

April 10, 2023

Michael S. Regan, Administrator

Office of the Administrator (1101A)
United States Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Request for Information - Inflation Reduction Act Environmental and Climate Justice Program

To Administrator Regan and EPA staff,

Thank you for the opportunity to submit comments on the Inflation Reduction Act Environmental and Climate Justice Program. The Equitable and Just National Climate Forum (EJNCF) is a coalition of environmental groups and environmental justice organizations working together to center environmental justice in federal climate policy making. We strongly support the creation of the new \$3 billion, Environmental and Climate Justice (ECJ) program to support “the health, equity, and resilience of disadvantaged communities” and “address past, current, and future environmental climate and justice challenges.”

The design and launch of the ECJ Program creates a crucial opportunity to to reduce and prevent disproportionate pollution burdens in communities of color and low-income communities and to secure:

- a healthy climate and air quality for all;
- access to affordable, pollution-free electricity and transportation, clean water, and affordable housing for every community;
- an inclusive, just and equitable economy with high-quality jobs; and
- safe, healthy communities and infrastructure.

All of the above are shared goals of the EJNCF.

The Environmental Protection Agency (EPA) must implement the ECJ program to maximize investments and benefits delivered to environmental justice (communities of color, indigenous communities and low-income communities) communities, particularly communities overburdened by pollution and the impacts of climate change. In addition, through the implementation of this and other programs, the EPA must support rapid progress toward the Biden-Harris Administration’s Justice40 and other environmental justice goals.

Environmental justice communities—including low-income and Black, Brown, and Indigenous communities—have for too long been on the front lines of our nation’s most dangerous environmental and health hazards.^{1 23}Power plants⁴ and other industrial facilities are disproportionately sited in communities of color and low income areas, creating air and water pollution that leads to higher rates of cancer, asthma, and other life-threatening health problems⁵. Roads and highways, many of which were intentionally built through communities of color, bring pollution from gas-powered cars and diesel-fueled trucks to surrounding neighborhoods⁶. Environmental justice communities also experience inequitable living conditions tied to chronic disinvestment and structural racism (such as the continued harmful legacy of mortgage redlining practices)⁷, including crumbling infrastructure and lack of green spaces and tree canopy, that increase their vulnerability to climate change and limit the resources available to cope with and recover from climate impacts⁸. For example, heat waves are responsible for more deaths every year than any other extreme weather event⁹—with the highest risks in Black, brown, and Indigenous communities, where many don’t have access to air conditioning and neighborhoods lack parks, green spaces and tree cover, which help to bring down temperatures¹⁰.

The ECJ program provides a critical opportunity to protect the fundamental right of all people in America to a clean and healthy environment. Our recommendations to EPA on this program have been organized by the topics and the questions listed under each topic in the Request for Information.

We would welcome the opportunity to meet with you to discuss these ideas. EJNCF members signed on to these comments are listed at the end of this document.

ECJ Program Design

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

¹Zimring C.A. Clean and White: A History of Environmental Racism in the United States. New York University Press; New York, NY, USA: 2015.

²Environmental justice: human health and environmental inequalities.Brulle RJ, Pellow DN Annu Rev Public Health. 2006; 27():103-24

³ Bullard, R. D., Mohai, P., Saha, R., & Wright, B. (2007). Toxic wastes and race at twenty 1987–2007: Grassroots struggles to dismantle environmental racism in the United States. Cleveland, OH: United Church Christ Justice & Witness Ministries

⁴ Massetti E, Brown MA, Lapsa MV, Sharma I, Bradbury J, Cunliff C, et al. Environmental Quality and the US Power Sector: Air Quality, Land Use and Environmental Justice. Oak Ridge National Laboratory (ORNL), Oak Ridge, TN (United States). Building Technologies Research and Integration Center (BTRIC)

⁵ Tessum, C. W.; Paoella, D. A.; Chambliss, S. E.; Apte, J. S.; Hill, J. D.; Marshall, J. D. PM2.5 pollutants disproportionately and systemically affect people of color in the United States. *Sci. Adv* **2021**, *7*, 4491– 4519, DOI: 10.1126/sciadv.abf4491

