



REPORT

Positioning Justice40 for Success

A Policy and Practice Playbook

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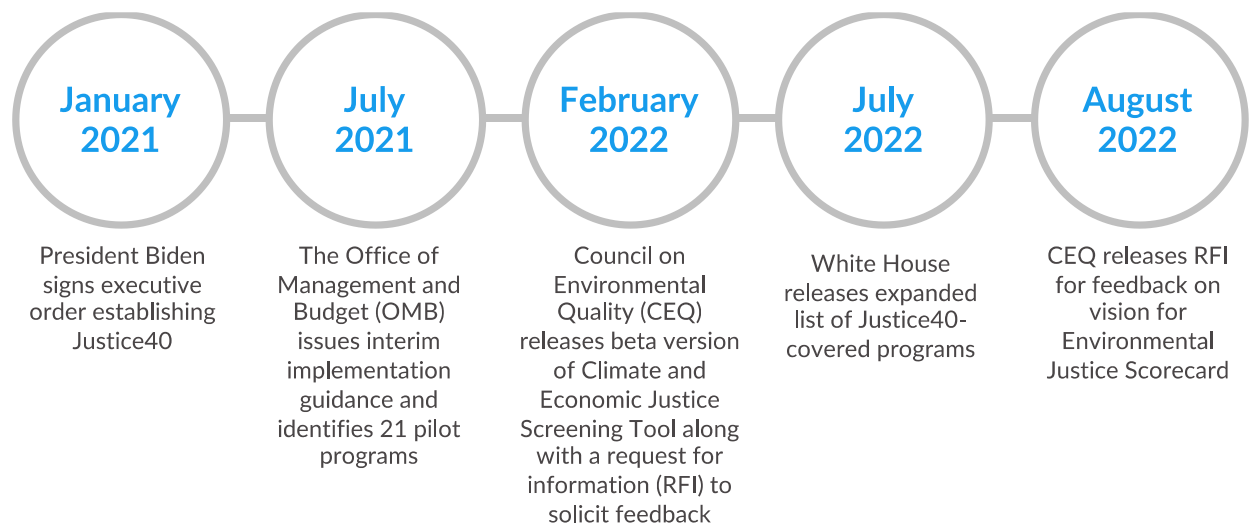
Overview

The Justice40 Initiative

Created through President Biden’s [Executive Order 14008](#), “Tackling the Climate Crisis at Home and Abroad,” Justice40 is an initiative of the federal government that aims to deliver 40 percent of the benefits of certain federal investments to communities identified as “disadvantaged” based on factors such as exposure to pollution and other environmental hazards, vulnerability to the impacts of climate change, and levels of socioeconomic distress.¹ Justice40 applies to federal programs that make covered investments (including grants, loans, and direct payments) in the following seven areas: climate change, clean energy and energy efficiency, clean transportation, affordable and sustainable housing, remediation and reduction of legacy pollution, critical clean water and waste infrastructure, and training and workforce development related to any of the preceding areas.

The White House states that the Justice40 Initiative “[seeks to address the intersectionality of underinvestment, environmental injustice, and the climate crisis.](#)” These efforts to concurrently elevate equity, climate action, and economic health as core principles guiding the federal government’s work represent an unprecedented acknowledgement of the increasingly evident interdependence of these major issues, and mark a fundamental change in how the federal government works to address ongoing and historical economic, racial, and environmental injustices as well as the climate crisis. Advocates see in Justice40 a historic opportunity to generate transformative change in marginalized, overburdened, and underserved communities. However, they also caution that achieving Justice40’s ambitious goals hinges on how the initiative is implemented.

Justice40 Timeline





Positioning Justice40 for Success

The Urban Institute's Equity in Place project, which is part of the [Shared Prosperity Partnership](#), seeks to support the ability of the Justice40 Initiative to meet its goals and deliver benefits to communities carrying the greatest environmental, public health, and economic burdens. Our work began in early 2022 with a scan of the initiative's official guidance and supplemental reports to build an understanding of Justice40's framework, vision, and goals. We then conducted scoping interviews with representatives from the US Environmental Protection Agency (EPA), the Pennsylvania Department of Environmental Protection, the Urban Waters Federal Partnership, and nonprofit organizations across the country engaged in policy, capacity-building, and technical-assistance work with some of the communities that Justice40 intends to benefit. We also attended virtual public meetings hosted by the White House Environmental Justice Advisory Council.

Following the scoping interviews, which were conducted in the first half of 2022, we held two convenings with leaders from many of the nonprofit environmental justice organizations we interviewed, as well as a few others. The first convening focused on validating and refining our synthesis of insights gathered from the interviews; the second focused on understanding leaders' visions for Justice40 and on articulating the principles and specific actions that, in their view, were needed to make the vision a reality.

