



CENTER FOR COALFIELD JUSTICE

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April 6, 2023,

Marianne Engelman-Lado, Acting Principal Deputy Assistant Administrator
The Office of Environmental Justice and External Civil Rights
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Docket ID No. EPA-HQ-OEJECR-2023-0023

Request for Information on the Environmental and Climate Justice Block Grant Program

Thank you for the opportunity to provide input on the Environmental and Climate Justice Block Grant Program (“ECJ Program”). The Center for Coalfield Justice (“CCJ”) respectfully submits the following comments.

CCJ is a Pennsylvania-incorporated not-for-profit organization with 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 President Biden’s commitment to fund equity and environmental justice initiatives like the ECJ Program. Such initiatives will allow community-based nonprofit organizations, local governments, and the like to drive emissions reductions and prepare for future climate and health risks in a way that works for them. We offer the following comments to ensure CCJ communities benefit from the ECJ Program.

1. General Comments

The communities CCJ represents are energy communities¹ located in a region that ranks among the top five greatest emitters² of greenhouse gases worldwide, the primary cause of which is the oil and gas industry. Our service area also includes the largest emitter of methane³ in the United States, Consol Energy’s Bailey Coal Mine. Not to mention the prevalent legacy pollution by which our members are affected.⁴ However, most Washington and Greene County communities are not designated as environmental justice, underserved, or disadvantaged. Thus, the Biden Administration should adjust definitions to include more impacted communities.

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 Late last month, a sinkhole caused by an abandoned coal mine forced a stream underground, only to re-emerge a half-mile downstream in the middle of a road, flooding the outside of a neighborhood restaurant. (https://observer-reporter.com/news/localnews/sinkhole-from-abandoned-mine-swallowing-pike-run-in-daisytown/article_5ade09b2-ccdb-11ed-bfd2-f359f713afec.html).

Impacted Communities should include communities with a median household income within 250% of the federal poverty level. While many of our communities would not benefit from a designation of underserved, disadvantaged, or environmental justice if the cap sits at 200% of the federal poverty level, setting a cap at 250% for designation with a tiered system to receive benefits would provide aid to a greater population of those who need it. Under a tiered approach, those with the most need should see the most significant 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.

Additionally, more metrics⁵ should be considered when designating underserved, disadvantaged, or environmental justice communities. The Climate and Economic Justice Screening Tool does not reckon with cancer rates under the Health burden, abandoned and orphaned oil and gas wells under the Legacy Pollution burden, or the percentage of people reliant on fossil-fuel-related jobs under the Workforce Development burden. Additionally, the current presence of polluting industries and their cumulative impacts on a community must be considered. Otherwise, the tool is not considering major concerns for our communities.

2. ECJ Program Design

- a. *What should EPA consider in the design of the ECJ Program to ensure that the grants benefit disadvantaged communities?*

EPA must commit to targeted outreach in low-income and disadvantaged communities to benefit them. 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. However, advertisements on social media may also be of benefit to reach the most amount of people.

Additionally, public meetings about the program at accessible locations will allow community members to ask questions about the program and how to receive funding. Sessions like these enable people with low digital literacy to participate fully and effectively in the program.

Finally, EPA should consider requiring Community Benefits Agreements in funding applications; see Section 4(b) below.

- b. *Are there best practices in program design that EPA should consider in designing the ECJ Program to reduce burdens on applicants, grantees, and/or sub-recipients?*

Easy-to-understand documents about the program and how to apply, including simple financial information, must 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.

⁵ *Methodology, Climate and Economic Justice Screening Tool*, The White House Council on Environmental Quality (<https://screeningtool.geoplatform.gov/en/methodology#8.26/39.829/-79.87>).

3. Eligible Projects

- a. *What types of projects should EPA focus on and prioritize under the five eligible funding categories in CAA Section 138(b)(2) listed below?*

Projects EPA should prioritize include:

- Deployment of renewable energy infrastructure, such as rooftop and community solar and battery projects
- Fossil-fuel to renewable energy job transitions and training
- Home energy-efficiency upgrades, including weatherization upgrades
- Remediation of old industrial sites

No project financed by the ECJ Program should employ false solutions to reduce greenhouse gas emissions. False solutions include carbon capture and storage technologies⁶, grey and blue hydrogen⁷, and any other attempt to burn fossil fuels and make the energy clean. These “solutions” will only keep the United States and environmental justice communities entrenched in the effects of fossil fuel extraction and use for the foreseeable future.

