



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

THE ADMINISTRATOR

AUG 18 2023

The Honorable Kamala D. Harris  
President of the Senate  
Washington, D. C. 20510

Dear Madam President:

On behalf of the White House Council on Environmental Quality (CEQ) and the U.S. Environmental Protection Agency (EPA), we are pleased to submit this report, which provides responses to the formal recommendations included in the White House Environmental Justice Advisory Council's (WHEJAC) August 2022 reports, [Justice40 Initiative Phase One Implementation Recommendations](#), [Recommendations for the Climate and Economic Justice Screening Tool](#), and [Recommendations on Air Pollution Emissions Limits for Incinerators](#). In delivering this report to the United States Congress, we are fulfilling the Biden-Harris Administration's obligation under the Federal Advisory Committee Act to provide a report to Congress within one year of receiving recommendations from a Federal Advisory Committee.

We would like to take this opportunity to express our gratitude to the members of the WHEJAC for their time, effort, and expertise. For nearly two and half years, WHEJAC members have devoted countless hours to fulfill the WHEJAC's mission of providing independent advice and recommendations to the Chair of CEQ and the White House Environmental Justice Interagency Council (IAC) on how to increase the federal government's efforts to address current and historic environmental injustice. Achieving environmental justice is a top priority for the Biden-Harris Administration, and the WHEJAC's recommendations are critical to ensuring we advance policies that result in meaningful, lasting change for communities across our country.

As the updates in this report make clear, since receiving the WHEJAC's August 2022 recommendations, the Biden-Harris Administration has taken actions to advance environmental justice that were informed in valuable ways by the recommendations of the WHEJAC. In November 2022, the Administration launched version 1.0 of the [Climate and Economic Justice Screening Tool](#) (CEJST), which incorporates updates recommended by the WHEJAC, and in April 2023, the Administration published Phase One of the [Environmental Justice Scorecard](#),

which also incorporates recommendations from the WHEJAC. To continue delivering on his environmental justice vision, in April 2023, President Biden signed [Executive Order 14096](#) on *Revitalizing Our Nation's Commitment to Environmental Justice for All*. This new executive order, which [follows through on President Biden's promise](#) to modernize and improve how the federal government confronts environmental injustice to address the needs of present and future generations, reflects the recommendations of the WHEJAC. The WHEJAC's advice has helped shape and advance these historic initiatives, which further embed environmental justice into the work of federal agencies.

In responding to the WHEJAC's recommendations, this report describes efforts taken across the federal government to deliver on the President's ambitious environmental justice agenda. The United States Congress has been a key partner in the Administration's efforts to deliver tangible, on-the-ground benefits and investments that advance climate action and environmental justice. In fact, on the same day that the WHEJAC submitted its recommendations to the Chair of CEQ and the IAC that are the subject of this report, President Biden [signed](#) the Inflation Reduction Act into law, marking the most significant action any Administration has ever taken on environmental justice, clean energy, and climate change in our nation's history. The Inflation Reduction Act builds on the investments in the Bipartisan Infrastructure Law, and the law, and its funding of federal programs, supercharge the President's Justice40 Initiative. The law includes [historic investments](#) to advance environmental justice, including several new environmental justice grant programs and the \$27 billion [Greenhouse Gas Reduction Fund](#), which dedicates at least two-thirds of the funding to low-income and disadvantaged communities. The law will improve public health, reduce pollution, and revitalize communities that are marginalized, underserved, and overburdened by pollution while increasing access to affordable and accessible clean energy. Through the President's [Investing in America agenda](#), federal agencies are working to ensure that the benefits of the Inflation Reduction Act are reaching communities right now.

We are pleased to provide this report to describe the impact of the WHEJAC's work as a Federal Advisory Committee based in EPA, and to share information with the public on progress made in important areas highlighted by the WHEJAC's recommendations. In submitting this report to Congress, we are encouraged by the progress made across the Biden-Harris Administration, clear-eyed about the scale of the work that lies ahead, and confident that if we continue to listen to the voices and perspectives of the WHEJAC and communities with environmental justice concerns, we will deliver a cleaner, healthier future for all.

Sincerely yours,

A handwritten signature in black ink that reads "Michael S. Regan". The signature is written in a cursive, flowing style.

Michael S. Regan

A handwritten signature in black ink that reads "Brenda Mallory". The signature is written in a cursive, flowing style.

Brenda Mallory  
Chair, White House Council on Environmental Quality

CC: White House Environmental Justice Interagency Council

Enclosure:





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

THE ADMINISTRATOR

**AUG 18 2023**

The Honorable Kevin McCarthy  
Speaker of the House of Representatives  
Washington, D. C. 20515

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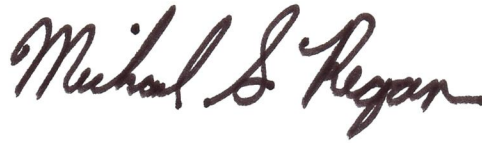
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Sincerely yours,