The nonprofit leaders we spoke with expressed optimism in the paradigm shift undergirding the Justice40 framework, and consistently indicated their belief that Justice40 offers a promising opportunity to pursue new and different federal investments that better meet community needs, reduce and repair harms, and otherwise address the legacy of investments that have perpetuated—and continue to perpetuate—racial and environmental injustice. They also expressed substantive concerns about the ability of the initiative to deliver benefits for the communities they serve. We synthesized their viewpoints into five themes, cutting across both the opportunities the initiative presents and the challenges that may stymie its success, in an initial framing paper, [Advancing Equity, Climate Action, and Economic Health in Communities: Challenges and Opportunities for the Justice40 Initiative](#), published in October 2022. A summary of each theme is reproduced below.



Identifying, engaging, and prioritizing communities. Improvements in how communities are identified, engaged, and prioritized would enable Justice40 to simultaneously advance equity, climate action, and economic health.



Program design and funding structure. Changes to program design and funding structure could help make Justice40 funding more accessible to the “disadvantaged” communities it is intended to benefit.



Defining and measuring benefits. A clear definition of “benefits” and how they are measured would help align Justice40’s intent with its impact and support meaningful evaluation of investment outcomes against Justice40’s goals.



Oversight and accountability. A robust, transparent, and equitable accountability structure would help ensure that Justice40 investments at all levels of government deliver the promised benefits to “disadvantaged” communities.



Whole-of-government approach. Increased coordination and collaboration, both horizontally between federal agencies and vertically between federal, state, and local governments could help expand Justice40’s impact and scope.

In this playbook, we turn to the second objective of our work: providing recommendations to federal policymakers and agencies on ways to ensure the successful implementation of Justice40. Following the release of the framing paper, we conducted a series of calls with federal agencies involved in Justice40’s implementation, including the Council on Environmental Quality (CEQ), the Department of Housing and Urban Development, and the Economic Development Administration, to preview our findings and learn about their ongoing work. The recommendations that follow are grounded in the realities of this ongoing work and informed by the knowledge, actions, and aspirations of the more than 30 national, regional, and local nongovernmental stakeholders with whom we spoke.

QUESTIONS AND FEEDBACK

For questions or feedback about these recommendations, including proposed additions, please reach out to our team at Justice40@urban.org.



Recommendations

The Justice40 Initiative continues to evolve as of this writing, with final implementation guidance expected in late 2022 or early 2023. The recommendations below are based on the state of the Justice40 landscape as of October 2022 and are intended for the federal agencies and policymakers responsible for implementing the initiative. We develop eight overarching recommendations accompanied by specific actions that the federal government can undertake. For each recommendation, we highlight which of the five identified themes it can address (see [Positioning Justice40 for Success](#)).

1. Improve the methodology used to identify “disadvantaged” communities.



- Revise the Climate and Economic Justice Screening Tool to account for race and current and projected climate impacts, and to more effectively prioritize communities with cumulative burdens.
- Establish a fair and expedited process for communities to petition their designations.

2. Meaningfully engage communities throughout the design and implementation of Justice40 programs and projects.



- Ensure Justice40-eligible communities and the organizations that serve them are aware of available funding opportunities.
- Formalize the integration of community input and expertise throughout all Justice40-covered programs and projects.
- Provide guidance on ways to conduct meaningful and non-extractive community engagement.

3. Revise funding structures to make Justice40 programs across all federal agencies accessible and inclusive.



- Reduce application burdens and make funding more accessible to enable lesser-resourced localities to compete.
- Allocate appropriate time and funding for planning and community engagement.
- Design programs and incentives to create long-lasting change rather than quick wins.



- Remove cost-sharing requirements for the most “disadvantaged” communities.

4. Build the capacity of lesser-resourced localities and communities to apply for and absorb federal funding as well as to successfully undertake Justice40 projects.



IDENTIFYING, ENGAGING,
& PRIORITIZING COMMUNITIES



PROGRAM DESIGN &
FUNDING STRUCTURE



WHOLE-OF-GOVERNMENT
APPROACH

- Create standards for the provision of technical assistance to “disadvantaged” communities.
- Move beyond providing assistance to build capacity and empower communities.

5. Refine and expand existing guidance on how federal agencies should implement Justice40 programs.



IDENTIFYING, ENGAGING,
& PRIORITIZING COMMUNITIES



PROGRAM DESIGN &
FUNDING STRUCTURE



DEFINING &
MEASURING BENEFITS



OVERSIGHT &
ACCOUNTABILITY

- Create clear, consistent, and enforceable selection criteria that prioritizes projects that holistically advance equity, climate action, and economic health.
- Ensure that formula and other funds are spent in accordance with Justice40 principles.
- Provide detailed guidance on what benefits “count” and metrics to track those benefits.
- Proactively conduct outreach and channel investments to communities carrying the greatest burdens.

