee.
- Projects that build community ownership and/or increase economic opportunities for members of a disadvantaged community. Such as a community-owned solar array to reduce electric bills of disadvantaged community members.

³ United States Government Accountability Office. (2022, February). Chemical Accident Prevention: EPA Should Ensure Regulated Facilities Consider Risks from Climate Change. <https://www.gao.gov/products/gao-22-104494>.

Within the five eligible funding categories:

- a. Community-led air and other pollution monitoring, prevention, and remediation, and investments in low-and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas emissions and other air pollutants (greenhouse gas is defined as “air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride”);**

EPA should prioritize projects that focus on or include pollution remediation and prevention over projects that are simply about pollution monitoring—particularly for communities that have already have monitors, or already have been studied or identified as areas of high pollution and/or health burden (either by national tools like the National Air Toxics Assessment, by state tools or a cumulative look at state/local permits, or by communities themselves).

EPA should prioritize projects that reduce or address multiple air pollutants, with particular attention to toxic and health-harming air pollutants.

EPA should prioritize projects that reduce air pollutants that are known to impact health; particular priority should be given to projects that reduce health-harming pollution in areas that have identified health disparities, including but not limited to cancer “hotspots” and areas of elevated respiratory diseases, heart disease or preterm birth.

- b. Mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;**

EPA should prioritize projects that address health risks to outdoor workers from extreme heat, drought, and wildfire/intentional fire (such as in the case of sugar cane or other crop burning practices) smoke. Particular emphasis should be given to classes of workers that lack some of the same basic OSHA protections as most others, for example farmworkers.

- c. Climate resiliency and adaptation;**

Climate resiliency and adaptation should be broadly defined and inclusive of community needs and solutions. Examples include:

- Programs that support farmers of color, particularly those who deploy regenerative, ancestral, indigenous, and agroecological methods of agriculture; projects that facilitate the transitioning to chemical-free agriculture and focus on methods that promote soil health and support community-based farming and food marketing systems;
- Investments that make communities safer and/or more accessible to walk, bike and/or use public transportation; projects that increase local access in disadvantaged communities to

community assets (which they would otherwise need to drive to) like parks, local grocery stores, community-owned banks, etc.;

- Projects that increase the resilience within communities down to the household and individual level, such as a proposal for a community to develop their own climate or chemical disaster emergency plans, a project to arrange transportation for residents who may be disabled or lack access to cars, or working with first responders to make a list of residents within a disadvantaged community who rely on medical equipment that requires electricity so those residents can either be supplied with pollution-free backup power (like solar with battery backup) or prioritized for wellness checks/rescue when the power goes out; and
- Projects that prepare residents of EJ and disadvantaged communities to be able to take advantage of other programs related to climate change resiliency, for example a program to replace rooves or bring houses up to code in order to be ready to accept solar panels, or a program to help residents address issues in their homes that make them ineligible for some energy efficiency programs, such as water in a crawl space.

d. Reducing indoor toxics and indoor air pollution;

Activities could include educational campaigns that target disadvantaged communities to educate people about the chemicals in household products; advocacy campaigns to reduce toxic chemicals in products that contribute to indoor air pollution, such as the Campaign for Healthier Solutions; projects to directly provide services to reduce other sources of harmful indoor toxics and air pollution such as lead paint, pipes, or mold.

e. Facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.

While this category of potential projects may in some ways be more difficult to track than some of the others, it is critical that activities to engage and include residents from disadvantaged communities in decision-making are prioritized in this ECJ Program. Understanding of public process, civics, and proposed projects (in your native language and in commonsense terms rather than technical or legal notices) are all key to community members being able to participate in and drive decision-making about processes and projects that deeply impact them. Building understanding and engagement in advisory groups, workshops, permitting and rulemakings make communities more empowered and resilient, and make the determinations and projects those bodies decide on stronger and more likely to succeed if they have community buy-in.

Within this category, activities and projects that build power within disadvantaged communities should be prioritized. Community organizing, in the form of community education and engagement through workshops, town halls and forums, phone banks and canvassing, should be allowed and encouraged.

Activities that support building relationships directly between EJ community residents and decision makers—including agency staff, elected officials, and members of elected or appointed boards—are advantageous to the goal of full participation of disadvantaged communities in decision-making and should be allowed and encouraged.