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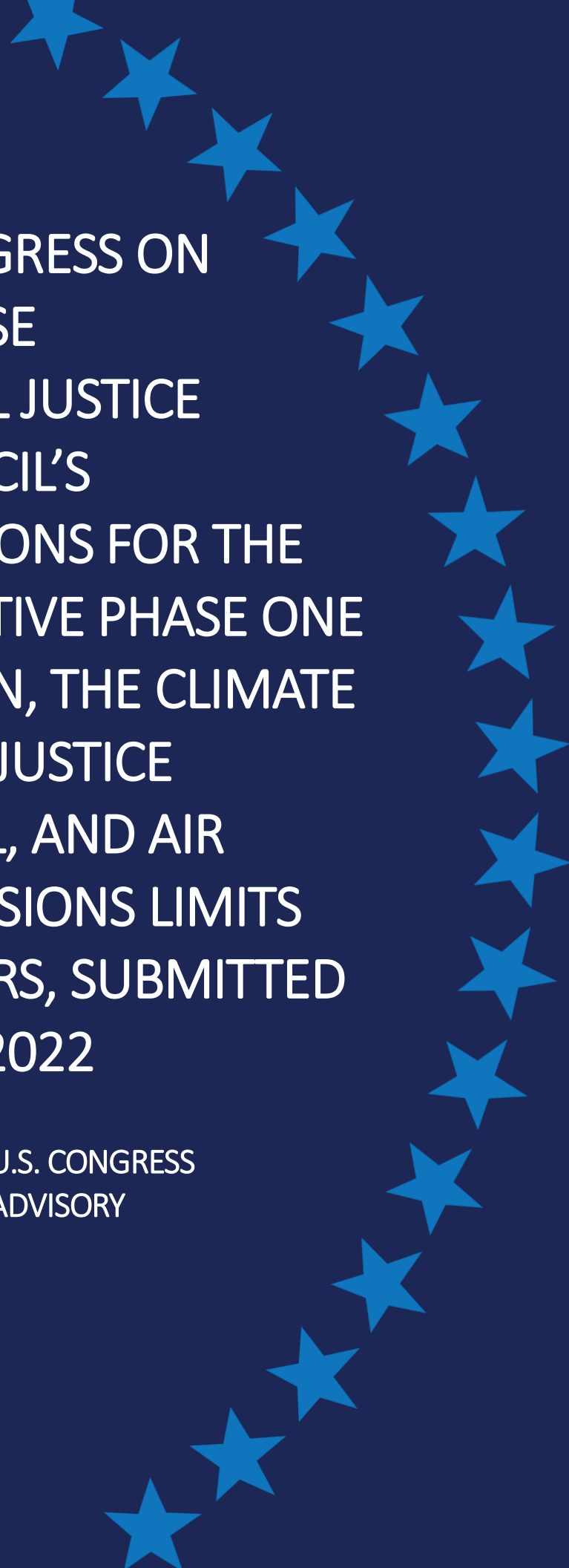
Michael S. Regan

A handwritten signature in black ink that reads "Brenda Mallory". The signature is written in a cursive style with a large, prominent initial "B".

Brenda Mallory  
Chair, White House Council on Environmental Quality

CC: White House Environmental Justice Interagency Council

Enclosure:



REPORT TO CONGRESS ON  
THE WHITE HOUSE  
ENVIRONMENTAL JUSTICE  
ADVISORY COUNCIL'S  
RECOMMENDATIONS FOR THE  
JUSTICE40 INITIATIVE PHASE ONE  
IMPLEMENTATION, THE CLIMATE  
AND ECONOMIC JUSTICE  
SCREENING TOOL, AND AIR  
POLLUTION EMISSIONS LIMITS  
FOR INCINERATORS, SUBMITTED  
ON AUGUST 16, 2022

REPORT SUBMITTED TO THE U.S. CONGRESS  
PURSUANT TO THE FEDERAL ADVISORY  
COMMITTEE ACT  
AUGUST 16, 2023

Report to Congress  
on the White House Environmental Justice Advisory Council's  
*Recommendations for the Justice40 Initiative Phase One  
Implementation, the Climate and Economic Justice Screening  
Tool, and Air Pollution Emissions Limits for Incinerators,*  
submitted on August 16, 2022

Report submitted to the U.S. Congress by the U.S. Environmental Protection  
Agency and Council on Environmental Quality,  
pursuant to the Federal Advisory Committee Act

August 16, 2023



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## ACKNOWLEDGMENTS

# Acknowledgments

CEQ and EPA would like to thank the [members](#) of the White House Environmental Justice Advisory Council (WHEJAC) for their time, efforts, and commitment to advancing environmental justice.

- Richard Moore, Los Jardines Institute\* (WHEJAC Co-Chair)
- Peggy Shepard, WE ACT for Environmental Justice (WHEJAC Co-Chair)
- Catherine Coleman Flowers, The Center for Rural Enterprise and Environmental Justice (WHEJAC Vice-Chair)
- Carletta Tilousi, Havasupai Tribe (WHEJAC Vice-Chair)
- LaTricea Adams, Black Millennials 4 Flint
- Susana Almanza, People Organized in Defense of Earth and Her Resources
- Jade Begay, NDN Collective
- María Belén Power, GreenRoots
- Dr. Robert Bullard, Texas Southern University
- Tom Cormons, Appalachian Voices
- Jerome Foster II, Waic Up
- Kim Havey, City of Minneapolis Division of Sustainability
- Angelo Logan, East Yard Communities for Environmental Justice
- Maria López-Núñez, Ironbound Community Corporation
- Harold Mitchell, ReGenesis
- Dr. Rachel Morello-Frosch, UC Berkeley
- Juan Parras, Texas Environmental Justice Advocacy Services
- Michele Roberts, Environmental Justice Health Alliance for Chemical Policy Reform
- Ruth Santiago, Comité Dialogo Ambiental and El Puente, Latino Climate Action Network
- Dr. Nicky Sheats, Kean University
- Vi Waghiyi, Alaska Community Action on Toxics
- Dr. Kyle Whyte, University of Michigan
- Dr. Beverly Wright, Deep South Center for Environmental Justice
- Miya Yoshitani, Asian Pacific Environmental Network

CEQ would also like to thank its partners at EPA for their dedication to standing up the first-ever White House advisory body on environmental justice.

