

Feedback to the White House Center on Environmental Quality - Regarding Justice40 and Community Climate Resilience

This is a collaboration among Mycelium Youth Network, CivicWell, American Society of Adaptation Professionals, Southeast Sustainability Directors Network, Adaptation International, Institute for Sustainable Communities, and the Urban Sustainability Directors Network.

The following is a collection of feedback from the organizations listed above. Each of these organizations were asked for input and feedback from the Council on Environmental Quality (CEQ). Because our responses to many of these questions are overlapping, we chose to respond as a collective for the ease of ourselves and CEQ. It does not capture all of our individual insights, feedback and priorities when it comes to federal policy, programming and funding, but is intended to provide a consolidated summary of top items agreed to by a number of organizations as related to Justice40 (J40) for CEQ.

This document provides a series of proposed solutions to some of the existing barriers within the climate resilience field, and surrounding environmental justice and racial equity. Additionally, this document provides feedback on the implementation of the J40 Program and federal agency key performance indicators that perpetuate inequities, and create barriers to environmental justice. Overall the organizations who provided this collective feedback feel that in order to remove the barriers which perpetuate inequities in BIPOC communities, the federal government must take a seat at the table with local governments, BIPOC communities, and color-led CBOs, putting them in positions of power and decision making, and paying them for their time and expertise. In order for the current federal investments to have long lasting and positive impacts on these communities, existing federal processes, policies, and programs must be dismantled and redesigned to prioritize people over performance metrics and protecting property.

Proposed Solutions

Lead with Equity

- Develop co-governance and co-management models. This includes learning from existing co-governance models where they are already working around the world (e.g., New Zealand, Australia, Canada) and building on that framework in the US.
- Prioritize and incorporate expertise and knowledge of BIPOC community leaders who are actively working to address climate inequities within their cities and communities. This means engaging and collaborating through trusted community partners and networks, instead of the federal government engaging with them directly.
- Hire and promote BIPOC to decision making roles.
- Provide local and tribal governments and community groups with the same level of technical assistance resources and investments that lead to funding opportunities that are being given to State and Regional governments.
- Structure grant programs to incentivize systems change and to equip communities to enable self-determination. Reimagine funding programs from the ground up.
- Develop a comprehensive benefit cost analysis for federal funds (look to USDN for example framing for this approach).

Existing Barriers

- **Not enough BIPOC in power** - There aren't enough BIPOC in positions of power and we need to dismantle white supremacy culture dictating climate-related work. We cannot make any progress if racialized capitalist structures dictate funding regimes.
- **Reimbursable grants** - Many state and federal grants are situated as reimbursable grants. This often means that smaller organizations have to take on the financial burden of creating and running programming first for several months before they are able to see any state or federal funding or reimbursement. This can often create cash flow problems or create financial hardship on the communities who are best situated to directly serve their communities.
- **Prioritizing property over people** - Requirements like the use of a Benefit Cost Analysis (BCA) that prioritize property over people. This needs to shift to prioritizing people and to consider a social and ecological multiplier to ensure benefits over time are realized.
- **Inability to exercise governance and self-determination** - Tribes and tribal organizations across the United States face a variety of barriers to exercising their governance and self-determination, which directly impacts a community and government's ability to enhance resilience to the impacts of climate change. Complex and antiquated laws, the historic and current legacies of colonization, and unequal power sharing from federal and state agencies limits the ability of recognized and unrecognized Tribes to access funding that can support climate resilience projects, programs, and policies.

Invest in Community

- Provide funding to support community leaders, Tribal government officials, and environmental/climate professionals who deeply understand the issues and also understand potential solutions to those issues. Those individuals need to be supported, uplifted, and engaged in a meaningful and deep way that illuminates both the challenges and solutions at hand.
- Educational strategies coupled with funding needs to come out of CEQ. Engage and give a voice to frontline communities to uplift their needs.
- Increase opportunities to engage youth in science, to educate the next generation about innovation and policy.
- Build a movement that people want to be a part of that addresses the needs of the community, including cultural transformation. Regular people are hungry to engage with climate issues, see a future that feels livable, and participate in a process that they want to and can engage in. It can't just be up to those doing the climate justice work.
- Make a generational investment in climate resilience and adaptation that builds enduring network strength in communities.