Projects that promote the active engagement and participation of young people in environmental, public health, and economic decision-making should be eligible for funding under this program.

2. With respect to the workforce development activities under category 1(a) above:

- a. Please describe what you perceive as the most significant challenges and barriers to connecting residents of disadvantaged, underserved, and under-represented communities to workforce opportunities related to addressing environmental justice and climate change, and what programs, services, and partnerships are needed to address these challenges and barriers.**

Some of the most significant barriers we have seen to connecting residents of EJ and disadvantaged communities to workforce opportunities related to addressing environmental justice and climate change include:

- Lack of investment in early education to build interest and enthusiasm in science and STEM (science, technology, engineering and math) related fields, particularly in communities of color and low income communities.
- Lack of access to valuable experiences that set young people up for success, like high school and post-high school internships for students from EJ and disadvantaged communities.
- Lack of access to and/or high upfront financial cost of technical and specialized training required to jobs like pollution remediation, energy efficiency audits/upgrades and solar or wind installation.
- Previous incarceration. This is a barrier to many residents who have served their time and want to return to society and serve their families and communities in jobs such as working to build and maintain green infrastructure, work in ports, and work in clean-up related fields, but who are barred from many job opportunities that ask about previous convictions on the application or in interviews.

In order to address these challenges and overcome barriers to connecting residents to workforce opportunities, EPA could:

- Encourage and fund projects in EJ communities that teach, train and build enthusiasm for science and STEM related fields in environmental clean up, sustainability, renewable energy and other jobs related to addressing environmental injustice and climate change. Examples could include free or very low cost science and sustainability camps for kids, programs to connect high school students with paid internships at local organizations or

businesses, or apprenticeship programs for young people coming out of high school with an interest in pursuing careers in related fields. Science education related to the five eligible project categories, especially that is targeted to young people from EJ and disadvantaged communities.

- Allow ECJ Programs funds to be used to directly pay residents from EJ and disadvantaged communities to participate in apprenticeships, internships and other work training programs, and/or to be used to cover essential costs for participants, such transportation, childcare, and providing meals during trainings. People from more affluent communities may be able to take advantage of unpaid internships or pay their own way through apprenticeships and vocational and technical programs, where people from low income and EJ communities may be forced to accept lower wage jobs that they can go right into with little or no formal training. This automatically sets up an unequal playing field. ECJ Program projects that equip residents with the skills to be part of the solution in their own community while covering their basic life expenses could be a big first step in helping to close racial wealth gaps while also creating a trained workforce ready to repair and overcome environmental injustices.
- Prioritize funding for projects and programs that provide training, apprenticeships and/or jobs in environmental justice and climate-related fields for previously incarcerated individuals.

b. What types of jobs and career pathways should EPA prioritize to support environmental justice and climate priorities?

Consistent with the Principles of Environmental Justice and the right of EJ Communities to self determination, EPA should prioritize projects that directly invest in disadvantaged communities, including in training for any kinds of jobs and career pathways that are identified as priorities by members of that community.

EPA should prioritize support for jobs and career pathways that pay at or above a prevailing wage, include benefits and allow for or encourage more equitable and just labor practices and models, including unions and worker cooperatives.

EPA should also prioritize programs that train and employ residents to work in jobs that are part of the solution for their own neighborhoods and towns—for example hazard containment, legacy pollution remediation, or installation of energy efficiency or other pollution-reducing technologies.

3. What other types of projects should EPA consider under the eligible funding categories identified above (under 1) including those that may relate to addressing environmental and climate change issues caused by extreme weather conditions (e.g., cold weather) and how nature-based solutions can be used to address climate resiliency and adaptation as well as the other areas covered by the eligible funding categories? Also please describe how the projects you identify benefit disadvantaged communities.

Other types of projects EPA should consider under the eligible funding categories include projects that establish a process and set in motion a concrete plan for solutions to needs that are larger than one EPA three-year grant can solve, but no less urgent.

