The Path Forward for Justice40

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The Energy Justice Law & Policy Center, or EJLPC, is the nation's first energy justice public interest law firm and justice center. Making the connection between people and power. www.ejlpc.org

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What is Justice40?

Established by Executive Order 14008 (January, 2021) which requires, among other things:

- CEQ, the Office of Management and Budget, and the National Climate Advisor to "publish recommendations on how certain Federal investments might be made toward a goal that 40 percent of the overall benefits flow to disadvantaged communities,"

- CEQ to create a geo-spacial Climate and Economic Justice Screening Tool, and

- OMB, CEQ and other agencies to publish an annual *Environmental Justice Scorecard* detailing agency environmental justice performance measures by *February, 2022*. 
What is Justice40?

Executive Order 14008 created, among other things:

- the White House Environmental Justice Interagency Council (Chaired by the Chair of the CEQ), and
- within the EPA, the White House Environmental Justice Advisory Council, or WHEJAC.

J40 was designed to be part of a whole of government approach to deliver environmental justice.
In 2019, grassroots activists won the Climate Leadership and Community Protection Act, which requires that a goal of 40 percent of climate spending be directed to "disadvantaged communities" as identified by environmental justice advocates (including race as an indicator).

**Origins of J40: the NY CLCPA**
J40 is part of a long tradition of civil rights pushes for equitable investment by presidential executive order.

1941: A. Phillip Randolph lobbies Roosevelt to ensure Blacks would participate in WW2 jobs, resulting in EO 8802.
J40 Timeline

- **Jan, 2021**: Executive Order 14008
- **May, 2021**: WHEJAC Interim Final Recommendations
- **Jul, 2001**: OMB Interim Implementation Guidance
- **Feb, 2022**: CEQ Tool Launched; J40 Report Card Due (Deadline Passed)
- **Present**: BBBA? (Nov, 2021: BIL)
Congressional Interventions

Natural Resources Committee
Environmental Justice for All Act (introduced)

Committee on Oversight and Reform

- Federal Agency Climate Prep Act (introduced)
- J40 Oversight requests to the Government Accounting Office*
- BBBA language for J40 oversight funding ($25M for OMB and $25M for GAO)**

**H. R. 5376, Reconciliation Bill at Sec. 80005, 80006 (passed House).
Important Issues Remain

- Defining "benefits" to "disadvantaged communities" considered deeply problematic; advocates have pushed for a "dollars spent" metric (as is being used in New York) - also "40 percent" of what?

- The failure to use race as an indicator in the CEQ tool has been sharply criticized by advocates - multiple tools in development across agencies.

- The Report Card deadline has passed; unclear what the status of J40 is within the administration (key resignations in the administration).

- Advocates are concerned that the potential harms done by BIL and potentially BBBA ("false solutions") could outweigh the benefits.
The Path Forward for J40

- Advocates are growing increasingly frustrated and:
  - want a full accounting of current spending, in depth plans for interagency and state coordination,
  - are demanding extensive outreach and investment into community-based infrastructure to absorb investments with community-driven projects, and
  - are organizing to ensure communities can have a say in funding decisions (state bills introduced, for example, in CT) and,
  - are organizing against "false solutions."

- Look for the release of the scorecard.

- Congressional action and advocacy can be impactful as we look towards BBBA and any further Executive Orders/Revisions.
Thank you!

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