⁶ Archer, Deborah N., ‘White Men’s Roads Through Black Men’s Homes’: Advancing Racial Equity Through Highway Reconstruction (February 18, 2020). 73 Vanderbilt Law Review 1259 (2020), NYU School of Law, Public Law Research Paper No. 20-49, Available at SSRN: <https://ssrn.com/abstract=3539889>

⁷Lynch EE, Malcoe LH, Laurent SE, Richardson J, Mitchell BC, Meier HCS. The legacy of structural racism: Associations between historic redlining, current mortgage lending, and health. *SSM Popul Health*. 2021 Apr 20;14:100793. doi: 10.1016/j.ssmph.2021.100793. PMID: 33997243; PMCID: PMC8099638.

⁸ Hoffman, Jeremy S., Vivek Shandas, and Nicholas Pendleton. 2020. "The Effects of Historical Housing Policies on Resident Exposure to Intra-Urban Heat: A Study of 108 US Urban Areas" *Climate* 8, no. 1: 12. <https://doi.org/10.3390/cli8010012>

⁹ Why Extreme Heat Is So Deadly - Scientific American. (n.d.). Retrieved April 5, 2023, from <https://www.scientificamerican.com/article/why-extreme-heat-is-so-deadly/>

¹⁰ Vaidyanathan A, Malilay J, Schramm P, Saha S. Heat-Related Deaths — United States, 2004–2018. *MMWR Morb Mortal Wkly Rep* 2020;69:729–734. DOI: <http://dx.doi.org/10.15585/mmwr.mm6924a1>

EPA should consider the following principles in the design of the ECJ block grant program to ensure that benefits flow to communities that need and deserve the resources the most:

Prioritize projects in communities overburdened by pollution and climate change impacts and threats.

We urge the Environmental Protection Agency (EPA) to design and implement this historic program in ways that prioritize improving lives in EJ communities and communities overburdened by pollution and climate change threats, including by reducing, cleaning up or preventing pollution and building resilience to climate change. The EPA should prioritize project investments in census tracts that: meet the White House Council on Environmental Quality's Climate and Economic Justice Screening Tool¹¹'s legacy pollution or climate change thresholds; or are identified by state-level screening tools as EJ communities or as communities overburdened by pollution or climate change; or self-identify as marginalized communities based on exposure to pollution or climate harms or past and current discrimination; or have high levels of lead, Per- and Polyfluorinated Substances (PFAS) and other pollutants in their drinking water.

Prioritize projects that deliver multiple benefits. The EPA should prioritize projects that deliver multiple benefits to environmental justice communities overburdened by pollution and climate change, including pollution reduction, emissions monitoring, improved public health and safety, good jobs and job training for community members, community owned-assets and wealth building, education and outreach, improved climate resilience and emergency preparedness, improved livability and quality of life, and other benefits.

Support new and innovative strategies and approaches for equitable distribution of ECJ funds. The EPA should create a rolling application process to provide flexibility and increase access to the ECJ program for community-based organizations and other applicants proposing projects that will benefit environmental justice communities. To help streamline the application process and accelerate funding for projects that benefit environmental justice communities, the EJNCF supports EPA's idea to replace portions of the written application process with oral presentations on predetermined questions from applicants that score well on an initial streamlined written application. EPA should be prepared to accept and review both written and oral applications in multiple languages (Spanish and tribal languages at a minimum, but also other languages spoken in EJ communities with limited English proficiency).

Support anti-displacement strategies in the implementation of projects. In the absence of local anti-displacement policies, large-scale green infrastructure investments can lead to increased property values and push out local residents and small businesses who can no longer afford to live in these areas¹². EPA should ensure that community projects funded through the ECJ program do not lead to displacement of the very people and communities the program is intended to serve through reporting and evaluation of the impact of funded projects. The ECJ program should support grantees in developing anti displacement

¹¹ <https://screeningtool.geoplatform.gov/>

¹² Chelsea Chen, "Environmental Justice in Urban Development: The Problem of Green Gentrification," Environmental Law Institute, October 25, 2021, available at <https://www.eli.org/vibrant-environment-blog/environmental-justice-urban-development-problem-green-gentrification>.

strategies (such as projects that support public planning and public engagement in inclusionary zoning regulations, development of community land trusts, cooperative and safe, affordable housing, renter protections etc) that can protect local residents against gentrification, and should prioritize funding projects that include proactive strategies to prevent displacement in their project design. This includes ensuring that projects supporting or shifting towards collective ownership models are eligible for grant funding, including the aforementioned, community land trust and cooperative housing projects as well as community owned clean energy (solar cooperatives), as well as community and worker owned cooperatives.