We've seen increasingly extreme weather in recent years, which we know will only become more frequent as the climate changes. Communities in Texas—many without access to home heating in the first place—for example, were plunged into dangerous and scary conditions when extreme cold contributed to massive power outages and pipes bursting. Projects that provide emergency relief in the form of warming centers with off-grid backup power, buses to warming centers, shelters for unhoused people, etc, are critical interim measures that should be eligible for ECJ funding. However, a project to address the infrastructure gaps that allow these kinds of things to happen in the first place may take more time or resources. ECJ funds could however be used to engage residents of impacted communities in identifying their own challenges, needs and solutions and fund or provide technical assistance to help get those solutions implemented.

One activity that is not specifically mentioned in EPA's RFI is funding for relocation of communities. This is a critical and urgent need in some EJ communities, and a key form of adaptation. In some Native villages in Alaska houses are literally being swallowed up by the sea and ancestral subsistence foods are disappearing. In Mossville, Louisiana, residents of this historic Black community are being choked by 15 hazardous facilities on top of toxic legacy contamination and periodic assaults from hurricanes. In addition to ongoing emissions from these facilities, increasingly extreme weather has been contributing to an increase in incidental releases and explosions.⁴ Mossville residents love their community; many have been there for generations--some since before Emancipation-- but they realize it is no longer safe. Mossville residents and homeowners have been begging for years for a fair and just relocation process that would provide them with a safe place to live and for their health to be cared for. Many are sick or have died in the process of waiting. ECJ Program eligible activities should include funding for establishing a concrete plan and process for relocation of communities and EPA staff or grant navigators should be paired with applicants to help identify relevant partners and other potential sources of funding within the federal government to relocate people out of harm's way.

⁴ Coming Clean. (2022, September 20). Preventing Disaster: Three chemical incidents within two weeks show urgent need for stronger federal safety requirements. <https://comingcleaninc.org/assets/media/images/Reports/Preventing%20Disaster%20final.pdf>

Eligible Recipients

1. Eligibility for the ECJ Program grants is limited to a partnership between a community-based nonprofit organization and an Indian tribe, local government, or institution of higher education; a community-based nonprofit organization; or a partnership of community-based nonprofit organizations.

a. What is and how should EPA define a “community-based nonprofit organization” for purposes of implementing ECJ Program funding?

When defining “community-based nonprofit organizations” (CBOs) organizations, EPA should consider organizations that 1) represent disadvantaged communities, 2) have a small budget size, 3) have a majority of members who live and/or work in the impacted community, and 4) are governed predominantly by members of the affected communities. CBOs that also have an established record of working with and delivering services directly to disadvantaged communities should be prioritized for funding. EPA should consider incorporating other mechanisms that would allow CBOs to apply that do not have a 501c3 status, such as through the use of a fiscal agent, or recognition as a non-profit organization by the state, territory, commonwealth, or tribe in which it is located as is described in the Environmental Justice Collaborative Problem Solving Grants (EJCPSG).⁵ EPA could also look to the EJCPSG as a baseline for additional criteria of what constitutes a “community-based nonprofit organization” (CBO).⁶

b. What is and how should EPA define a “partnership” between a community-based nonprofit organization and an Indian tribe, local government, or institution of higher education for purposes of implementing ECJ Program funding?

We support EPA’s eligibility criteria that makes ECJ Program funding available to partnerships between community-based nonprofit organizations and Indian tribes, local governments, or institutions of higher education. EPA should encourage partnerships between CBOs and Historically Black Colleges and Universities, land grant universities, and community colleges.

In defining partnerships, EPA should ensure the equitable, just and meaningful involvement of impacted communities from the project’s very beginning, at inception, and throughout the life of the project, including financial management and administration and project evaluation. True partnerships clearly recognize impacted community members as the ultimate decision-making authority throughout the project’s lifecycle.

⁵ EPA. FAQs – The Environmental Justice Collaborative Problem-Solving (EJCPS) Cooperative Agreement Program (February 2023.) <https://www.epa.gov/system/files/documents/2023-02/ejcps-faq-2023.pdf>

⁶ EPA. Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program Request for Applications. (January 10, 2023.) <https://www.epa.gov/system/files/documents/2023-02/EJCPS%20Amended%20Request%20for%20Applications%20February%202023.pdf>

Since the main purpose of the funding is to benefit disadvantaged communities, we believe that EPA should make explicit in all Notices of Funding Opportunity (NOFOs) and Requests for Application (RFAs) that ECJ program grants are designed mainly to fund CBOs, and that the role of government and institutional partners is to lend capacity and support. Further, any notices should be written in plain language, avoiding jargon and acronyms.