6. Create oversight and accountability mechanisms to ensure that guidance is followed and goals are met.



DEFINING &
MEASURING BENEFITS



OVERSIGHT &
ACCOUNTABILITY

- Build a robust and transparent monitoring and reporting process.
- Develop clear mechanisms of accountability.
- Provide the support and resources needed to comply with Justice40’s framework.
- Designate an appropriate body to perform centralized oversight functions.



7. Enhance horizontal coordination between federal agencies and vertical collaboration between federal, state, local, tribal, and territorial governments.



PROGRAM DESIGN &
FUNDING STRUCTURE



WHOLE-OF-GOVERNMENT
APPROACH

- Create a collaborative interagency group responsible for coordinating Justice40's implementation.
- Establish forums to facilitate intentional collaboration with and between state, local, tribal, and territorial governments.

8. Expand Justice40's reach.



IDENTIFYING, ENGAGING,
& PRIORITIZING COMMUNITIES



PROGRAM DESIGN &
FUNDING STRUCTURE



WHOLE-OF-GOVERNMENT
APPROACH

- Establish 40 percent as a floor, not a ceiling, and expand Justice40's reach to include other sectors.
- Institutionalize Justice40 to ensure that it outlives the current administration.
- Expand Justice40's framework beyond whole-of-government to "whole-of-market."
- Move beyond unlocking resources to real healing and repair.



1. Improve the methodology used to identify “disadvantaged” communities



IDENTIFYING, ENGAGING,
& PRIORITIZING COMMUNITIES



WHOLE-OF-GOVERNMENT
APPROACH

Revise the Climate and Economic Justice Screening Tool to account for race and current and projected climate impacts, and to more effectively prioritize communities with cumulative burdens.

The [Climate and Economic Justice Screening Tool](#) was created to help federal agencies identify “disadvantaged” communities to prioritize for Justice40 investments. As many of the [responses](#) to the CEQ’s request for information on the tool noted, the present version of the Climate and Economic Justice Screening Tool (which is still in beta) does not account for race or current or projected climate impacts. But race is one of the strongest predictors of exposure to environmental hazards, and prioritizing frontline communities is key to achieving Justice40’s environmental justice and climate goals. The tool’s binary determination of “disadvantage” also limits its ability to prioritize communities dealing with multiple burdens, including exposure to environmental hazards, public health burdens, and economic hardships, and may result in communities with comparatively fewer burdens receiving funding ahead of communities with comparatively higher burdens.

To ensure that limited federal resources are channeled to communities of color, frontline communities, and communities bearing large cumulative burdens, the Climate and Economic Justice Screening Tool should be revised for the next iteration to include race and climate impacts—both current and projected—including vulnerability to extreme weather events, flooding, drought, and wildfires. The next iteration should also assess cumulative burdens and score communities based on these burdens to allow for more effective prioritization. The federal government can look to well-established state tools, such as California’s [CalEnviroScreen](#), for examples of how to implement such a scoring method.

Establish a fair and expedited process for communities to petition their designations.

The administration has [noted](#) that once final implementation guidance for the Justice40 Initiative is issued, the Climate and Economic Justice Screening Tool’s methodology for identifying “disadvantaged” communities will be used by all federal agencies. Although this can be an important means of enforcing consistency across federal agencies, the tool is currently unable to capture the full range of environmental, climate, economic, and health burdens that communities across the country face at the level of granularity needed. This challenge exists for several reasons, including because the relevant data does not exist, because the data is not captured for all communities nationwide, or because the burdens are difficult to quantify. This is especially true for [rural and tribal communities](#), who face significant environmental burdens that may not be captured in datasets available at a national level.



As the EPA [acknowledges](#) regarding its own tool, EJScreen, “a screening tool cannot capture all the relevant issues that should be considered” and “should be supplemented with additional information and local knowledge wherever appropriate.” To ensure that communities that are disproportionately burdened are not inadvertently left behind because of data gaps, the administration should direct federal agencies to provide opportunities for communities who believe they are incorrectly classified to petition their designations. The administration should also establish a fair and expedited process to evaluate these petitions to ensure that decisions are made in a consistent manner across agencies.

2. Meaningfully engage communities throughout the design and implementation of Justice40 programs and projects



Ensure Justice40-eligible communities and the organizations that serve them are aware of available funding opportunities.

All Justice40 programs and projects should begin with a commitment to ensuring that the needs and priorities of the communities involved guide the work from the outset. But involving and engaging community members first requires awareness—if communities and the organizations that serve them are either unaware of or confused about the funding opportunities available through Justice40, they will not be able to engage with the programs intended to benefit them, resulting in a missed opportunity for both the communities in question and for the federal government. Meaningfully engaging members of “disadvantaged” communities requires building and maintaining trust, which necessitates establishing relationships and following through on commitments, among other conditions. While the administration cannot build these relationships on behalf of federal agencies and their offices, they *can* make it easier for communities to reach the relevant agencies, programs, and resources. One way of doing this could be to create a “one stop shop” for accessing all the information related to Justice40 and its covered programs across all federal agencies.