- Audrie Washington, WHEJAC's Designated Federal Officer, from the U.S. Environmental Protection Agency's Office of Environmental Justice and External Civil Rights
- Gamachchi (Geshan) Pathirana, WHEJAC Program Manager, from the U.S. Environmental Protection Agency's Office of Environmental Justice and External Civil Rights
- Karen L. Martin, Director, Partnerships and Collaboration Division, from the U.S. Environmental Protection Agency's Office of Environmental Justice and External Civil Rights

*\* Organizational affiliations provided for identification purposes only and reflect WHEJAC members' organizational affiliation at the time the recommendations were issued.*

## ACKNOWLEDGMENTS

CEQ appreciates the commitment of the heads of agencies participating in the White House Environmental Justice Interagency Council (IAC), established by [Executive Order 14008](#) on *Tackling the Climate Crisis at Home and Abroad* and expanded by [Executive Order 14096](#) on *Revitalizing Our Nation's Commitment to Environmental Justice for All*.

- The Secretary of State
- The Secretary of Defense
- The Attorney General
- The Secretary of the Interior
- The Secretary of Agriculture
- The Secretary of Commerce
- The Secretary of Labor
- The Secretary of Health and Human Services
- The Secretary of Housing and Urban Development
- The Secretary of Transportation
- The Secretary of Energy
- The Secretary of Veterans Affairs
- The Secretary of Homeland Security
- The Administrator of the Environmental Protection Agency
- The Director of the Office of Management and Budget
- The Chair of the Council of Economic Advisers
- The Administrator of General Services
- The Executive Director of the Federal Permitting Improvement Steering Council
- The Director of the Office of Science and Technology Policy
- The Assistant to the President and National Climate Advisor
- The Assistant to the President for Domestic Policy
- The Assistant to the President for Economic Policy
- The Executive Director of the White House Gender Policy Council
- The Senior Advisor to the President for Clean Energy Innovation and Implementation
- The Administrator of the Office of Information and Regulatory Affairs

## ACKNOWLEDGMENTS



*Caption: President Joe Biden signs Executive Order 14096, “Revitalizing Our Nation’s Commitment to Environmental Justice for All,” on Friday, April 21, 2023 in the Rose Garden of the White House. The President is joined by members of the WHEJAC, EPA Administration Michael Regan, and CEQ Chair Brenda Mallory. (Official White House Photo by Adam Schultz). Source: [White House Flickr](#).*



# I. Introduction

President Joseph R. Biden, Jr. and Vice President Kamala Harris believe that every person has a right to breathe clean air, drink clean water, and live in a healthy community – now and into the future. During his first week in office, President Biden launched the most ambitious environmental justice agenda in our nation’s history.

On January 27, 2021, President Biden signed [Executive Order 14008](#) on *Tackling the Climate Crisis at Home and Abroad*. The executive order established several new initiatives, and laid the foundation for the Biden-Harris Administration’s whole-of-government effort to confront longstanding environmental injustices and inequities. It affirmed the pursuit of environmental justice as a central goal of the federal government, and tasked the entire government with advancing environmental justice and spurring economic opportunity for disadvantaged communities “that have been historically marginalized and overburdened by pollution and underinvestment in housing, transportation, water and wastewater infrastructure, and health care.”

To continue delivering on that vision, on April 21, 2023, the President signed [Executive Order 14096](#) on *Revitalizing Our Nation’s Commitment to Environmental Justice for All*, further embedding environmental justice into the work of federal agencies to achieve real, measurable progress that communities can count on. With this action, the President is working to ensure that all people – regardless of race, background, income, ability, Tribal affiliation, or zip code – can benefit from the vital safeguards enshrined in our nation’s foundational environmental and civil rights laws. That means cleaner air and water, reduced risk for asthma, cancer, and other health burdens, and better access to green space, safe and affordable housing, and clean transportation.

Executive Order 14096 follows through on the promise President Biden made following meaningful engagement with communities with environmental justice concerns and solidified in Executive Order 14008. Executive Order 14096 reflects the recommendations of the WHEJAC. In line with the WHEJAC’s recommendations on revising Executive Order 12898, Executive Order 14096 outlines an ambitious approach to environmental justice that is informed by scientific research, high-quality data, and meaningful engagement with communities. It also reaffirms that the federal government must continue to be transparent and accountable for its actions.

In addition to issuing the new executive order, the Biden-Harris Administration published [Phase One of the Environmental Justice Scorecard](#), the first government-wide assessment of federal agencies’ efforts to advance environmental justice; announced new [Justice40 Initiative covered programs](#); and launched the White House Campaign for Environmental Justice. These efforts are described in this report.

