



CENTER FOR COALFIELD JUSTICE

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January 18, 2023

Michael S. Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Docket ID No. EPA-HQ-OAR-2022-0873

Docket 1: Climate Pollution Reduction Grants [60114]

Thank you for the opportunity to provide input on the Climate Pollution Reduction Grant Program (“CPRGP”) administered by the Environmental Protection Agency (“EPA”). The Center for Coalfield Justice (“CCJ”) respectfully submits the following comments.

CCJ is a Pennsylvania-incorporated not-for-profit organization with the federal Internal Revenue Service § 501(c)(3)-status recognition located in Washington, PA. Our mission is to “improve policy and regulations for the oversight of fossil fuel extraction and use; to educate, empower and organize coalfield citizens; and to protect public and environmental health.” CCJ has over three thousand members and supporters and is governed by a volunteer Board of Directors.

CCJ applauds the Biden Administration’s commitment to environmental justice and funding to defend against climate change and spur the clean energy transition. The CPRGP will make our communities healthier, safer, and more prosperous. CCJ offers the following comments to ensure the program is designed and administered equitably and prioritizes low-income and disadvantaged communities.

1. The most promising greenhouse gas planning and reduction opportunities that the CPRGP could catalyze are those that will directly benefit low-income and disadvantaged communities.

Low-income and disadvantaged communities could see many direct benefits, like jobs and economic opportunities for community members, resulting from the CPRGP. An example of an immediate benefit in the planning phase is funding for local communities to hire a community member or stakeholder to help plan and implement the project. In the implementation phase, more direct benefits exist because the CPRGP can require the employment of local small businesses and community members to implement climate reduction plans. Reductions in air pollution and decreased energy burdens are other direct benefits in the implementation phase.

2. Integrating the needs of underserved communities

a. A tiered system of prioritization to deliver funding to low-income and disadvantaged communities

The communities that CCJ represents are energy communities¹ located in a region with the third greatest emitter² of greenhouse gases worldwide, for which the oil and gas industry is responsible. Our service area also includes the largest emitter of methane³ in the United States, Consol Energy's Bailey Coal Mine. However, most of our communities are not designated as disadvantaged or environmental justice communities.

To ensure our communities can benefit, low-income and disadvantaged definitions should include communities with a median household income within 250% of the federal poverty level. While many of our communities would not benefit from the CPRGP if the cap designated a low-income or disadvantaged community is at 200% of the federal poverty level, setting a cap at 250% for designation with a tiered system to receive benefits would aid many. Under a tiered approach, those with the most need should see the greatest benefit. For example, communities with a median household income within 100% of the federal poverty level should receive the most targeted outreach and funding opportunities. Those communities with a median household income between 200% and 250% should receive more targeted outreach and benefits than those not designated as disadvantaged but less than those with greater need.

b. Targeted Outreach and Easy-to-Understand Documents

EPA must commit to targeted outreach in low-income and disadvantaged communities. Many of these communities do not have internet access, so simply posting an announcement on a government website is not accessible. Thus, advertising funding opportunities in local newspapers and gathering places are necessary. Additionally, public meetings about the program at accessible locations will allow community members to ask questions about the program and how to receive funding.

Additionally, easy-to-understand documents about the program and how to apply, including simple financial information, should be created and distributed in low-income and disadvantaged communities. Lengthy, technical information often takes too much time and effort to understand, limiting participation. Along the same vein, long applications to the program can be intimidating, time-consuming, and complex. A streamlined process would see more applications to the program.

c. Community Benefits Agreements

EPA should consider requiring Community Benefits Agreements in funding applications. Community Benefits Agreements⁴ are binding legal documents between community stakeholders and developers used to guarantee benefits to communities where large-scale projects are located. At a minimum, a Community Benefits Plan, which is not legally binding, should be required to accompany all applications. These agreements or plans ensure that the community's needs are adequately represented and that no blanket solution is provided for all communities, no matter their circumstances.

The United States Department of Energy requires applicants to submit such plans as part of their funding applications⁵, and the plans represent 20% of an application's score. Thus, the better the plan, the higher the likelihood that a project will receive funding.

¹ *Priority Energy Communities*, Interagency Working Group on Coal & Power Plant Communities & Economic Revitalization (<https://energycommunities.gov/priority-energy-communities/>).