- b. *With respect to the workforce development activities under category 3(a) above: a. Please describe what you perceive as the most significant challenges and barriers to connecting residents of disadvantaged, underserved, and under-represented communities to workforce opportunities related to addressing environmental justice and climate change, and what programs, services, and partnerships are needed to address these challenges and barriers. b. What types of jobs and career pathways should EPA prioritize to support environmental justice and climate priorities?*

Our communities' most significant challenge is an economy focused on fossil-fuel extraction and endless “growth” and profit instead of inclusive and sustainable economic growth, driven from the ground up, where we can have decent jobs and thriving communities. Many jobs in our communities do not pay livable wages or provide needed employee benefits, even if they are in the fossil-fuel industry. For many of our rural members, it can be hard to get to urban and suburban areas where work is concentrated. Our main streets are full of empty buildings, and our towns are spotted with reminders of industry that left after they extracted all they could from us. We need a just transition that includes the workers of Southwestern Pennsylvania.

The ECJ Program could help drive that transition. It could bring projects that provide good-paying jobs with benefits and work/life balance to our communities. It could help expand public transportation to decrease car reliance, thus reducing emissions. It could remediate coal refuse and other old industrial sites into solar fields. To ensure the transition is just, EPA must follow the lead of community members and workers.

⁶ *Carbon Capture: The Fossil Fuel Industry's False Climate Solution*, Earthjustice (<https://earthjustice.org/from-the-experts/2022-september/carbon-capture-the-fossil-fuel-industrys-false-climate-solution>).

⁷ *Regional Clean Hydrogen Hub in Western Pennsylvania Will Keep the State Dependent on Fossil Fuels for Decades*, The Center for Coalfield Justice (<https://centerforcoalfieldjustice.org/2022/11/regional-clean-hydrogen-hub-in-western-pennsylvania-will-keep-the-state-dependent-on-fossil-fuels-for-decades/>).

4. Eligible Recipients

- a. *What is and how should EPA define a “community-based nonprofit organization” for purposes of implementing ECJ Program funding?*

A community-based nonprofit is one with a membership base of the communities they work in, and that lets their membership guide their plans and actions. A community-based organization only designs a campaign with the input of its members and does not try to force things on its community that its members are uncomfortable with.

- b. *What criteria or requirements do you think are important to ensure that projects – particularly projects of partnerships between community-based nonprofit organizations and other eligible entities – are community-driven and result in benefits flowing to the community while avoiding consequences such as community displacement and/or gentrification?*

EPA should consider requiring Community Benefits Agreements in funding applications. Community Benefits Agreements⁸ 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 applications⁹, 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.

5. Reporting and Oversight

- a. *In what ways can EPA design the ECJ Program to reduce the reporting burdens on grantees and sub-awardees while also ensuring proper oversight of the grants?*

EPA should ensure any reporting requirements are easy to understand and provide technical assistance to grantees to report the relevant information. Where possible, EPA should reduce the frequency and simplify grant reporting. One way to streamline the process is assigning one staff member per grantee to support a community-based organization or local government through implementation. The organization and the support person should have regularly scheduled meetings to discuss the project, its ongoing progress, and any questions an organization may have instead of significant reporting.

EPA can provide technical assistance to entities needing help with reporting. It can also take steps in the program design to minimize the reporting burden by providing clear guidance about what information is needed. To the extent that EPA can access the data without requiring reporting from grantees and sub-awardees, it should utilize that information.

⁸ *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>).

⁹ *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>).

- b. *What metrics should EPA use to track relevant program progress and outcomes, including, but not limited to, how the grants benefit disadvantaged communities?*

Metrics and indicators to measure the allocation of benefits to low-income and disadvantaged communities can include:

- Real reductions in emissions reductions;
- the number and type of jobs in the communities;
- the average income of individuals and families;
- property values;
- the number of reclamation projects;
- the number of greenspaces in the community;
- a measurement of how much energy is supplied by clean, renewable sources versus fossil fuels;
- access to EV charging infrastructure and clean public transportation;
- the number of orphaned and abandoned wells plugged and;
- the number of times the communities were engaged in project implementation.

6. Technical Assistance

- a. *What types of technical assistance would be most helpful to the ECJ Program's eligible entities to help those entities successfully perform the ECJ Program grants?*

The most effective technical assistance EPA could provide is capacity building for community-based organizations. Organizations such as these often find it challenging to dedicate time and resources to apply for and maintain reporting standards for federal funding while working with community members on the ground. EPA should designate several staff members to support community-based organizations in completing the application process and one staff member per grantee to help the organization through the implementation process.

Additional funding for technical assistance to meet application, implementation, and reporting and monitoring standards would also help community-based organizations and local governments comply with program requirements.

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

Respectfully,

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