Create sustainability of the projects funded. Through the ECJ program, EPA should explore granting a combination of small grants (comparable to grants awarded through EPA's EJ small grants program which funds projects up to \$100,000) and large grants (higher than the scale offered by EPA's Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program). Small grants should allow for smaller community based organizations to receive funding for short term projects while building up their institutional capacity to meet long term community centered goals. Larger grants should support long term multi year efforts. Community led projects require multi year sustained sources of funding to create long term change. EPA should work with grantees to ensure that they are able to leverage state, local, and private funding as well as funding through other federal programs to meet the long term needs of communities beyond the timeline of ECJ program grants.

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?

Strong Emphasis on Direct Implementation of Grants by EPA: It is important that EPA directly implement the ECJ Block Grant program, rather than implement it through an intermediary. Numerous EPA policies and government wide crosscutting requirements apply to grant funds awarded by EPA, many of them designed to ensure that low-income applicants and applicants of color are not discriminated against in implementation. Direct implementation by EPA also ensures accountability to government oversight and recordkeeping requirements. Transparency and accountability are fundamental to achieving equity. In case that part of the funding is administered by a third party to reduce the administrative burden of operating a federal grant on smaller community based organizations, EPA should ensure that the third party complies with the same transparency and accountability metrics that a direct EPA award would include.

Simplified processes throughout the grant life cycle: EPA should simplify grant processes throughout the grant life cycle. Simplified processes at the announcement stage can include creating a centralized location where potential grantees can find climate, clean energy, and EJ grant opportunities. We recognize that the Grants.gov portal provides a central online location to search for federal grant opportunities. However, a dedicated online location for EJ, climate, and clean energy-related grant opportunities (that include non-profit entities as eligible applicants) would highlight these new programs for first-time applicants who are navigating new IRA-funded opportunities. Proactively engaging people of color-owned businesses and financial institutions (through direct outreach and targeted listening

sessions and/or webinars) to encourage such entities to engage in the application process. During the grant application process, we recommend that EPA provide clear guidance on funding and investment criteria. At the post-award stage, EPA should provide ongoing assistance (e.g., in the form of grants consultants) to grant recipients to help them meet reporting requirements and navigate the administrative burden associated with managing a federal grant. Technical assistance in the areas of research, issue analysis, project development, and facilitation would also be useful to sub-recipients implementing projects in their communities.

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?

The EJNCF supports EPA's consideration of a rolling application process over an extended period (e.g., 12 months) for the ECJ Program to allow applicants to apply for funds when they are interested and ready to do so, rather than creating multiple and separate NOFOs with 45-day submission periods. This flexible approach will increase programs accessibility for community-based organizations. EPA should also ensure that it reserves funds for distribution toward the end of the 12 month period, to ensure that community-based organizations that need more time to apply aren't shut out. In addition, EPA should ensure that any ECJ funds that are not spent by the end of the 12 month period are rolled back into future ECJ funding opportunities and are not re-allocated to other programs.

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?

The EJNCF supports EPA's consideration of innovative techniques to avoid placing undue burden on community-based organizations as they apply for ECJ funding. To help streamline the application process and accelerate funding for projects that benefit disadvantaged communities and environmental justice communities, the EJNCF supports EPA's idea to replace portions of the written application process with oral presentation on predetermined questions from applicants that score well on an initial streamlined written application. EPA should also be prepared to accept both written and oral presentations in multiple languages. EPA should develop the written and oral application processes to focus on core questions, such as the following: Who will directly benefit from the project and how? What areas of

disadvantage (identified by the CEJST) does the project address? How will the project address these challenges/problems? How will the project avoid unintended consequences of the project such as displacement of existing communities due to increased investment and accelerated gentrification? EPA should avoid including redundant or non-essential questions in the application. For both oral and written applications, EPA should provide questions in multiple languages and allow applicants to submit responses in languages other than English, as well as photos and videos. Lastly, EPA should take steps to avoid unconscious biases in selecting applicants, for example by providing unconscious bias training to staff involved in selecting applicants and more broadly across the agency..