Existing Barriers

- **Lack of understanding** - The federal and state government often fails to understand (and/or misunderstands) the root causes that limit the ability of a community to become climate resilient (e.g., colonization, historic and current racist policies, tribal law, etc.).

Build Capacity and Partnerships

- Align local and tribal governments with partnerships, networks, and people resources, externally or embedded into the local and tribal government offices to address gaps in staff capacity for project development, grant applications and administration.

- Increase understanding of how local and tribal governments can engage with and inform federal policy through responding to federal register RFI's, rulemakings, draft guidance, etc.
- Provide federal grants 101 training, technical assistance and direct support to prepare and complete competitive applications.
- Partner with philanthropic institutions and the private sector to increase overall investments in community resilience, particularly to 1) supplement climate-specific funding with flexible funds that help communities meet their basic daily needs, and 2) provide project maintenance funding to achieve and sustain the intended outcomes of federally funded projects.

Existing Barriers

- **Lack of capacity** - Local governments, Tribes, Tribal Organizations, and community organizations often lack the internal capacity and/or staff expertise to pursue project development, navigate the federal funding landscape, identify, apply for, and manage grant awards, and implement projects.

Provide Customized Assistance

- Continue and deepen conversations with local governments and community partners to design and tailor projects to their needs.
- Pay community organizations, nonprofits, and philanthropic organizations who have local expertise, familiarity with local codes and policies, and possess existing relationships, to provide customized support to practitioners.
- Work with a known equity-centered intermediary that has trust and relationships with people of color-led CBOs, and local governments within BIPOC communities to move and guide the development of federal programs and funding. There should be an element for this intermediary to serve as the not just the funding 'pass-through' but to assess whether funding is having an impact as well as to ensure that racial inequity is not being perpetuated within and between communities of color.
- Broaden the provision of informal technical assistance to underrepresented areas.
- Increase awareness of technical assistance hubs and public-private partnerships supporting communities.

Existing Barriers

- **Limited use** - Federal agencies offering technical assistance often do not customize the assistance to the jurisdiction to help practitioners get the answers they need to complete the work. General toolkits or platforms have limited use because they cannot address location-specific needs and questions.

Champion local and tribal governments

- Provide more funding directly to local and tribal governments rather than through states.
- Provide guidance on collaboration and relationship building with state agencies to influence funding priorities and the distribution of funding passed through state.

Existing Barriers

- **Incomplete understanding of community needs** - Often Funding is passed through state agencies who do not have a clear understanding of local government needs and priorities. Local governments find it difficult to establish relationships with state agencies to influence funding priorities and the distribution of funding. In addition, states are often not required to include Justice40-associated data in any decision making, leading to confusion in the administration of funds and disparity in which states have factored in Justice40 in program implementation. (*Example EPA SRF and State Affordability Criteria*).

- **Tribal funding passed through states** - While most federal sources now provide funding directly to federally-recognized Tribes, some still pass funds through state agencies. Tribes without federal recognition must obtain funding through states. This is a violation of the principles of sovereignty, and also creates the same problems that local governments have due to limited state-level understanding of community needs.
- **Strained relationships** - Many communities and state partners struggle to coordinate and develop relationships. This creates a barrier to communities sharing their priorities with state agencies in order to influence policy and how funding is distributed.

Increase Flexibility

- Provide flexibility in the list of allowable costs to provide communities with the assistance that they need. This includes using funding for: staff time, workforce development, community outreach, compensating community members and CBOs, management of regional partnerships, as well as the ability to pay for food and beverages at events, travel for community members to participate in events, printing/copying services, etc.
- Provide funding to communities to fulfill grant program requirements, such as developing planning documents, codes, standards, analyses and assessments, etc. so that in future years they will qualify for project funding.

Existing Barriers

- **Grant restrictions** - Grants often limit allowable costs, restricting funding to staff time. The expenses noted above are not deemed acceptable and yet those are essential to broad, inclusive, and equitable collaborations. In addition, climate resilience expands across all sectors, therefore, grants need to allow for cross-sectoral investments (not just limited to one particular sector).
- **Unfunded requirements** - Many funding opportunities require local governments to fulfill the grant program requirements described above prior to submitting their application, yet the grant program does not provide funding or technical assistance to meet those requirements. This is particularly a barrier to the “disadvantaged” communities J40 is designed to serve.
- **Siloed programs** - Communities are encouraged to develop multi-benefit projects but siloed grant programs lead to piecemeal funding and fragmented implementation.