2. What characteristics and attributes do you think are important to the formation of a “partnership” for purposes of implementing ECJ Program funding?

In addition to our response to Question #1 Part b in this section above, we offer the additional input.

Partnerships should be established by building relationships that involve trust and mutual respect in pursuit of common goals using shared principles. As such, EPA should require partnership applicants to develop a memorandum of agreement that details organizational roles and responsibilities and addresses inherent power dynamics, such as equitable funding distribution mechanisms and decision-making structure. If the primary applicant of the ECJ Program grant is a non-CBO, additional details should be required by EPA that describes their operational and financial relationship with their partners and how they are working to maintain the trust of their partner CBO.

3. What criteria or requirements do you think are important to ensure that projects – particularly projects of partnerships between community-based nonprofit organizations and other eligible entities – are community-driven and result in benefits flowing to the community while avoiding consequences such as community displacement and/or gentrification?

The best possible measure that EPA can take to ensure that benefits flowing to communities avoid gentrification and displacing community members is to ensure that impacted community members are embedded in the project’s leadership and driving decision-making from the very beginning and throughout the project’s life. The more impacted community members are directly implementing and driving or guiding decision-making, the more likely the project will be to benefit the impacted community, and avoid these negative consequences of gentrification and community displacement through projects funded by the ECJ Program.

4. What are your thoughts on EPA sponsoring on-line forums or webinars to facilitate potential applicants’ ability to develop partnerships with other organizations and communities to submit applications for ECJ Program grants? How else can EPA be helpful in facilitating these partnerships?

Initial feedback provided by members of the Coming Clean and EJHA networks indicate that EPA sponsored events that facilitate introductions between organizations that may not otherwise

know each other could be helpful. One member described a beneficial experience with “organizational speed dating” where participants provided introductions to their organizations and areas of work in break-out rooms and when complete, they moved along to the next organization.

Another example that arose was a survey for all parties interested in applying to a large grant program. Survey responses and the organization’s location were made available for all interested parties to view, which offered an opportunity to engage with organizations that seemed like a good match. The use of charrettes in EPA’s Community Action for a Renewed Environment grant program was also described as another possible example.

EPA should be intentional and transparent when moderating any such forums by providing clear guidelines and setting expectations. It will be important that EPA clearly communicates roles of forum moderators and participants, identifies whether or not participants have been through any kind of screening process to attend (and what kind if so), and describes conduct expected by all participants. Virtual forums should only be used as a supplement to in-person events (town halls, listening sessions, community tours) that meet communities where they are.

Reporting and Oversight

3. In what ways can EPA design the ECJ Program to reduce the reporting burdens on grantees and sub-awardees while also ensuring proper oversight of the grants?

We appreciate EPA’s desire to consider innovative approaches to ensure proper oversight without undue reporting and administrative burdens. A big part of ensuring grants actually benefit disadvantaged communities can happen on the front end—during or before EPA even awards the grant. Grants should prioritize projects that come from organizations that are entirely or largely made up of residents from the community they are proposing to benefit (i.e. the board, staff and/or members of the organization). In so doing, the program progress is directly in the interest of CBO or individuals carrying out the grant activities. Those responsible for implementing the grant are experts in the metrics they need to see to achieve success in a given project in their community. With training and support from EPA and technical assistance providers, they are best positioned to achieve outcomes that benefit their own communities and thus will require less back-end reporting and oversight from EPA.

We support the majority of ECJ Program funding to go directly to CBOs, rather than to larger or institutional grantees and then be subgranted to CBOs. To the extent that projects do include one or more small CBOs as sub-awardees, the awards should maximize flexibility and involve minimal reporting paperwork. The large grantee should be responsible for the EPA reporting (with the input of subgrantees and community partners) to ensure that the money was properly allocated and actually spent to the benefit of EJ and disadvantaged community members.

Grant Navigators (as introduced elsewhere in this comment) can assist recipients in understanding applicable federal requirements, and support with understanding and filling out forms. EPA should also allow grant recipients to use some of the funds received for paying or consulting with someone who can assist with filling out grant applications and reporting forms.