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)? Please also describe how the projects you identify would benefit disadvantaged communities.

EPA should prioritize projects that are led by community-based organizations with a history of working in legacy environmental and economic justice communities. Often pollution reduction, climate mitigation and adaptation projects can be undertaken exclusively by municipalities or authorities without community input. EPA should ensure that projects that are led by and meaningfully involve local residents and leaders in the decision making, design and implementation of the activities are prioritized for funding. Community leadership and resident partnerships should be at the heart of all plan development and implementation.

EPA should prioritize projects that will benefit communities that:

- Are environmental justice communities (i.e low income communities, communities of color and Indigenous communities)
- Have borne or currently bear a pollution burden;
- Are at direct risk or already experiencing harm from climate change and extreme weather;
- Have been and /or will be disproportionately impacted by disruption or pollution from expected or proposed development.
- Promote transitioning toward or enhance community and cooperatively (worker) owned assets (housing, clean energy systems etc) and businesses or contracting firms.
- Promote opportunities for access to nearby green space and nature.

EPA should prioritize projects in census tracts that have been identified by the CEJST and/or other state and local environmental justice screening tools as experiencing undue pollution burden, as well as communities that self- identify as environmental justice communities.

EPA should also prioritize projects that deliver multiple integrated benefits, including climate and clean energy benefits, health risk reduction, good jobs and job training for community members, community-owned assets, among others. Ideas for the types of projects that EPA should prioritize under

the five eligible funding categories in CAA Section 138(b)(2), and the potential benefits that they could provide, are described below.

- A. *Community-led air and other pollution monitoring, prevention, and remediation, and investments in 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 fall into this category, with a focus on those that reduce, clean up or prevent pollution, reduce health risks, provide emissions monitoring, create jobs and/or provide job training for community members, and provide outreach and education. Such projects could include but would not be limited to those that:

- purchase pollution monitoring equipment and provide training to community members on how to install and use the equipment to support enforcement of pollution regulations, improved air quality and workforce development;
- provide investments in medium and heavy-duty zero-emission technologies, related infrastructure that reduces air pollutants from our transportation infrastructure;
- make home weatherization and electrification improvements to reduce energy bills, improve indoor air quality, and resilience to climate change (for e.g. extreme heat events), with priority given to households that are located in environmental justice communities and are not served by existing energy efficiency and energy assistance programs (such as renters and undocumented immigrants). Energy efficiency improvements should prioritize the use of healthy building materials to avoid increasing any risk to indoor air pollution;
- projects that invest in repairs necessary to make efficiency improvements possible, such as addressing structural issues, wiring, asbestos, mold, or other health and safety concerns that could prevent efficiency improvements;
- provide rooftop solar, renewable battery storage facilities and community solar to reduce local pollution and utility bills, and improve energy security and reliability;
- improvements to reduce traffic-related GHG and local pollution, and improve livability and public health and safety;
- support activities that would help communities access other Inflation Reduction Act program funding, for example to allow a community-based organization to hire a tax lawyer needed to apply for renewable energy tax credits to support renewable energy development in their community or to fund an outreach and education campaign to help low-income households to access high-efficiency electric homes rebates;
- support education and outreach activities that raise awareness and prepare communities for climate emergencies and climate resilience;
- support the purchase and distribution of emergency home kits for the most vulnerable residents to help protect them from extreme heat, flooding, fires and other climate related emergencies;

- support the creation of neighborhood and block groups made up by local residents in vulnerable areas so they can be deployed during climate emergencies;
- provide resources including funding to help EJ and other communities develop their own emergency preparedness and climate adaptation plans; and
- support People of Color owned businesses who are seeking opportunities to enter into the clean energy supply chain and contractor pool with capital switching resources, workforce training resources, and retrofitting resources to prepare business enterprises to service clean energy sectors.

