

Shalanda D. Young, Director, Office of Management and Budget
Brenda Mallory, Chair of the Council on Environmental Quality
Gina McCarthy, National Climate Advisor

CC:

Richard Moore, Chair, White House Environmental Justice Advisory Council
Peggy Shepherd, Chair, White House Environmental Justice Advisory Council
White House Environmental Justice Advisory Council Members

April 6, 2022

Dear Director Shalanda Young, Chair Brenda Mallory, and Advisor Gina McCarthy,

Thank you for your commitment to carrying forward President Joe Biden's Justice40 Initiative. The United Frontline Table submits the following comments in support of strengthened and robust implementation of this Initiative as outlined in Executive Order 14008 and the Interim Guidance issued by the Office of Management and Budget on July 20, 2021.

The United Frontline Table¹ is a national network of Black, Indigenous, Asian, Pacific Islander, Latinx, and working class-led organizations representing hundreds of grassroots groups and communities across the US. Our membership collectively represent hundreds of thousands of people in frontline communities across the country, who face the brunt of historic racism, poverty, pollution, climate change and other inequities, and who work together towards a regenerative future that repairs historic harms and inequality and invests in the resilience of the most impacted communities.

We look forward to a robust Justice40 program, and offer the following comments to strengthen the initiative and achieve the full breadth of its envisioned impact:

Meaningful Access and Impact

1. **Ensure that the program application process does not inhibit access.** For example, consider creating application processes where eligible entities including community based organizations, small businesses, and local governments, where applicable, can apply for multiple grants from across federal departments through one application. Such a process can facilitate communities with limited capacity and the greatest need to participate fairly and meaningfully.

¹ Visit www.unitedfrontlinetable.org for more information about the United Frontline Table.

2. **Devote a portion of federal Justice40 resources to technical assistance from agencies** on proposal development, application process, implementation and long-term governance, especially for those communities with greatest environmental justice burdens, to facilitate maximum access to programs by eligible entities, and lasting impact from Justice40 investments.
3. **Ensure a maximum proportion of project dollar amounts are contracted with local Black, Indigenous, and People of Color and worker-owned businesses**, or if they lack capacity to take on Justice40-funded projects at scale, require that winning contractors subcontract with otherwise-eligible Black, Indigenous, and People of Color and worker-owner contractors, and allow them to shadow the lead contractor onsite to develop experience and skill.
4. **Require all implementing agencies to undertake robust stakeholder and community engagement at every stage of project development and implementation**, including via direct outreach to frontline and environmental justice communities, hearings or listening sessions in targeted geographies, field liaisons, and attention to language justice and access.
5. **Develop a transparent auditing framework to track progress toward and beyond the 40%** of funding to be invested in disadvantaged frontline communities.

Do No Harm

6. **Ensure that all federal climate investments have clear requirements to explicitly prohibit increases of harmful burdens on disadvantaged communities.** Require agencies to conduct and publicly report impact assessments that project potential harms of investments, programs, rules, and other program activities before issuance of any project or program funds.
7. **No federal funding should be allocated to any projects, programs, or investments that will harm any frontline constituency.** For Justice40 to keep its promises, funding decisions must be required to respect and balance the interests of all frontline constituencies, rather than forcing them into competition. This requires diverse stakeholder engagement and ensuring investments do no harm in any community.

A Comprehensive Approach

8. **Develop funding criteria that require investments to support development and investment in collective community ownership of essential assets**, such as affordable housing, microgrids, worker-owned businesses, community land trusts, and community development finance institutions, in order to build the resilience of frontline communities over the long term.

9. **Create separate programs and funding mechanisms responsive to the specific needs** of the Gulf South, Native American Tribes and communities, and US territories including Puerto Rico, the Northern Mariana Islands, American Samoa, and Guam. Undertake comprehensive outreach across communities in these areas, with attention to appropriate language access, to ensure awareness and equitable deployment of Justice40 funds and programs.
10. **OMB should exercise oversight of agencies in the designation of Justice40 covered programs beyond those named in the pilot program**, first with a focus on formally designating as part of Justice40 specific relevant programs of the Infrastructure Investment and Jobs Act and any relevant provisions from the Build Back Better Act that pass into law, and broadly seeking to expand the scope of Justice40 into additional specific areas including in public health, education, immigration, housing, open space, lands conservation, ecosystems protection and restoration, and other areas with clear climate impacts. All implicated agencies should be responsible for developing plans detailing how each of their covered programs will be tailored to achieve Justice40 investment goals, including targeted investment for the most vulnerable communities and engagement with stakeholders to determine programmatic priorities.
11. **Agencies should issue rules or policies to accompany formula funding in all Justice40 policy areas** instructing a broad range of recipients, including states, counties and tribal governments, about their obligations to adhere to Justice40 in the allocation of formula funds, such as the use of mapping tools like the Climate and Economic Justice Screening Tool (CEJST), to ensure that funding is targeted to reach the most vulnerable communities.
12. **Require competitive grant programs that fall within Justice40 utilize the Climate and Economic Justice Screening Tool in rating proposals.** Proposals benefiting the most vulnerable communities should receive higher consideration, all other things being equal as to proposal requirements. The CEJST should also be incorporated as a decisional factor in oversight of formula funding, as well as in impact assessments of rulemakings, permitting and other Justice40 actions bearing on frontline communities.

Lasting Legacy

13. **Ensure to the greatest extent possible that Justice40 efforts are embedded in long-term guidance, rules and policy of implementing agencies** so progress to achieve Justice40 targets continues regardless of political changes in the administration:
 - a. The Administration should work with Members of Congress to advance legislation that codifies the Justice40 Initiative into law.

- b. Ensure agencies, GAO, CEQ, and OMB have adequate levels of funding and staffing for long-term implementation and oversight of Justice40.
- c. Give guidance for agencies to develop clear multi-year targets and timetables to meet Justice40 targets.
- d. To the greatest extent possible, ensure uniform uptake of the Justice40 initiative across agencies, leveraging the advisory role of the WHEJAC and the inter-agency efforts of the WHEJIC.

We strongly recommend that any further Justice40 guidance from the Biden administration to implementing entities include direction that conforms to the above recommendations. We look forward to continuing to work with your offices and directly with departments and agencies to ensure robust and equitable implementation that fulfills the transformative potential of Justice40.

Sincerely,

Member Organizations of the United Frontline Table:

Asian Pacific Environmental Network
Center for Economic Democracy
Climate Justice Alliance
Grassroots Global Justice Alliance
Gulf Coast Center for Law and Policy
Indigenous Environmental Network
Kentuckians for the Commonwealth
Labor Network for Sustainability
New Economy Coalition
People's Action
Right to the City
Trade Unions for Energy Democracy
UPROSE