Communities interested in Justice40 funding opportunities are currently required to navigate a maze of agency websites and webpages to access this information. Many nongovernmental organizations have created Justice40 guides and resources: for example, the Equitable and Just National Climate Platform created a [Justice40 Resource Guide](#), Emerald Cities Collaborative developed a [Justice40 Community Benefit Playbook](#), and Harvard Law School’s Environmental and Energy Law Program hosts a [Federal Environmental Justice Tracker](#) that contains a section on Justice40 specifically. However, none of these resources carry the authority of the federal government, and the proliferation of external resources may create confusion in cases where the information conflicts. And although some federal agencies have regional offices where community-based organizations and local governments can connect with federal staff, these offices are unable to support the full scope of Justice40 programs across all relevant agencies.



A federally hosted guide that provides information on all Justice40 covered programs or a clearinghouse with frequently asked questions would lower the barriers to accessing relevant information for eligible communities. These resources could also be accompanied by the provision of “switchboarding” services, which could provide wayfinding support for communities to navigate available information and could also connect them to specific programs, people, or agencies who can answer questions or address community needs. The guide, FAQ, and any services provided should all be made available in languages other than English, and should use clear, simple, and accessible terminology.

Formalize the integration of community input and expertise throughout all Justice40-covered programs and projects.

Justice40’s goal of delivering 40 percent of benefits from select federal investments to “disadvantaged” communities is a form of distributive equity, which is concerned with the fair allocation of resources. But it is equally important to attend to procedural equity in the processes and mechanisms through which distribution decisions are made. Community members, particularly those with lived experience of economic and environmental injustices, have access to information and context that is often not available to those outside of the community, and can offer insights that even the most robust quantitative data fail to capture. Embedding their input and expertise within all stages of Justice40 programs and projects can lead to more effective and sustainable solutions to local needs, and is critical to advancing equity, climate action, and economic health.

The administration should formalize integrating community input and expertise throughout the design and implementation of the Justice40 Initiative. This could be accomplished by, for instance, providing direction to federal agencies in the final implementation guidance on when and how to engage and involve members of the community, helping agencies create mechanisms for direct feedback from affected communities, and incorporating community-led monitoring mechanisms into agency evaluations and accountability measures. The administration should also direct federal agencies to require that funding recipients—whether states, regional bodies, local governments, private actors, or nongovernmental organizations—demonstrate plans to incorporate community input throughout all stages of the project lifecycle, including in how projects are designed, built, maintained, and evaluated.

Provide guidance on ways to conduct meaningful and non-extractive community engagement.

While some federal agencies have established community outreach and engagement programs (for instance, the EPA holds monthly [national environmental justice community engagement calls](#) and the Department of Transportation (DOT) has an [Office of Public Engagement](#)), many do not. To ensure that federal agencies can and do meaningfully engage members of the community, the administration should provide guidance that emphasizes not just the quantity of community engagement efforts, but also the quality, with the goal of moving beyond consulting and involving community members to actively collaborating with, if not deferring to, them.

These guidelines should also specify methods to ensure that engagement events are inclusive and accessible to a range of community members, including community leaders and members of the community least likely



to have been engaged in the past. This can be done in many ways, including compensating participants for their time and expertise, providing transportation or childcare services or offering reimbursement for such services, and ensuring that all accessibility needs (such as translation and physical access requirements) are met. There are many resources that the administration can leverage to provide guidance on effective and non-extractive methods of community engagement, including a [guidebook](#) on community-engaged methods assembled by Urban researchers, a [resource](#) on facilitating community participation and moving toward community ownership co-developed by Facilitating Power and the Movement Strategy Center, and a list of community engagement [best practices](#) compiled by Groundwork USA.

3. Revise funding structures to make Justice40 programs across all federal agencies accessible and inclusive



Reduce application burdens and make funding more accessible to enable lesser-resourced localities to compete.

The current structure of many federal funding programs favors larger, well-resourced applicants, who may already have plans in place and projects planned, or who have the resources to hire consultants and contractors to supplement their capacity. To ensure that funding reaches lesser-resourced localities, the federal government should restructure programs to reduce application burdens and level the playing field. These may include directing federal agencies to provide more time for communities to complete applications, simplifying application processes (by, for instance, shortening the applications, consolidating applications for multiple related programs, or creating a standardized application across all agency programs), or considering alternative structures, such as rolling applications that allow communities to apply when they are ready or special applications processes that reduce burdens for communities with the greatest need.