Similar to replacing a portion of the grant application process with an optional oral presentation, EPA can provide this option for all or portions of grant reporting paperwork. Some CBOs with smaller staffs may not have someone who can spend many hours filling out forms and writing up reports, but could spend one or a couple hours verbally presenting on the project and/or answering predetermined questions about their project. It will be critical for language justice to be considered in the reporting process as well and for all forms of written or verbal communication in reports to be accessible in multiple languages.

4. What metrics should EPA use to track relevant program progress and outcomes including, but not limited to, how the grants benefit disadvantaged communities?

In Executive Order 14008 which, among other things, establishes the Justice40 Initiative, the President directs that agencies “shall make achieving environmental justice part of their mission by developing programs, policies and activities to address the disproportionately high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities”.⁷ Reductions in pollution and improvements in health and quality of life⁸ are key metrics that environmental justice communities use to determine whether positive progress is being made. We recognize that to some extent these metrics must be measured out over a time horizon that is longer than the initial three year period of these ECJ Grants, however these are good north star goals for projects to strive to achieve and for EPA to keep in mind when prioritizing which projects to fund.

For tracking and reporting, EPA may want to encourage grant recipients to use metrics included in national (e.g. indicators used in the Climate and Economic Justice Screening Tool, or EJScreen) as well as state and local environmental justice screening tools (CalEnviroScreen for example). Trainings on how to utilize and understand these tools will be helpful. However, metrics should be adaptable and not overly prescriptive. Community based organization grantees should be able to define metrics that are relevant to their project and propose those metrics in their grant application. The specific needs and solutions will vary from one EJ or disadvantaged community to another, but community residents and organizations that serve them are best

⁷ The White House Briefing Room (2021, January 27.) Executive Order on Tackling the Climate Crisis at Home and Abroad.

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>

⁸ Centers for Disease Control and Prevention. Health-Related Quality of Life (HRQOL).

<https://www.cdc.gov/hrqol/index.htm>

positioned to know what those are and thus define the metrics of success. Grantees should also be offered training (by EPA or Thriving Communities Technical Assistance Centers⁹) on best practices to manage a project and develop and measure progress towards meeting project goals.

For CBOs that are service-providing organizations and apply for the ECJ Block Grant funding, some obvious metrics include measuring the quality and quantity of services provided (for example the number of farmworkers trained in safe handling of pesticides, number of EJ households retrofit for energy efficiency, or number of people who received job training and went on to an apprenticeship or job in the field). For example, recipients of services or training could be asked to complete a short survey on their experience with the service they received.

Another key metric of success for projects or programs that are funded will be sustainability; is the project designed to continue to benefit the community beyond the limited time of this grant period? Projects that come directly from or deeply engage the impacted community will naturally be more sustainable because the community will feel ownership in the project and be bought-in to its continued success beyond the grant period.

5. How should EPA manage statutory requirements that apply to construction projects such as Davis Bacon prevailing wages, Build America Buy America domestic preferences, and the National Environmental Policy Act in a way that minimizes burdens on funding recipients?

Prevailing wages, local/domestic purchasing preferences and other statutory requirements for federally funded projects should apply to ECJ Block Grant projects. EPA can minimize burdens on funding recipients by having EPA staff and/or technical assistance partners (such as a Thriving Community Technical Assistance Centers¹⁰) who are trained in what the statutory requirements are and how to work with community grant recipients. These staff should explain what statutory requirements apply very early on in the grant implementation process (or even earlier) and work with community groups who receive funding in order to comply with these standards. Ideally EPA and/or partners could also develop lists of construction firms, material suppliers, etc who meet federal requirements for workforce and sourcing standards that grant recipients can (though should not be required to) choose from.

The National Environmental Policy Act (NEPA) in particular should be followed with respect to ECJ Program funded projects and all projects that receive federal funds. Since its inception in 1970 NEPA has been referred to as the “people’s environmental law”. By requiring agencies and other recipients of federal funds to look before they leap, NEPA is intended to give communities

⁹ EPA. The Environmental Justice Thriving Communities Technical Assistance Centers Program. <https://www.epa.gov/environmentaljustice/environmental-justice-thriving-communities-technical-assistance-centers>

¹⁰ EPA. The Environmental Justice Thriving Communities Technical Assistance Centers Program. <https://www.epa.gov/environmentaljustice/environmental-justice-thriving-communities-technical-assistance-centers>

the opportunity to have a voice in decisions that deeply impact them. The consideration of cumulative and indirect impacts is particularly critical to achieving that mission.