Since their first week in office, President Biden and Vice President Harris have made achieving environmental justice a top priority of the Biden-Harris Administration and have sought to ensure that communities not only have greater visibility and input in federal policies and decision-making – but that the voices, perspectives, and lived experiences of communities with environmental justice concerns are heard in the White House and reflected in the priorities, policies, and investments of the federal

## INTRODUCTION

government. Now, with more than [two years of progress](#) under President Biden’s leadership, the Biden-Harris Administration is delivering on the President’s commitment to environmental justice.

Through the President’s [Investing in America agenda](#) – which includes the [Inflation Reduction Act](#), [Bipartisan Infrastructure Law](#), [CHIPS and Science Act](#), and the [American Rescue Plan](#) – federal agencies are making historic investments to advance environmental justice. Agencies are investing billions to [plug orphaned oil and gas wells](#), [replace lead service lines](#), [create clean energy jobs in energy communities](#), [increase equitable access to trees and green spaces](#), [install air monitors to screen for pollution](#), [purchase zero-emissions school buses](#), and more. The Biden-Harris Administration is also advancing an ambitious regulatory agenda to protect public health and safety, strengthening enforcement of environmental laws, increasing access to technical assistance and capacity building, respecting and elevating Indigenous Knowledge, and strengthening our regulatory system for a 21<sup>st</sup> century. Under President Biden’s leadership, the Biden-Harris Administration continues to deliver on our commitment to environmental justice for all.

## II. Background and Purpose of this Report

### A. The White House Environmental Justice Advisory Council

To ensure that the insight and expertise of environmental justice leaders are heard and considered in the development of federal policies and decision-making, President Biden created the WHEJAC. As a Presidential Federal Advisory Committee, the WHEJAC was established to advise the Chair of CEQ, Brenda Mallory, and the IAC. The WHEJAC is charged with providing independent advice and recommendations to the Chair of CEQ and the IAC on how to increase the federal government’s efforts to address current and historic environmental injustice. The establishment of the WHEJAC marks the first time that a Presidential advisory body has been tasked with providing recommendations on environmental justice.

The members of the WHEJAC are an expert body of leaders, researchers, practitioners, and community members, and are dedicated and accomplished individuals who volunteer their expertise to fulfill the WHEJAC’s mission. Since the WHEJAC’s establishment in [March 2021](#), it has [convened public meetings](#) on 12 occasions, which have been conducted in a virtual or hybrid fashion to enhance public engagement. In 2021, the WHEJAC held meetings in March, April, May, and November. In 2022, the WHEJAC held public meetings in January, February, March, May, August, and November/December. In 2023, thus far, the WHEJAC has held public meetings in March and June, with upcoming public meetings in September and December.

The WHEJAC provided formal recommendations to the Chair of CEQ and the IAC, including a report submitted on May 21, 2021, [Final Recommendations: Justice40, Climate and Economic Justice Screening Tool, and Executive Order 12898 Revisions](#), (see [response](#) to Congress on May 20, 2022); a report submitted on March 8, 2022, [Phase One Scorecard Recommendations](#), (see [response](#) to Congress on March 8, 2023); three reports submitted on August 16, 2022 entitled, [Justice40 Initiative Phase One Implementation Recommendations](#), [Recommendations for the Climate and Economic Justice Screening Tool](#), and [Recommendations on Air Pollution Emissions Limits for Incinerators](#), which this response

## INTRODUCTION

addresses; and a report submitted June 27, 2023, [Recommendations on National Ambient Air Quality Standards for Particulate Matter 2.5 and Ozone](#).

CEQ and EPA are grateful to the members of the WHEJAC for the time and effort they have spent engaging on these critically important issues and developing this latest iteration of recommendations on the Justice40 Initiative, the Climate and Economic Justice Screening Tool (CEJST), and air pollution emissions limits for incinerators.

### B. The White House Environmental Justice Interagency Council

Executive Order 14008 envisions a synergistic relationship between the IAC and the WHEJAC, and the two bodies, though distinct, have mutually reinforcing missions. The [mission](#) of the IAC is to develop a strategy to address current and historic environmental injustice by consulting with the WHEJAC and with local environmental justice leaders. The [mission](#) of the WHEJAC is to provide recommendations to the Chair of CEQ and the IAC on how to increase the federal government's efforts to address current and historic environmental injustice.

The Chair of CEQ also serves as the chair of the IAC. The IAC advances a whole-of-government approach to environmental justice, and CEQ serves as a convener and facilitator of the IAC. As outlined in CEQ Chair Mallory's May 11, 2022 [letter](#) to the WHEJAC co-chairs, CEQ has facilitated active engagement between the WHEJAC and IAC member agencies. Recently, at the WHEJAC June 2023 public meeting, several IAC member agencies provided updates to the WHEJAC on how they are advancing the President's environmental justice agenda, including the Justice40 Initiative, as well as topics of interest, such as innovative technical assistance and capacity building. To solidify the relationship between the WHEJAC and the IAC, [Executive Order 14096](#) outlines that the IAC, in coordination with the WHEJAC, shall hold at least one public meeting per year.