Keep it Simple

- Reduce the pre-and post-award administrative burden, simplify processes and requirements, and make federal programs more accessible.
- Develop stock language to meet federal requirements, and use one application format across all federal grant programs (or at least agencies)
- Standardize notifications through Grants.gov even when a full application package is not required for submission. (example: Rebate programs, Challenges, and TA Programs)

Existing Barriers

- **Administrative burden** - Grant application processes are long and complex and the pre- and post-award administrative burden is high; combined, this makes it very difficult for local governments and community-based organizations with fewer resources to apply to and implement grants. For some, the administrative burden alone deters them from applying. The entire process needs to be simplified.
 - This also includes the method of publishing federal assistance. Grants.gov, while intended to be a single clearinghouse, only includes some federal assistance opportunities. DOE’s EERE and other agencies often publish on separate websites and have limited or no presence on grants.gov for

assistance opportunities including rebate programs, loan programs, and direct technical assistance. This adds to the burden on limited capacity governments and often preferences communities with experience and knowledge of where to search for opportunities.

- **Time is short** - Insufficient time between a grant posting and its due date to determine fit, pull together solicitation requirements, and foster creative collaboration for a competitive application. In addition, timeframes of grant programs are often too short for local governments or community based organizations to fully implement and see impacts of funded work.
- **Overlapping deadlines** - When there are overlapping deadlines, local governments are forced to prioritize a single project application even when there are multiple expansive needs.
- **Competing needs** - Local governments have too many competing needs for match or cost-share requirements. This funding must be prioritized in a local budget prior to a funding announcement, and therefore is often not time available in the grant proposal process to allow for this allocation.

Feedback on J40 Implementation

- Federal Agency Implementation plans should be made publicly available in order for recipients to understand how J40 commitments will be operationalized within federal assistance opportunities. Additionally, they should clarify how they intend to use datasets that predate the Justice40 initiative in the evaluation of applications for federal assistance (i.e EPA's EJ Screen, FEMA's National Risk Index, and CDC's Social Vulnerability Index).
- Beta screening tool has limitations (such as excluding race) which means not all communities who need the funding may show up as priority on the tool. Additionally some federally-recognized tribes, notably in checkerboard areas, would be excluded, based on census tract designations.
- Publicly available data precludes the ability to track J40 implementation. SF-424 family only requests a general project area and does not require reference of a specific (or multiple) census tract. This limits the ability for agency and public analysis of publicly available data at the Census tract level (even where data is available for scope of performance there are disparate geographic datasets which preclude direct analysis, i.e zip code level not census tract).
- It's unclear how CEQ will use existing resources developed by racial justice partners to inform the implementation of J40.
- There should be a process for communities to "nominate" or challenge current designations of census tracts being labeled as disadvantaged. Allowing communities to provide additional justification or updated data that demonstrates why such tract should be qualified as disadvantaged can help overcome many of the previously identified Justice40 definition limitations.
- Federal agencies should track and report on both obligations and outlays to disadvantaged communities.
- Funding should prioritize projects that create measurable direct social and economic benefits to frontline communities, e.g. paid training in green infrastructure.

Feedback on Agency/Programmatic Key Performance Indicators

- **Prioritizing outputs over outcomes** - Many federal agencies are required to fulfill annual metrics by delivering their programs and services to a minimum population or number of communities within their jurisdiction, and resulting in a minimum number of projects. This puts the focus on counting heads in a room or towns on a map instead of influencing outcomes that reflect a community's priorities, history, and unique circumstances. This approach leads federal agencies to engage primarily those communities with the largest populations and where there are established partnerships and relationships, requiring less extensive community outreach and engagement.

- **Minimum capacity required** - Federal agencies provide voluntary programs such as technical assistance to communities that identify that they have a need through a request for services or formal call for proposals. This approach tends to support only those communities which have the staff, capacity, and historic experience engaging in the federal arena. Communities may forego technical assistance because the bureaucratic burden of obtaining the technical assistance is expected to be too high.
- **Voluntary Technical Assistance** - Agencies tend to select communities to pilot voluntary programs based upon existing relationships. This perpetuates existing disparities and disproportionately positions select communities to access formal technical or financial assistance opportunities.