To make federal funding accessible to the communities Justice40 is intended to reach, the administration should also direct agencies to publish program information and notices of funding opportunities in multiple languages, host informational webinars and other engagement sessions to provide community members and local governments the opportunity to ask questions and obtain more information, and partner with community-based organizations to conduct active outreach to communities with the greatest burdens to make them aware of relevant opportunities (see recommendation 2: [Meaningfully engage communities](#)).

Allocate appropriate time and funding for planning and community engagement.

Short turnaround times between the announcement of available funding and application due dates also tend to favor “shovel-ready” projects, which are often status quo projects proposed by applicants who have prior



experience using federal funds. Short turnarounds do not provide the time necessary for applicants to undertake a meaningful planning process, let alone engage members of their communities in that process. To ensure that federal funding reaches the communities that need it most, and that it funds projects that will result in the desired economic, equity, and climate benefits for community members, the administration should direct federal agencies to revise their application processes to provide sufficient time for applicants to meaningfully engage members of the community during the planning process, as well as to develop funding structures that support the time and resources necessary for meaningful community engagement throughout the lifecycle of a project (see recommendation 2: [Meaningfully engage communities](#)).

Design programs and incentives to create long-lasting change rather than quick wins.

Change does not happen overnight, especially when it comes to systemic and structural issues like climate change, equity, and economic health. Despite this, federal funding programs, including many currently covered by Justice40, are short-term in nature, which risks short-term solutions. Federal programs should instead be designed to provide long-term funding which will allow recipients to create plans that will generate long-lasting change. For example, expanding the use of revolving loan fund programs (while making them more accessible) would enable funding to be “recycled” in perpetuity.

Federal funding should also include provisions for ongoing operations and maintenance costs, especially when it comes to infrastructure projects, to ensure that projects avoid becoming liabilities to the communities they are intended to serve and continue to generate benefits for communities in the longer term, including through the local jobs that ongoing operations and maintenance activities support. This can be done by directing federal agencies to require that funding recipients develop sustainable, long-term plans for funding operations and maintenance needs over the lifetime of their projects, and to provide the funding and technical assistance needed to develop these plans.

Remove cost-sharing requirements for the most “disadvantaged” communities.

Many federal programs have cost-sharing requirements, which are often not waived for low-income or otherwise less-resourced communities. These requirements further disadvantage many of the communities Justice40 intends to benefit and may deter them for applying for funding, regardless of the scale of need. The administration should direct federal agencies to exempt Justice40-eligible communities from cost-sharing requirements to ensure that Justice40 funding is accessible to the communities it intends to benefit.



4. Build the capacity of lesser-resourced localities and communities to apply for and absorb federal funding as well as to successfully undertake Justice40 projects



IDENTIFYING, ENGAGING,
& PRIORITIZING COMMUNITIES



PROGRAM DESIGN &
FUNDING STRUCTURE



WHOLE-OF-GOVERNMENT
APPROACH

Create standards for the provision of technical assistance to “disadvantaged” communities.

The communities that Justice40 intends to benefit often have fewer resources available to them, whether monetary or otherwise, and thus have less capacity to both apply for and absorb competitive funding and successfully undertake Justice40 projects. To ensure that these communities can access federal funding (either directly from federal agencies or via pass-through funding from state and local governments), the administration should direct agencies to provide technical assistance that can support these communities in planning appropriate projects, developing proposals, applying for funding, executing the projects, and subsequently tracking and reporting on their impact.

Nonprofit networks, intermediary organizations, and technical-assistance providers have deep expertise in each of these areas and can serve as navigators between the federal government and communities; however, providing assistance without regarding local circumstances and context can often harm more than help. The administration should thus create standards that direct federal agencies to develop new technical-assistance strategies (or expand existing ones) that support networks of diverse providers with connections to the communities they are serving, as well as mechanisms for evaluating the performance of such assistance that take into account community perspectives and feedback (see recommendation 2: [Meaningfully engage communities](#)).

Move beyond providing assistance to build capacity and empower communities.

The provision of technical assistance is only a first step; the federal government, in collaboration with state and local governments, should ultimately work toward building the capacity of communities to apply for funding independently and empowering them to successfully undertake projects on their own terms. One way to do this could be to provide multi-year formula funding for pre-development to all Justice40-eligible communities, which could help underresourced communities hire staff and create strategic plans to address their most pressing issues. The administration should also encourage state, regional, and local governments to incorporate support for capacity-building activities into existing infrastructure and capital improvement plans so that communities can help codesign and codevelop projects. Collectively, this and other recommendations in this section will help ensure that communities are better positioned to take advantage of funding (federal or otherwise) when opportunities arise.