² *Map of Emissions*, Climate Trace (<https://climatetrace.org/map>).

³ *Greenhouse Gas (GHG) Emissions Data from Large Facilities*, Environmental Protection Agency (https://ghgdata.epa.gov/ghgp/main.do?site_preference=normal).

⁴ *Community Benefit Agreement (CBA) Toolkit*, U.S. Department of Energy Office of Economic Impact and Diversity (<https://www.energy.gov/diversity/community-benefit-agreement-cba-toolkit>).

⁵ *Community Benefits Plan Frequently Asked Questions*, U.S. Department of Energy Office of Clean Energy Infrastructure (<https://www.energy.gov/clean-energy-infrastructure/community-benefits-plan-frequently-asked-questions-faqs#:~:text=What%20is%20the%20Justice40%20Initiative,see%20pages%208%2D10>).

- d. *How to address statutory requirement: consider the “degree to which greenhouse gas air pollution is projected to be reduced in total and with respect to low-income and disadvantaged communities”*

More climate pollution reduction should occur in low-income and disadvantaged communities disproportionately burdened by such pollution. Thus, reductions in these communities should represent the most significant total reductions, and the CPRGP should allocate the most money to them.

3. What technical assistance would be the most helpful to develop climate plans and prepare for the implementation phase?

Building capacity in our communities would be the most helpful in developing and implementing climate plans. The United States Departments of Transportation and Housing and Urban Development have teamed up to administer the Thriving Communities program,⁶ which pairs communities with capacity builders who help facilitate projects. Facilitation could include help with applications, project ideas, project implementation, etc. The program provides grants to the Capacity Builders⁷ who would provide such support to communities and help deliver transportation projects in disadvantaged communities. Eligible Capacity Builders include:

- Non-profit organizations.
- State or local governments and their agencies.
- Indian Tribes.
- Philanthropic entities.
- Other technical assistance providers with a demonstrated capacity to develop and provide technical assistance, planning, and capacity building.

This technical assistance would help small businesses and community organizations in low-income and disadvantaged communities deliver benefits to their residents.

4. Internal capacity challenges faced regarding developing and implementing GHG reduction plans? How can EPA address these?

Many of our communities need more personnel, funding, and resources to dedicate to creating and implementing a thorough climate pollution reduction plan. Capacity challenges are some of the biggest we face. To overcome this, EPA can introduce a program like the Thriving Communities Program, discussed above.

- a. *Release a Portion of Planning Funding As Soon As Practicable for Community Engagement and Capacity Building*

Releasing an initial batch of funding for community engagement and capacity building would increase the likelihood that low-income and disadvantaged communities participate in the CPRGP. Early and continued outreach brings awareness to the program and gives local governments and community stakeholders time to locate resources that would help in the application process. Funding for capacity building is needed as soon as possible so small local governments have helped to submit a complete and thorough application for the CPRGP.

⁶ *Thriving Communities Program*, U.S. Department of Transportation (<https://www.transportation.gov/grants/thriving-communities>).

⁷ *Information for Capacity Builders*, U.S. Department of Transportation (<https://www.transportation.gov/grants/thriving-communities/information-for-capacity-builders>).

b. Oversight and Reporting

We recognize that oversight and reporting are necessary to ensure funding is spent as intended. However, reporting requirements can be extremely burdensome for small businesses and community organizations lacking capacity. Thus, reporting requirements should be as simple and streamlined as possible, and EPA should provide additional funding to small businesses and community organizations to ensure they can comply.

5. Metrics for measuring success and ensuring accountability

Metrics to measure the success of the CPRGP in a community include, but are not limited to:

- the number of reclamation projects;
- the number of greenspaces;
- a measurement of how much energy is supplied by clean, renewable sources versus fossil fuels;
- access to EV charging infrastructure;
- the number of orphaned and abandoned wells plugged;
- the number of public meetings held in environmental justice communities;
- the number of documents created in easy-to-understand language intended to inform community members;
- the amount of money spent on outreach;
- the number of new permits issued;
- the number of operating permits;
- air pollution and water pollution measurements; and
- cancer and asthma rates

Thank you for your consideration. If you have any questions, please contact me anytime.

Respectfully,

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Community Advocate

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