### C. Purpose of this Report

The primary purpose of this report is to provide a response to the following reports the WHEJAC submitted on August 16, 2022: [Justice40 Initiative Phase One Implementation Recommendations](#), [Recommendations for the Climate and Economic Screening Tool](#), and [Recommendations on Air Pollution Emissions Limits for Incinerators](#). This report builds upon Chair Brenda Mallory's September 30, 2022 [letter](#) to the WHEJAC co-chairs and fulfills the statutory obligation to Congress under the Federal Advisory Committee Act (FACA) to provide a report to Congress within one year of receiving recommendations from the WHEJAC, a Federal Advisory Committee.<sup>1</sup>

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<sup>1</sup> FACA § 6(b), 5 U.S.C. § 1005(b). Section 6(b) of the FACA requires the President or the President's delegate to report to Congress on the status of Presidential advisory committee recommendations within one year of receiving them. Section 2 of Executive Order 14048, *Continuance or Reestablishment of Certain Federal Advisory Committees and Amendments to Other Executive Orders* (Sept. 30, 2021), directs the EPA Administrator to carry out the functions of the President under the FACA with respect to the WHEJAC. Accordingly, EPA is transmitting the responses to these reports of the WHEJAC.

## INTRODUCTION

Section III outlines how the Biden-Harris Administration is delivering a whole-of-government approach to advance environmental justice, including through the Justice40 Initiative and the CEJST, which was developed to support the Justice40 Initiative. Section IV highlights EPA's ongoing work to address air pollution from incinerators.

The Biden-Harris Administration has committed to improving transparency in government, and this report advances that important promise. Ongoing and clear communication with the public is critical to the success of our shared efforts and goals. Moreover, this report also provides an opportunity to reflect and celebrate the achievements made towards President Biden's ambitious environmental justice agenda. Although more work remains, the Biden-Harris Administration continues to deliver on the President's historic environmental justice commitments, and the WHEJAC's recommendations have played a critical role in advancing policies that will ensure a cleaner, healthier future for all.



## III. Delivering a Whole-of-Government Approach to Environmental Justice

Since day one, President Biden has elevated environmental justice as a top priority for the federal government. Since the start of the Biden-Harris Administration, CEQ has been working diligently and collaboratively to institutionalize environmental justice across the federal government, including through initiatives established in Executive Order 14008 and Executive Order 14096, in collaboration with the Executive Office of the President and federal agencies. Over the last two and half years, the WHEJAC's recommendations have informed advancement and implementation of the Administration's whole-of-government commitment to environmental justice.

### A. The Justice40 Initiative

Within his first week in office, President Biden established the [Justice40 Initiative](#). Since then, the Biden-Harris Administration has worked tirelessly to advance the President's Justice40 goal. A signature component of President Biden's environmental justice agenda, the Justice40 Initiative has made it a goal that 40 percent of the overall benefits of certain federal climate, clean energy, affordable and sustainable housing, and other investments reach disadvantaged communities that are marginalized and overburdened by pollution and underinvestment.

The task of delivering the benefits of hundreds of federal programs to disadvantaged communities requires fundamental and sweeping reforms to the ways in which the federal government as a whole operates – a process that takes time and coordination. Over the last two and a half years, the Administration has worked every day to deliver on the President's vision for the Justice40 Initiative, and federal agencies are advancing and implementing the Justice40 Initiative right now.

Agencies are actively transforming their programs to meet the Justice40 goal, including existing and new programs created by President Biden's Inflation Reduction Act and Bipartisan Infrastructure Law. Through the Justice40 Initiative, the Administration is working to ensure the benefits of the President's historic investments in America – from clean energy projects to floodwater protections – reach communities that need them most.

The WHEJAC's recommendations have already informed the Justice40 Initiative, as emphasized in Chair Mallory's [letter](#) to the WHEJAC co-chairs on September 30, 2022. As mentioned, the Biden-Harris Administration will continue to make public, on an ongoing basis, information on the Justice40 Initiative, including the list of Justice40 covered programs. With the launch of [Phase One of the Environmental Justice Scorecard](#) in April 2023, there are nearly [470 Justice40 covered programs](#) across 19 federal agencies.

To advance the Justice40 Initiative, in July 2021, the White House issued [Interim Implementation Guidance for the Justice40 Initiative](#) (M-21-28) to federal agencies on how to transform eligible programs to deliver 40 percent of overall benefits to disadvantaged communities. This direction relied

## DELIVERING A WHOLE-OF-GOVERNMENT APPROACH TO ENVIRONMENTAL JUSTICE

heavily on recommendations provided by the WHEJAC, as noted in the May 2022 [response](#). Further, in January 2023, the Office of Management and Budget (OMB), CEQ, and the Climate Policy Office issued [additional guidance](#) (M-23-09) on using the CEJST to identify geographically defined disadvantaged communities for any covered programs under the Justice40 Initiative and for programs where a statute directs resources to disadvantaged communities, to the maximum extent possible and permitted by law. In addition, CEQ issued [Instructions to Federal Agencies](#) on how to use the CEJST.

In August 2022, the WHEJAC provided recommendations on implementation of the Justice40 Initiative. To further advance and institutionalize the Justice40 Initiative across the federal government, the WHEJAC provided cross-cutting agency recommendations, including recommendations on practices to rectify existing inequities in disadvantaged communities; increasing strategic public engagement efforts; and enhancing the capacity of disadvantaged communities to apply for federal grants. The WHEJAC's cross-cutting agency recommendations also focused on increasing agency accountability for advancing the Justice40 Initiative. In addition to its cross-cutting agency recommendations, the WHEJAC made specific recommendations to federal agencies on their Justice40 covered programs and related practices. The WHEJAC's recommendations recognize and highlight how the Justice40 Initiative is improving the quality of life, environment, and health of communities across the country.