5. Refine and expand guidance on how federal agencies should implement Justice40 programs



IDENTIFYING, ENGAGING,
& PRIORITIZING COMMUNITIES



PROGRAM DESIGN &
FUNDING STRUCTURE



DEFINING &
MEASURING BENEFITS



OVERSIGHT &
ACCOUNTABILITY

Create clear, consistent, and enforceable selection criteria that prioritizes projects that holistically advance equity, climate action, and economic health.

Selection criteria are important levers through which federal agencies can maximize benefits resulting from Justice40 investments to “disadvantaged” communities and advance Justice40’s intersecting goals on equity, climate, and the economy. The administration should direct agencies to prioritize projects for competitive funding that offer benefits cutting across all of Justice40’s goals, and provide clear, consistent, and enforceable selection criteria that agencies can use to do so. These criteria should include, at minimum:

- the degree to which proposed projects incorporate climate mitigation, adaptation, and resilience strategies
- whether proposed projects have plans to provide—or partner with other organizations that provide—workforce development, job placement, career pathways, and business development opportunities to local people with low incomes and local people of color, and whether those plans incorporate job-quality standards
- whether proposed projects include plans demonstrating what—and how—specific benefits will flow to “disadvantaged” communities and specific groups within those communities
- the degree to which proposed projects include plans to identify and mitigate—if not eliminate—potential harms
- the degree to which proposed projects include plans to gather and meaningfully incorporate community input
- whether proposed projects have plans to establish community benefit agreements, if they are not already in place
- whether proposed projects have plans to establish financially sustainable operations and maintenance plans, if they are not already in place

Ensure that formula and other funds are spent in accordance with Justice40 principles.

While a number of formula grants, such as the Community Development Block Grants administered by the Department of Housing and Urban Development (HUD), are included in the [list of Justice40-covered programs](#) released in July 2022, there remains significant confusion on whether and how Justice40 will apply to formula and other non-competitive federal funds, suggesting a need for the administration to



reinforce that Justice40 applies to existing and new formula grant programs. Because formula grants to states comprise a majority of funding from bills such as the Infrastructure and Investment Jobs Act—a major source of Justice40 funding—the administration must also find ways to incentivize states, especially those whose leadership may not be politically aligned with the current administration, to distribute federal funds in ways consistent with Justice40 principles, perhaps by tying other competitive funding to compliance with Justice40 goals.

Provide detailed guidance on what benefits “count” and metrics to track those benefits.

The OMB’s interim implementation guidance contains a list of possible benefits for each of the seven areas covered under Justice40, but these are currently only suggestions; federal agencies are directed to independently identify benefits and ways of measuring those benefits for each of their covered programs. This could lead to a lack of consistency and clarity across agencies on what “counts” as a benefit, which in turn may hamper Justice40’s ability to advance equity, climate action, and economic health in the communities it intends to serve.

We understand that the administration intends to release final implementation guidance in late 2022 or in early 2023. We recommend that this updated guidance include clear and comprehensive direction on the types of benefits that federal agencies must document and track—including specific economic, equity, and climate-related benefits—and clearly defined and measurable outcomes for each benefit. For instance, if a reduction in air pollution is a desired benefit, one possible metric to track could be levels of PM2.5, a particulate matter known to cause serious health issues and premature mortality.

The administration should also direct federal agencies to consider who specifically within each community is likely to benefit from any given project, because projects may not benefit all residents of a community equally. To ensure that Justice40 projects advance economic, equity, and climate goals, the administration should collaborate with both cross-sector leaders and members of Justice40-eligible communities in producing this guidance (see recommendation 2: [Meaningfully engage communities](#)).

Proactively conduct outreach and channel investments to communities carrying the greatest burdens.

Instead of waiting for Justice40-eligible communities to apply for funding, the administration should direct federal agencies to conduct active outreach to communities identified as “disadvantaged” and meet them where they are. With a more effective method of assessing cumulative burdens (see recommendation 1: [Improve identification methodology](#)), agencies will be able to prioritize outreach to communities facing the greatest harms, proactively channel investments to these communities, and provide the aid and assistance necessary for communities to successfully absorb funding and implement Justice40 projects. Many federal agencies, including the EPA, HUD, and the Economic Development Administration (EDA), already have regional offices with established relationships with local governments, universities, and community-based nonprofits. Leveraging these offices to provide expanded and focused outreach can help break the cycle of perpetual advocacy that many lesser-resourced communities find themselves in; build trust; and help advance Justice40’s goals related to equity, climate action, and economic health.



6. Create oversight and accountability mechanisms to ensure that guidance is followed and goals are met



DEFINING &
MEASURING BENEFITS



OVERSIGHT &
ACCOUNTABILITY

Build a robust and transparent monitoring and reporting process.