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

Projects on mitigating climate and health risks from extreme weather events could include but would not be limited to those that:

- provide community outreach and education on extreme heat, flooding, extreme cold, and other extreme weather and wildfire risks, paired with risk reduction strategies and training to implement them to improve public health and safety; and
- planting street trees and other landscaping to cut down on noise, pedestrian fatalities, air pollution, and heat islands.

C. Climate resilience and adaptation;

EPA should prioritize projects that mitigate climate and health risks from extreme weather events, which are becoming more intense and frequent with climate change. There are several community based organizations already engaging in work in their communities around emergency preparedness. There needs to be intentional outreach from EPA to ensure such community groups are applying and in turn receiving ECJ program funds. EPA should also solicit projects which use lessons learnt from ongoing emergency preparedness and response efforts and replicate existing guidelines from communities and community based organizations on the frontlines of climate change (for instance community groups in the Gulf South).

- support emergency preparedness to protect public health and safety, including by creating emergency plans, response guides and simulations for industrial accidents and extreme weather events, and by providing preparedness training along with emergency kits for households (e.g., batteries, flashlights, first aid, KN95 masks, packing necessary medicine, etc.);
- improve public works and waste-water systems to reduce sewage overflows and toxic pollution in extreme weather events to reduce health threats during and after extreme weather events;

- improve community resilience to flood risks by expanding parks, green spaces, permeable pavement and other technologies and strategies to reduce stormwater runoff and damage to homes and business and improve public health; and
- reduce extreme heat risks by providing energy efficient and HFC free heat pump air conditioners and heat pumps for community centers, libraries, and households in need, improving home or building energy efficiency, or expanding the tree canopy and green spaces in heat island areas to reduce temperatures, health risks, and energy bills during heat waves;
- improve resilience to cold snaps by supporting home weatherization and electrification improvements to lower energy costs and improve public health and safety;
- Improve health system response for extreme weather events, to monitor food and water safety, coordinate mental health resources, ensure air quality, monitor and control infectious disease outbreaks; and
- require as little bureaucracy as possible so that communities can see relief and restoration as quickly as possible.

D. *Reducing indoor toxics and indoor air pollution;*

EPA should support projects that:

- remove sources of toxic pollution in schools, homes, community centers, health clinics and public buildings to improve public health and safety, including by replacing fossil fuel combustion appliances with efficient electric alternatives ;
- provide outreach and education to community members on indoor toxics and indoor air pollution threats and strategies to address these threats to raise awareness and improve public health; and
- provide resources for households to reduce and remediate indoor air pollution from sources including but not limited to gas induction stoves, lead paint, mold, toxic chemicals in building materials, radon, etc.

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

EPA could support projects that:

- fund research and staff salaries to support State and Federal environmental health and climate justice advisory board members;
- Fund community based organizations to do education and outreach and recruit their communities about opportunities to weigh in on rulemakings and other public processes;
- funds for community leaders and community based organizations to access technical expertise (such as legal counsel) to be able to effectively participate in public proceedings which impact the health and well being of their community;

- supporting staff salaries at community groups to comment on NEPA processes, transportation planning processes, port congestion proposals, etc; and
- supporting staff salaries at community groups to prepare grant applications for other competitive grant programs such as complete street programs, EV charging infrastructure programs, HUD multi-family residential upgrade programs, etc.

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

Significant challenges and barriers to connecting disadvantaged community and environmental justice community residents with workforce opportunities relating to EJ and climate change include: lack of specialized training (e.g., for pollution cleanup and remediation, solar and energy efficiency technology installation, etc.) and/or lack of substantial work experience and proven track record in jobs related to addressing environmental injustice and climate change. EPA can address this by prioritizing projects and organizations that provide worker training and workforce development and apprenticeships for members of environmental justice and disadvantaged communities. Grantees should be allowed to use funds to provide direct payments to participants in apprenticeship programs to support child care, transportation and other essential costs.

EPA should prioritize supporting jobs and career pathways that provide a prevailing wage and competitive and high-quality benefits and jobs that allow for more fair and equitable labor practices, such as unions, co-operatives, among others, that benefit working people and help to close racial wealth gaps. EPA should also prioritize projects that offer training and jobs to formerly incarcerated individuals.

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? 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?