This report provides a status update on the WHEJAC's August 2022 [Justice40 Initiative Phase One Implementation Recommendations](#), and follows CEQ's May 20, 2022 [response](#) to the WHEJAC's May 2021 Recommendations Report. Upon receipt of the WHEJAC's August 2022 Justice40 Initiative Phase One Implementation Recommendations, they were shared with the IAC, and its members are actively advancing their Justice40-related work in ways that are informed by the WHEJAC's recommendations. This report is not a comprehensive list of all federal government actions that are directly related to the WHEJAC's recommendations on the Justice40 Initiative, nor all of the progress and activities to implement the Justice40 Initiative underway, but provides highlights and examples.

### 1. Cross-Agency Actions and Examples of Implementation of the Justice40 Initiative

#### *The Justice40 Initiative in Phase One of the Environmental Justice Scorecard*

A signature component of President Biden's commitment to environmental justice is the Environmental Justice Scorecard, which assesses the federal government's progress on advancing environmental justice, including on the Justice40 Initiative. In April 2023, OMB, CEQ, and the U.S. Digital Service, released [Phase One of the Environmental Justice Scorecard](#). The first version of the Environmental Justice Scorecard establishes a baseline assessment of actions taken by federal agencies in 2021 and 2022 to help achieve the Biden-Harris Administration's environmental justice goals.

Phase One of the Environmental Justice Scorecard reports on the progress of 24 federal agencies in the following areas:

- Advancing the President's [Justice40 Initiative](#)
- Implementing and enforcing environmental and civil rights laws
- Embedding environmental justice throughout the federal government

## DELIVERING A WHOLE-OF-GOVERNMENT APPROACH TO ENVIRONMENTAL JUSTICE

To advance the Justice40 Initiative, agencies reported on activities in Fiscal Year 2022, such as the number of Justice40 covered program(s), the number of funding announcement(s) covered under the Justice40 Initiative, the amount of funding made available from Justice40 covered programs, and examples of how they are modifying their programs to prioritize disadvantaged communities, as well as the number of technical assistance outreach events. For example:

- In 2022, in standing up the Bipartisan Infrastructure Law Orphan Oil and Gas Well Federal Program, the U.S. Department of the Interior established evaluation criteria to prioritize disadvantaged communities, and ensure projects identify and address any disproportionate burden of adverse human health or environmental effects of orphaned wells on communities.
- The U.S. Department of Agriculture's Forest Service and Natural Resources Conservation Service revised evaluation criteria for the Fiscal Year 2023 funding cycle of the Joint Chiefs' Landscape Restoration Partnership to include a new criterion to evaluate the benefits a proposal would confer to Justice40 communities.

For more information about how each agency is advancing the Justice40 Initiative, please visit the following websites:

- [AmeriCorps](#)
- [Appalachian Regional Commission](#)
- [Delta Regional Authority](#)
- [Denali Commission](#)
- [U.S. Department of Agriculture](#)
- [U.S. Department of Commerce](#)
- [U.S. Department of Energy](#)
- [U.S. Department of Health and Human Services](#)
- [U.S. Department of Homeland Security](#)
- [U.S. Department of Labor](#)
- [U.S. Department of Transportation](#)
- [U.S. Department of the Interior](#)
- [U.S. Environmental Protection Agency](#)
- [U.S. Department of Housing and Urban Development](#)
- [National Aeronautics and Space Administration](#)
- [National Science Foundation](#)
- [U.S. Army Corps of Engineers](#)
- [U.S. Department of Veteran Affairs](#)

With the launch of Phase One of the Environmental Justice Scorecard, the U.S. Department of Commerce, the National Science Foundation, and the National Aeronautics and Space Administration announced Justice40 covered programs. The full list of nearly 470 Justice40 covered programs is located at [whitehouse.gov/environmentaljustice/justice40](https://whitehouse.gov/environmentaljustice/justice40).

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Future versions of the Environmental Justice Scorecard will build on Phase One of the Environmental Justice Scorecard's baseline assessment, measure the progress of federal agencies over time, and include additional information on how this work is benefitting disadvantaged communities.

### *Examples of the Transformative Implementation of the Justice40 Initiative*

Federal agencies are coordinating and collaborating to ensure that communities have access to federal funding opportunities, including through programs that are covered by the Justice40 Initiative. For example, as of August 9, 2023, on [grants.gov](https://www.grants.gov), there are approximately 70 Notices of Funding Opportunity (NOFO) that include Justice40 Initiative language and over 60 open NOFOs that include the CEJST. Two initiatives in particular – the Federal Interagency Thriving Communities Network and the U.S. Department of Energy's (DOE) inclusion of Community Benefits Plans in all Bipartisan Infrastructure Law and Inflation Reduction Act funded programs – highlight the transformative implementation of the Justice40 Initiative.

#### Federal Interagency Thriving Communities Network

The [Federal Interagency Thriving Communities Network](#) is a primary example of how the Biden-Harris Administration is committed to ensuring that all communities have an equal opportunity to benefit from federal funding. The network is an interagency initiative among the U.S. Departments of Transportation, Housing and Urban Development, Energy, Commerce, and Agriculture, as well as the General Services Administration and the U.S. Environmental Protection Agency, that employs a holistic framework for technical assistance and capacity building.