A transparent accountability structure is necessary for both the administration and the public to understand whether Justice40's goals are being met. This requires a robust monitoring and reporting process that is consistent across federal agencies. The OMB's interim guidance calls for all agencies to report on progress annually, but because agencies are allowed to independently determine what "counts" as a benefit for each of their programs, they are only required to declare the percentage of overall benefits directed to "disadvantaged" communities. Since any given program can have multiple benefits, and not all benefits have equal impacts, the current reporting structure does not allow for a comprehensive understanding of Justice40's impact.

More detailed guidance on desired benefits and how to measure them (see recommendation 5: [Refine implementation guidance](#)) would allow the administration to build a more robust monitoring and reporting process that would hold agencies and their grantees accountable to Justice40's intent and principles. The administration should also direct federal agencies to implement a monitoring and reporting process for Justice40 funding recipients that balances the need for information on progress with the need to avoid placing unnecessarily onerous burdens on communities and funding recipients. To enable community oversight, the data gathered from both agency and recipient reports should be published publicly, updated regularly, and made easily accessible. This could be done via the planned Environmental Justice Scorecard (which would need to be expanded in scope to account for all of Justice40's intersecting goals) or through a separate platform.

Develop clear mechanisms of accountability.

For Justice40 to meet its goal of delivering 40 percent of benefits to "disadvantaged" communities, the federal government must establish clear mechanisms of accountability. This necessitates both specifying who is to be held accountable for meeting Justice40's goals—whether that is federal agencies, funding recipients, or a centralized oversight body—and what the consequences of underperformance would be. These consequences should be meaningful enough to ensure compliance with Justice40 principles and goals, but also fair and not punitive. Potential consequences could include instituting performance-improvement plans for underperforming agencies or requiring adjustments to reporting requirements. Clearly defining the consequences of failing to meet Justice40's goals while providing the support necessary for compliance will be key to positioning funding recipients, federal agencies, and the initiative as a whole for success.



Provide the support and resources needed to comply with Justice40's framework.

Alongside clear reporting requirements and accountability mechanisms, the administration must provide the necessary resources for funding recipients and federal agencies to comply with Justice40's framework. As noted in our initial framing paper, there are presently no funds dedicated to the implementation of Justice40—instead, each federal agency must carve out resources from their existing allocations to ensure that covered programs comply with Justice40 requirements and meet the initiative's goals. But the transformative changes in agency programs and operations that Justice40 demands cannot be achieved without dedicated funding to redesign existing programs, create new ones, engage community members, and establish methods of tracking and reporting on benefits delivered to communities. The administration should invest in developing the necessary infrastructure to build capacity across federal agencies, whether by providing additional funding, technical assistance, or other necessary resources. Funding recipients—whether states, regional bodies, local governments, private actors, or nongovernmental organizations—may also require support to comply with Justice40's framework and reporting requirements. The administration should direct federal agencies to provide this support and resource them to do so.

Designate an appropriate body to perform centralized oversight functions.

For accountability mechanisms to work as intended, there must be a single entity charged with centralized oversight of all Justice40 programs that will be responsible for monitoring progress and intervening as needed. Given that Justice40 is concerned primarily with the benefits of federal investments, the Office of Management and Budget could be a prime candidate to fulfill this role. Importantly, oversight should be institutionalized, including by giving responsibility to civil servants instead of political appointees, to ensure that oversight functions continue past the current administration (see recommendation 8: [Expand Justice40's reach](#)).

7. Enhance horizontal coordination between federal agencies and vertical collaboration between federal, state, local, tribal, and territorial governments



**PROGRAM DESIGN &
FUNDING STRUCTURE**



**WHOLE-OF-GOVERNMENT
APPROACH**

Create a collaborative interagency group responsible for coordinating Justice40's implementation.

Coordination between the various federal actors involved in implementing Justice40 programs is necessary to fully understand the challenges in specific communities and determine how best to deploy federal resources to address them. However, each federal agency is tasked with separately identifying “disadvantaged” communities (see recommendation 1: [Improve identification methodology](#)), designing



funding programs, creating application and reporting requirements, and defining and measuring benefits for programs under their purview (see recommendation 5: [Refine implementation guidance](#)), which risks inconsistencies in program design, implementation, and outcomes, and creates challenges and unnecessary burdens for communities in finding funding opportunities, braiding funding sources, and tracking and reporting requirements for each program.

Building on successful models from the past, such as the [Partnership for Sustainable Communities](#), the administration should designate two or three federal agencies to lead an interagency working group that could facilitate and support collaboration and coordination on Justice40's implementation, including on current and upcoming funding opportunities, application timelines and requirements—and how these can be consolidated or reformed to reduce burdens—and inclusive and accessible funding structures. The EPA, DOT, and EDA are likely most well-positioned to lead this effort, with guidance and support from the CEQ and OMB. We recognize that the administration already has several policy councils and task forces in place that could step in, but leadership from federal agencies is needed to embed and institutionalize Justice40's principles and practices, ensuring that they outlive the current administration.