The definition of a “community-based non profit organization” should include organizations that represent environmental justice communities (i.e. low income communities and communities of color) with the majority of the governing body and staff consisting of local residents. The organization should meaningfully involve residents in design, implementation and evaluation of their areas of service. Eligible

organizations should also have a proven track record of working in communities that are overburdened by pollution or face disproportionate climate risks.

This should also include community or cooperatively owned housing, clean energy systems and businesses located or operated by residents of environmental justice and disadvantaged communities as identified by the CEJST or state utilized screening tools.

We support the eligibility for this funding being extended to partnerships between community based organizations and Indian tribes, local government or institutions of higher education, and school districts. EPA should encourage partnerships with community colleges, Historically Black Colleges and Universities, Tribal colleges and universities and land grant universities. EPA should ensure that the partnerships formed between eligible entities are equitable. In the application process itself, applicants should identify how primary applicants are maintaining trust and relationship with sub grantees, establishing memorandums of understanding, addressing inherent power dynamics and setting up inclusive funding distribution processes. Eligible partnerships should be community driven and be set up to divert the majority of the funds to the community based organizations within the partnerships.

Several small community based organizations that would benefit from this stream of funding, do not have 501 c(3) tax status and instead rely on fiscal sponsorships from larger organizations. EPA should broaden eligibility criteria such that community based organizations are able to receive funding through their fiscal agents.

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?

We support EPA's consideration of facilitating partnerships between potential applicants through online forums and webinars. Online forums could support potential applicants in identifying and refining project proposals that would be eligible to receive funding. To ensure online forums are not misused, EPA should provide adequate moderation, establish clear guidelines on the use of the forum and communicate expected conduct from participants. EPA should also clarify their role in the online forum as a moderator. If the online forum is operated as an open online space with minimal moderation and participants are not screened, EPA should communicate that clearly to all participants.

While online engagement is helpful, online engagement alone isn't enough. EPA needs to meet communities where they are at through in-person town halls, listening sessions and community tours.

Reporting and Oversight

1. What types of governance structures, reporting requirements, and audit requirements (consistent with applicable Federal regulations) should EPA consider requiring of EPA grantees of the ECJ Program grants to ensure responsible and efficient implementation and oversight of grantee/subrecipient operations and financial assistance activities?

Reporting burdens (such as the quality assurance project plans) can deter small community based organizations from applying for federal grants. We recommend that EPA minimize the reporting requirements for ECJ program to the extent possible while maintaining appropriate oversight of the grants. EPA should consider allowing grantees/sub grantees to substitute written reports with oral presentations or reports in the form of interviews with EPA staff. EPA should also consider providing external and/or internal EPA staff expert guidance to grantees, on how to navigate and meet reporting requirements.

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

Reporting metrics should be adaptable and not overly prescriptive. Community based organization grantees/sub grantees should receive flexibility in defining metrics that feel relevant to their project. For evaluation of each project, grantees could be encouraged to use national (for instance, burden metrics used in the Climate and Economic Justice Screening Tool) as well as state and local environmental justice screening tools. Grantees should also be offered training (through EPA's technical assistance centers) on best practices to manage a project and develop and measure progress towards meeting project goals.

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?

Technical assistance (TA) can play an important role in ensuring that communities realize the benefits of projects proposed under this program. To best assess the need for and application of technical assistance, EPA should increase their presence in eligible communities. This would help minimize the major disconnect that exists between the federal agency itself and the communities EPA would serve through these grants. Specifically, EPA should plan to conduct site visits to communities with projects to administer technical assistance. By gaining a birds-eye view of projects in their beginning stages, EPA can develop a better understanding of useful forms of TA for current and potential grantees.

TA should be provided to potential and current grantees to the ECJ program during application, project planning, implementation and evaluation stages.