Each agency in the Thriving Communities Network is committed to coordinating and collaborating to ensure federal place-based technical assistance and capacity building resources are delivered to disadvantaged communities experiencing a history of economic distress and systemic disinvestment. Below are additional examples of the Thriving Communities Network:

- **EPA:** In April 2023, EPA [announced](#) the selection of 16 [Environmental Justice Thriving Communities Technical Assistance Centers](#) (EJ TCTACs) in partnership with DOE that will receive \$177 million to help disadvantaged communities, including underserved and overburdened communities, across the country access funds from President Biden's [Investing in America agenda](#), including historic investments to advance environmental justice. Each of the technical assistance centers received at least \$10 million to remove barriers and improve accessibility for local communities. These centers will provide training and other assistance to build capacity for navigating federal grant application systems, writing strong grant proposals, and effectively managing grant funding. In addition, these centers will provide guidance on community engagement, meeting facilitation, and translation and interpretation services for limited English-speaking participants, thus removing barriers and improving accessibility for communities. Each of the technical assistance centers will also create and manage communication channels to ensure all communities have direct access to resources and information.
- **U.S. Department of Transportation (DOT):** To advance its [Thriving Communities Program](#), in April 2023, DOT [announced](#) \$21.15 million in cooperative agreements with four Capacity Builders to support a total of 64 communities in 42 states, including 6 Tribal Nations, and Puerto Rico. This planning, technical assistance, and capacity building will enable disadvantaged



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communities to advance a pipeline of transformative infrastructure projects that will increase mobility, reduce pollution, and expand affordable transportation options, connecting communities to the essential opportunities and resources that will help them thrive. Selected communities will be grouped into four “Communities of Practice” identified by DOT based on their unique technical assistance needs, including: Main Streets, Complete Neighborhoods, Complete Transit-Oriented Neighborhoods, and Networked Communities. The program provides two years of no-cost intensive technical assistance to under-resourced and other disadvantaged communities to help identify, develop, and deliver transportation projects that strengthen communities. In the first year of this program, a large proportion of the communities selected had submitted previous applications for federal funding that were unsuccessful in large part because they did not have the same resources to complete their applications. The Thriving Communities Program will grow the universe of communities that can successfully compete for federal funding. The Thriving Communities Program, consistent with statute, prioritized the selection of disadvantaged communities – especially small, rural, and Tribal communities – that are working to advance projects to improve health outcomes, reduce housing and transportation cost burdens and improve housing conditions, preserve or expand jobs, and increase reliable mobility options for disadvantaged communities and households to better access health care, food, education, and other essential destinations.

- **U.S. Department of Housing and Urban Development (HUD):** Through its [Thriving Communities Technical Assistance \(TCTA\) Program](#), HUD has been inviting local governments to request technical assistance to ensure housing needs are considered as part of their larger infrastructure investment plans, with a focus on disadvantaged communities. The TCTA program, funded in Fiscal Year 2022 with \$5 million, is designed to support coordination and integration of transportation and housing in infrastructure planning and implementation.

### Community Benefits Plans

DOE is requiring every applicant for programs funded by the Bipartisan Infrastructure Law and Inflation Reduction Act, many of which advance the President’s Justice40 Initiative, to submit a [Community Benefits Plan](#) detailing how each project will deliver benefits to the local community across four pillars: (1) investing in America’s workforce, (2) engaging communities and labor, (3) advancing diversity, equity, inclusion, and accessibility, and (4) implementing the Biden-Harris Administration’s [Justice40 Initiative](#). As part of the Community Benefits Plan, DOE encourages applicants to form negotiated Workforce and [Community Benefits Agreements](#) that describe the applicant’s commitments to the project community.

DOE will use Community Benefits Plans as a key criterion in evaluating applications, accounting for 20 percent of the review scoring. When an applicant is selected, its Community Benefits Plan will be part of the contractual obligation of the awardee with DOE. A summary of the project’s Community Benefits Plan will be publicly posted on DOE’s website for transparency and accountability, and results from the Community Benefits Plan’s implementation can be used to inform decisions on continued DOE support for individual projects. DOE also encourages interested stakeholders to apply to become merit reviewers and to review the equity, justice, jobs, and community engagement sections of funding opportunity applications.

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As part of this work, on May 19, 2023, DOE's Loan Programs Office [released](#) updated [Program Guidance](#) for the [Title 17 Clean Energy Financing Program](#) that included a new requirement for all applicants to submit a Community Benefits Plan that discusses how the applicant's proposed project will contribute to the Justice40 goal. The [Title 17 Clean Energy Financing Program](#), a Justice40 covered program, was created by the Energy Policy Act of 2005 and has since been amended, most recently by the Bipartisan Infrastructure Law and the Inflation Reduction Act.

### ***Cross-Agency Actions and Examples on Storytelling, Mapping, and Community Connections to Advance the Justice40 Initiative***

Federal agencies are working diligently to actualize, operationalize, and institutionalize the Justice40 Initiative into their processes and program implementation, including by providing the public with information on how to access programs covered by the Justice40 Initiative. To help stakeholders, including the WHEJAC and members of the public, remain up-to-date on their recent work, federal agencies have organized formal and informal engagements and educational opportunities. Some of these engagements have included federal agency-led webinars on the Justice40 Initiative, on-the-ground community engagement events, and newsletters. Federal agencies have also been working to ensure that information about the Justice40 Initiative, federal funding opportunities, technical assistance, capacity building, and other resources are available to the public in accessible ways.

