

The Path Forward for Justice40

EESI Briefing, April 8, 2022
Raya Salter, Esq.





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**ENERGY
JUSTICE**
Law & Policy Center

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.

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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-spatial 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.



Origins of J40: the NY CLCPA

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).

**STRAIGHTEN UP—
AND COME RIGHT TO THE
MARCH-ON-WASHINGTON
MOVEMENT!!**

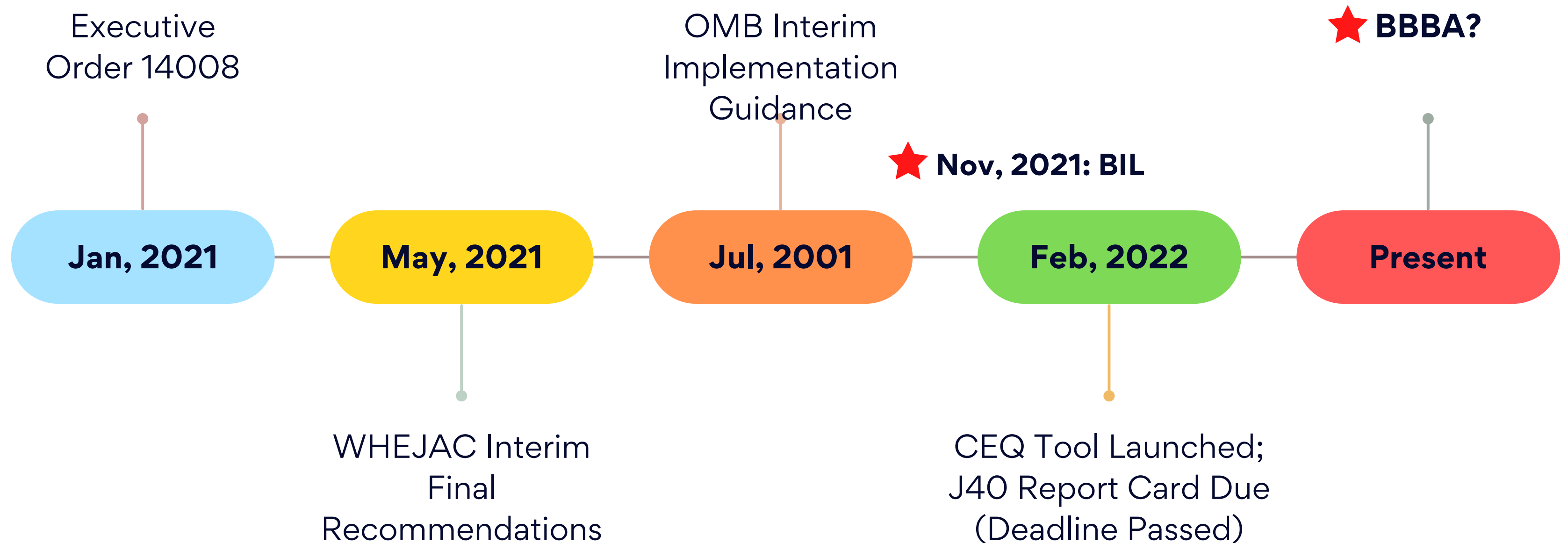


Context: Civil Rights

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



Congressional Interventions

Natural Resources Committee

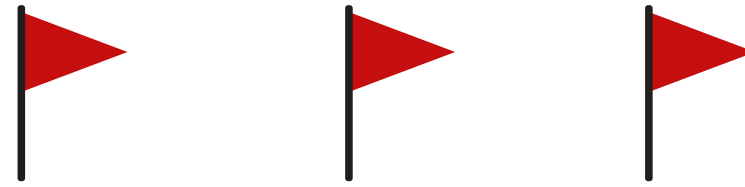
Environmental Justice for All Act (introduced)

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)**

*Jul., 2021; full COR letter can be found here: <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf> (accessed Apr. 5, 2022).

**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.

Raya Salter, Esq.,
Energy Justice Law and Policy Center

Thank you!

RayaCSalter@gmail.com
LinkedIn: Raya Salter
IG: @ClimateAuntie

