

FREQUENTLY ASKED QUESTIONS

Justice40

Rules and Regulations under the Infrastructure Investment and Jobs Act

Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, was issued during the first week of the Biden Administration. Section 223 of EO 14008 established the Justice40 Initiative, which directs 40% of the overall benefits of certain Federal investments – including investments in clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of clean water infrastructure – to flow to disadvantaged communities (DACs).

Below is a list of common questions and relevant considerations related to Justice40 for potential applicants to the Oregon Department of Energy (ODOE) Section 40101(d) Grant, Preventing Outages and Enhancing the Resilience of the Electric Grid, which is funded by the U.S. Department of Energy through the Infrastructure Investment and Jobs Act (IIJA).

1. How is the U.S. Department of Energy implementing Justice40?

On July 20, 2021, the Office of Management and Budget (OMB) released Interim Implementation Guidance for the Justice40 Initiative, M-21-28 (OMB Interim Guidance), which has guided the US DOE's work on Justice40 along with relevant statutory authorities. Additionally, on January 27, 2023, OMB released an Addendum to the Interim Implementation Guidance for the Justice40 Initiative, M-23-09, directing all federal agencies to use the Climate and Economic Justice Screening Tool to identify geographically defined disadvantaged communities.

The Interim Implementation Guidelines provides the initial recommendations pursuant to section 223 of Executive Order 14008 and supports the Administrations comprehensive approach to advancing equity for all in line with Executive Order 13985. Some of the actions required of agencies that manage covered Justice40 programs include:

1. Identifying the benefits of the covered programs
2. Determining how covered programs distribute benefits
3. Calculating and reporting on reaching the 40% goals of the Justice40 Initiative

2. What are the policy priorities that guide the U.S. Department of Energy's implementation of Justice40?

Based on stakeholder engagement, priorities identified by [White House Environmental Justice Advisory Council](#) (WHEJAC), and additional research, the Office of Economic Impact and Diversity identified eight policy priorities to guide US DOE's implementation of Justice40:

1. Decrease energy burden in disadvantaged communities (DACs).
2. Decrease environmental exposure and burdens for DACs.
3. Increase parity in clean energy technology (e.g., solar, storage) access and adoption in DACs.
4. Increase access to low-cost capital in DACs.



5. Increase clean energy enterprise creation and contracting (MBE/DBE) in DACs.
6. Increase clean energy jobs, job pipelines, and job training for individuals from DACs.
7. Increase energy resiliency in DACs.
8. Increase energy democracy in DACs.

3. What is a Justice40 “Covered Program”?

A “covered program” is a Federal Government program that falls in the scope of the Justice40 initiative because it includes investments that can benefit disadvantaged communities across one or more of the following seven areas: climate change, clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, remediation and reduction of legacy pollution, and the development of critical clean water and wastewater infrastructure. Existing and new programs created by President Biden’s Bipartisan Infrastructure Law that make investments in any of these categories can also be considered Justice40 covered programs.

All Justice40-covered programs are required to engage in stakeholder consultation and ensure that community stakeholders are meaningfully involved in determining program benefits. Covered programs are also required to report data on the benefits directed to disadvantaged communities.

4. How does the U.S. Department of Energy define “Disadvantaged Communities” (DACs)?

The Office of Management and Budget (OMB)’s Interim Guidance defines a *community* as either:

1. A group of individuals living in geographic proximity (such as a census tract)
2. A geographically dispersed set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions.

5. What is the Climate and Economic Justice Screening Tool?

The Climate and Economic Justice Screening Tool (CEJST), a new tool by the White House Council on Environmental Quality (CEQ), aims to help Federal agencies identify DACs as part of the Justice40 Initiative.

6. What indicators are used to identify DACs?

The CEJST tool was developed using various datasets that indicate burden, collected at the census tract level. The burdens can be organized into eight (8) categories:

1. Climate Change
2. Energy
3. Health
4. Housing
5. Legacy Pollution
6. Transportation
7. Waste and Wastewater
8. Workforce Development

See below to understand some of the indicators of burden belonging to the eight categories above:

- a. Unemployment: Number of unemployed people as a share of the labor force.
- b. Low Income: Percent of a census tract's population in households where household income is at or below 200% of the Federal poverty level, not including students enrolled in higher education.
- c. Diesel Particulate Matter Exposure: Mixture of particles in diesel exhaust in the air, measured as micrograms per cubic meter.
- d. Transportation Barriers: Average relative cost and time spent on transportation relative to all other tracts.
- e. Housing Cost: Share of households that are both earning less than 80% of Housing and Urban Development's Area Median Family Income and are spending more than 30% of their income on housing costs.
- f. Energy Cost: Average household energy cost in dollars divided by the average household income.