- **Pre Application, Application and Project Planning TA:** Assistance in applying for the grant itself will be an extremely crucial form of TA in supporting community based organizations that have not applied for federal grants in the past and for projects that are in the early stages of development. EPA should also provide pre-application support to potential applicants through workshops and targeted guidance as is the case with California's Transformative Climate Communities (TCC) Program¹³. Along with providing pre application support, The TCC program

¹³ Transformative Climate Communities (TCC) - Strategic Growth Council. (n.d.). Retrieved April 9, 2023, from <https://sgc.ca.gov/programs/tcc/>

makes TA available during the application stage by providing implementation grant applicants with no cost technical assistance providers to develop the scope of their project and develop a complete application. Separate project planning grants are also awarded through TCC. Types of assistance that are useful during the application stage as well as project planning stage include: assessment of grant limitations and requirements, assessment of project readiness, project plan development, development of stakeholder engagement plan, financial analysis and budget development among others. EPA should make pre application, application planning and project planning assistance available to applicants to the ECJ program. Such assistance can be provided by EPA staff directly or through EPA's regional technical assistance centers.

- **Implementation TA:** TA required during the implementation stage will be unique to the specific project and grantee's capacity and needs. Types of assistance that could be useful during implementation stage include but are not limited to: developing grant management techniques (financial and project management techniques), identifying, translating and processing technical information related to the project (such as environmental, climate, health and safety data), developing any data collection instruments, popular education curriculum and development, legal counsel to navigate regulatory requirements and support participation in regulatory processes, development support to assess additional sources of funding for long term implementation of project goals. In order to ensure that communities can access TA when needed, it would be helpful to allow TA to be requested and provided at any point during project implementation. This could be achieved through the creation of TA grants that can support current ECJ program grantees in project implementation (similar to Technical Assistance Grants under EPA's Superfund program which allows community groups to hire advisors that can support project implementation).
- **Reporting TA:** Types of assistance that could be useful during the reporting stage include but are not limited to: developing effective metrics to evaluate progress, processing resident surveys, interviews and other project related qualitative data, and understanding EPA's reporting methods and requirements

Under the ECJ program, grantees should be allowed to use funds to bring in external technical assistance providers at any point during the implementation or evaluation of the project. This could be achieved by including a technical assistance allowance in the original awards to be used as needed for technical assistance. A contingency plan of this nature would be helpful for entities that face different needs as their project progresses especially for entities for whom this is their first project of this kind and could not plan for every need ahead of time.

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

Fenceline colleges and universities, historically Black colleges and universities (HBCUs), tribal colleges and universities, land grant universities and other Minority Serving Institutions (MSIs), and technical colleges, are suited to providing technical assistance for this grant. Scholars with training and a history of

working with environmental justice communities armed with the necessary knowledge and awareness of environmental justice issues are also well suited to be technical assistance providers.

EPA staff and EPA regional technical assistance centers should also plan to provide technical assistance as requested by grantees.

As mentioned earlier, grantees should be allowed to use program funds to hire their own technical experts.

General Comments

1. Besides the questions above, do you have any other comments on the design, structure, and/or implementation of the ECJ Program including your views on ways EPA can simplify the application process for applying for the ECJ Program grants?

Many programs already exist at the state and local level which can serve as tools to guide the design and implementation of this program. For example:

California's Transformative Climate Communities (TCC) Implementation Grant. Adopted in 2016, these grants fund development and infrastructure projects that achieve major environmental, health and economic benefits in California's most disadvantaged communities. The program also offers technical assistance through application, implementation and evaluation.

The Portland Clean Energy Fund is a program where a community coalition works in tandem with the local government to provide oversight and define the terms of the grants process. Such a collaborative and input-intensive process with stakeholders helps establish a direct line of communication between those communities with projects and the entity tasked with implementing the grants appropriately. Enhanced accessibility between EPA and communities they'd like to work with through the ECJ grants is an essential piece of designing this program.

The following EJNCF groups support the above recommendations:

Center for American Progress

Center for Earth Energy & Democracy

Deep South Center for Environmental Justice

Earthjustice

East Yard Communities for Environmental Justice

Environmental Justice for Health Alliance and Chemical Policy Reform

Green Door Initiative

Kean University

League of Conservation Voters

Los Jardines Institute

Midwest Environmental Justice Network
Natural Resource Defense Council
New Jersey Environmental Justice Alliance
Regenesis Institute
Sierra Club
The Harambee House / Citizens for Environmental Justice
Tishman Environment and Design Center, The New School
Union of Concerned Scientists
WeACT for Environmental Justice