Since the purpose of ECJ Program is to directly benefit communities, particularly “disadvantaged” communities, and elevate their voices in decision-making, NEPA should not be a barrier to any ECJ funded projects. This is because the intent of NEPA is directly aligned with the stated objective of the ECJ Program. In any well designed ECJ funded project the benefits to the environment and quality of life to a community(ies) will be built in to the project from the start, and community voices and needs will be the driving force behind the project, so the benefits and lack of harms from the project should be apparent. The public engagement that is compelled by compliance with NEPA should have already been built into the project.

NEPA’s consideration of cumulative and indirect impacts are key. Avoiding unintended negative consequences to disadvantaged communities is critical for projects that receive federal funds, particularly ECJ Program funds. EPA may want to have a higher level of scrutiny for projects that fund or include a government and/or institutional partners than smaller CBOs, since those institutional entities have more capacity for compliance than a small CBO and, in many cases, less intimate connection to the needs on the ground.

Technical Assistance

1. What types of technical assistance would be most helpful to the ECJ Program’s eligible entities to help those entities successfully perform the ECJ Program grants?

Different kinds of assistance are needed by different organizations and at different points in the grant process. Assistance (technical and administrative) in the grant application process is needed, especially for smaller CBOs and organizations who have not previously received federal grants. Assistance and support for grant administration and project/program tracking will be needed by many organizations, in addition to technical assistance for the actual implementation of projects.

Assistance will also be needed in many cases to identify long-term sources of funding or other support for programs that will be established with ECJ funds. In building out this program EPA should build in capacity (either within EPA staff, within TCTACs or with partner agencies) to help recipients identify other sources for long-term funding in order to ensure the success and sustainability of projects funded (for example ensuring the continuation of a job training program after the grant term).

Grant navigators (as introduced elsewhere in this comment) can serve to connect grant recipients with appropriate technical assistance providers, support in identifying long-term funding

opportunities, and/or connect grant applicants and recipients to other CBOs who have successfully carried out similar programs in the past.

2. Which types of organizations and institutions are best suited to provide technical assistance?

- Organizations and institutions that are place-based and deeply grounded in the communities they serve are best positioned to provide technical assistance to EJ communities and CBOs.
- CBOs, communities or institutions who have been through similar processes and developed successful projects in the past will be well positioned to be available to act as kind of mentors to support community-led projects. This could include pairing groups for discussion early on in the implementation process at an appointed time, being available for questions as needed, or providing occasional consultation throughout implementation. EPA could provide a list of organizations who are willing to serve in this kind of role and could stipend those organizations for their time and expertise from the funds set aside for technical assistance in this program.
- EJ academics and Universities with established and trusting connections within communities and with CBOs.
- Organizations and/or institutions that have undergone training in working with communities and have established themselves as trustworthy and principled partners.

EJHA and Coming Clean appreciate the opportunity to comment on this important program and we look forward to the implementation of the EPA's Environmental and Climate Justice Block Grants Program in a way that will benefit communities that for too long have been left behind by the legacy of environmental injustice, unequal access to opportunity, disinvestment and racism. We welcome any questions EPA staff may have about our comment or the opportunity to continue to work with and support EPA to implement this program in a way that will truly align with EPA's mission to protect public health and the environment while staying true to your commitments to equity and justice.¹¹

Sincerely,

Environmental Justice Health Alliance for Chemical Policy Reform
Coming Clean
Dr. Yolanda Whyte Pediatrics
Women's Voices for the Earth
Moms for a Nontoxic New York
Texas Environmental Justice Advocacy Services

¹¹ EPA. Environmental Justice. Equity Action Plan. <https://www.epa.gov/environmentaljustice/equity-action-plan>

Until Justice Data Partners
Pesticide Action Network
Alaska Community Action on Toxics
PODER Austin (People Organized in Defense of Earth & her Resources)
Farmworker Association of Florida
Rubbertown Emergency ACTION (REACT)
Farmworker Justice
Campaign for Healthier Solutions
Delaware Concerned Residents for Environmental Justice
Harambee House / Citizens for Environmental Justice
Natural Resources Defense Council