A community is considered a DAC if it is in a census tract that is (1) at or above the threshold for one or more environmental, climate, or other burdens, and (2) at or above the threshold for an associated socioeconomic burden. Additionally, a census tract that is surrounded by disadvantaged communities and is at or above the 50% percentile for low income is also considered disadvantaged. Please explore the CEJST methodology and data information on their [website](#) for more on the indicators of burden.

7. According to Justice40 and the Climate and Economic Justice Screen tool, what areas and populations are considered Disadvantaged Communities in Oregon?



Throughout Oregon, there are census tracts that are considered Disadvantaged Communities, which means that each identified census tract meets more than one burden threshold and the associated socioeconomic threshold. The map to the left was sourced from the Climate and Economic Justice Screening Tool mentioned in question 5. The counties that are shaded in a darker color are identified as containing Disadvantaged Communities.

The lands of Oregon's nine federally recognized Tribes are included in the DACs on the CEJST map. Those Tribes include Burns Paiute Tribe; Confederated Tribes of Coos, Lower Umpqua and Siuslaw; Confederated Tribes of Grand Ronde; Confederated Tribes of Siletz; Confederated Tribes of the Umatilla; Confederated Tribes of Warm Springs; Cow Creek Band of Umpqua Tribe; Coquille Indian Tribe; and the Klamath Tribes.

8. How do Justice40 requirements affect my application for Section 40101(d) Grant: Preventing Outages and Enhancing the Resilience of the Electric Grid?

Justice40 is an ongoing requirement of this funding, and subrecipient applications to ODOE that can demonstrate an early commitment and thoughtful plan for implementing the necessary Justice40 requirements as part of their project design will be more competitive in the award selection process. Potential subrecipients are encouraged to consider how they will assess and implement the Justice40 requirements and reference this strategy within their application. Selected projects will be required to provide metrics indicating progress on J40 commitments during regular reporting intervals. However, it

is possible for a project to be funded under this program without providing benefits to a disadvantaged community.

9. What if my project intends to serve a community that falls outside of the Justice40 designation?

The Justice40 Initiative and Climate and Economic Justice Screening Tool are core to the US DOE's Section 40101(d) Grant: Preventing Outages and Enhancing the Resilience of the Electric Grid program, and applicants are encouraged to utilize the Justice40 Initiative framework within their program design to the greatest extent possible. The Justice40 Initiative includes a wide range of environmental, economic, health, and other social benefits the U.S. Department of Energy has prioritized for distribution of funding and applicants are encouraged to think broadly about project impacts. However, ODOE recognizes the Climate and Economic Justice Screening Tool may not reflect every underserved community in Oregon and communities may be exposed to factors that create vulnerability that transcend census tracts. Therefore, applicants can also still propose projects under the 60% of funding that does not need to benefit disadvantaged communities under the Justice40 Initiative and ODOE will consider applications that demonstrate the greatest need for project funding to support vulnerable populations that are outside the scope of the Climate and Economic Justice Screening Tool.

10. Additional Resources

- [FedConnect Landing Page](#)
The link above is the ALRD FedConnect Page for IJA Section 40101(d) Formula Grants to States and Indian Tribes for Preventing Outages and Enhancing the Resilience of the Electric Grid. Once on the landing page, you will see a description and an overview of this opportunity. To the right, you will see a list of the attached documentation and Amendment 7 is the most updated ALRD. To view any of the attachments, simply click the attachment name.
- [40101\(d\) Frequently Asked Questions](#)
The link above is the updated FAQ pertaining to 40101(d) Formula Grants to States and Indian Tribes.
- [Allocation of Funds](#)
The link above is DOE's Allocation of Funds under the IJA Section 40101(d) – Formula Grants to States and Indian Tribes for Preventing Outages and Enhancing the Resilience of the Electric Grid.
- [Executive Order on Tackling the Climate Crisis at Home and Abroad | The White House](#)
The link above provides an outline to the full Executive Order on Tackling the Climate Crisis at Home and Abroad.
- [M-21-28 \(whitehouse.gov\)](#)
The link above references the Interim Implementation Guidance for the Justice40 Initiative.
- [M-23-09 \(whitehouse.gov\)](#)
The link above references an Addendum to the Interim Implementation Guidance.
- [Explore the map - Climate & Economic Justice Screening Tool \(geoplatform.gov\)](#)
The link above will take you to the Climate & Economic Justice Screening Tool.
- [DOE Justice40 Covered Programs | Department of Energy](#)
The link above provides an overview of all the current Department of Energy programs that are considered "Covered Programs" under Justice40.

This document is intended to be for informational purposes only. If there is any conflict between information in this document and the awards agreement, the language in the awards agreement will prevail.