Establish forums to facilitate intentional collaboration with and between state, local, tribal, and territorial governments.

Coordination between federal agencies, while critical, is insufficient to achieve Justice40's cross-cutting goals. Justice40 cannot succeed without the support—and, importantly, leadership—of state, local, tribal, and territorial governments, since a significant portion of Justice40 funding is likely to be pass-through funding distributed by states, and many projects are likely to be implemented at the local level. The federal government should establish forums through which state, local, tribal, and territorial governments can collaborate with federal agencies and each other. One way to do this could be to create working groups led by federal agency regional offices, where state and local leaders could come together to share lessons on issues relevant to each of Justice40's pillars of climate, equity, and the economy. The federal government should also find ways to incentivize regional and inter-state coordination for projects that cross jurisdictional boundaries, such as electricity transmission lines, which are critical to the clean energy transition but notoriously difficult to receive approval for.

8. Expand Justice40's reach



**IDENTIFYING, ENGAGING,
& PRIORITIZING COMMUNITIES**



**PROGRAM DESIGN &
FUNDING STRUCTURE**



**WHOLE-OF-GOVERNMENT
APPROACH**

Establish 40 percent as a floor, not a ceiling, and expand Justice40's reach to include other sectors.

To realize Justice40's transformative vision, the administration should consider ways to expand the initiative's reach beyond its current scale and scope. These could include establishing the 40-percent goal as a floor, not a ceiling; incentivizing federal agencies and funding recipients to maximize the benefits directed



to “disadvantaged” communities; and extending the Justice40 mandate beyond the initial seven areas to encompass all federal investments.

Institutionalize Justice40 to ensure that it outlives the current administration.

As an initiative established by executive order, Justice40 risks losing support with future administrations. The federal government should take steps to institutionalize Justice40 to ensure that its principles and goals continue to be applied irrespective of changes in executive leadership. Some ways to do this include designating Justice40 coordinators or managers within each of the relevant federal agency offices and implementing formal [equity scoring](#) for all projects to institutionalize Justice40’s principles, perhaps led by the OMB. The administration could also request that Congress pass legislation that codifies the federal government’s commitments to Justice40’s goals, and encourage states, localities, and tribal governments to do the same.

Expand Justice40’s framework beyond whole-of-government to “whole-of-market.”

Achieving Justice40’s goals requires that the federal government not only model the behavior needed to advance equity, climate action, and economic health, but also create the necessary conditions for the private, non-profit, and philanthropic sectors to actively engage in these solutions. Ensuring that all sectors are aligned with Justice40’s goals is critical to securing progress and requires “whole-of-market” efforts that extend beyond the current “whole-of-government” approach. These efforts could include incentives for businesses to engage in advancing equity, climate action, and economic health, combined with clear, meaningful, and enforced consequences for poor behavior; a revision of tax rules to incentivize philanthropic investments in solutions and divestments from harm; active collaboration with philanthropic organizations interested in co-funding relevant projects; and encouraging local governments and community-based organizations implementing Justice40 projects to collaborate with third sector institutions (such as green banks, community development financial institutions, foundations engaged in impact investing, land trusts, and more) to maximize the impact of their work.

Move beyond unlocking resources to real healing and repair.

The recommendations outlined in this playbook offer ways for the federal government to position the Justice40 Initiative for success within the bounds outlined in Executive Order 14008. But true justice requires moving beyond unlocking resources and reducing barriers to enabling real healing and repair from current and past harms. This necessitates, as a first step, both investing in solutions and divesting from harms. For example, it is contradictory and counterproductive for the administration to invest in climate action and environmental justice while simultaneously continuing to subsidize the extraction of oil and gas and approve permits for drilling and fracking on public and tribal lands. Beyond aligning all federal investments and activities with Justice40 principles and goals, the administration must consider ways to repair past harms, which may include providing reparations for communities who have been forced to endure interrelated and compounding environmental, health, and economic burdens for decades if not centuries. Engaging members of these communities as experts (and not as constituents or research subjects)



in Justice40 projects and shifting power to enable them to lead can also help repair the history of exclusion and ultimately work toward a form of restorative justice.

Notes

¹ We use the term “disadvantaged” to describe the communities referenced throughout this playbook because it is the term used by the federal government in its initial announcement of Justice40 and all subsequent guidance and communication. However, we recognize that such deficit-based language carries negative connotations and can result in stigma of the very groups that the initiative is aiming to serve. We encourage the federal government and its partners to consider using more positive terms to identify communities to be prioritized for Justice40 investments, such as “priority” communities, and to otherwise consult members of the communities in question on their preferred language, with the recognition that there may not be a single term that resonates with all of the communities that Justice40 intends to serve.



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