Below are a few examples of how the Biden-Harris Administration is using tools like maps, convenings, and new information products to provide the public with resources on the Justice40 Initiative.

- **DOT:** In May 2023, DOT released the [Equitable Transportation Community \(ETC\) Explorer](#) and accompanying [Story Map](#) to support the agency's implementation of the Justice40 Initiative. The ETC Explorer is an interactive web application that uses 2020 census tracts and data to explore the cumulative burden communities experience caused by underinvestment in transportation. It is designed to complement the CEJST to help assess and ensure the benefits of DOT's federal investments address transportation-related causes of burdens in disadvantaged communities (identified by the CEJST). The [DOT Navigator](#) also serves as a virtual one-stop shop for accessing federal transportation technical assistance resources, including [resource documents in Spanish](#) and [curated information](#) to help communities understand federal grant application processes and technical topics.
- **DOE:** In September 2022, DOE hosted its first-ever [Justice Week](#) to convene internal and external stakeholders to discuss the work DOE has been doing on issues of equity and justice and understand the path ahead to institutionalize this important work, with two days of programming open to the public and translated into Spanish. Throughout 2023, DOE has been organizing the [Energy Justice to the People Roadshow](#), a series of workshops and community listening sessions to convene industry leaders, local governments, community stakeholders, and local businesses to share information about available funding opportunities to support disadvantaged frontline communities and advance U.S. energy security in a just and equitable way. As of July 2023, DOE traveled to the [Rio Grande Valley and Corpus Christi, TX](#) and [Port Arthur, TX and Lake Charles, LA](#). Finally, DOE launched the beta version of the [Energy Justice Dashboard](#), a pilot data visualization tool that displays DOE-specific investments in communities across the country experiencing disproportionate and adverse economic, human health, climate-related, environmental, and other cumulative impacts.

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- **Centers for Disease Control and Prevention (CDC) and National Oceanic and Atmospheric Administration (NOAA):** An [interagency collaboration](#) between the CDC and NOAA, the National Integrated Heat Health Information System's (NIHHIS) Urban Heat Island mapping program is a Justice40 covered program. The [NIHHIS Heat Equity mapping tool](#) combines the CEJST and the NIHHIS Urban Heat Island mapping data to enable investigation of how disadvantaged communities are exposed to higher temperatures due to the urban heat island effect.

CEQ and EPA appreciate the WHEJAC's continued engagement and recommendations on the Justice40 Initiative. The WHEJAC serves a vitally important role in advancing the President's environmental justice agenda, and as this report highlights, the WHEJAC's recommendations have helped guide agencies' decision-making and policymaking.

### B. The Climate and Economic Justice Screening Tool (CEJST)

Executive Order 14008 directed CEQ to create the [Climate and Economic Justice Screening Tool](#) (CEJST) and to annually publish interactive maps highlighting disadvantaged communities. Federal agencies use the tool to help identify disadvantaged communities that will benefit from programs included in the Justice40 Initiative. In February 2022, CEQ released a beta – or draft – version of the CEJST, with technical assistance and support from the U.S. Digital Service (USDS). CEQ launched the tool in beta form so that it could solicit feedback broadly, including from the WHEJAC, federal agencies, Tribal Nations, State, and local governments, environmental justice stakeholders, and the public.

Following diligent and thoughtful review of comments, including the WHEJAC's August 2022 [Recommendations for the Climate and Economic Justice Screening Tool](#), CEQ worked to improve the beta version of the tool. In November 2022, the Biden-Harris Administration [launched version 1.0 of the CEJST](#) for immediate use by federal agencies. Version 1.0 of the CEJST incorporates new datasets, an updated methodology, improvements to user experience, and more.

The CEJST is the primary tool that agencies use to identify disadvantaged communities that are geographically defined for any covered programs under the Justice40 Initiative and for programs where a statute directs resources to disadvantaged communities, to the maximum extent possible and permitted by law. To support federal agencies' usage of the tool, OMB, CEQ, and CPO issued [guidance](#) (M-23-09), *Addendum to the Interim Implementation Guidance for the Justice40 Initiative, M-21-28, on using the Climate and Economic Justice Screening Tool (CEJST)*. CEQ also issued [instructions](#) to federal agencies on using the tool.

The CEJST highlights disadvantaged census tracts across all 50 states, the District of Columbia, and the U.S. territories. Communities are considered disadvantaged:

- If they are in census tracts that meet the thresholds for at least one of the tool's categories of burden, or
- If they are on land within the boundaries of Federally Recognized Tribes, including Alaska Native Villages.

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In addition, the tool considers disadvantaged a census tract that is completely surrounded by disadvantaged communities and is at or above the 50<sup>th</sup> percentile for low income.

The tool uses datasets that track indicators of burdens, which are organized into eight different categories; the CEJST [Technical Support Document](#) for version 1.0 of the tool explains the methodology in greater detail.<sup>2</sup> The tool also uses a federal dataset to depict the exterior extent of land areas of Federally Recognized Tribes.

Going forward, CEQ plans to update the CEJST on an annual basis, as Executive Order 14008 directs. The tool will be updated based in part on public feedback and research as well as recommendations provided by the WHEJAC.

CEQ expresses deep gratitude to the WHEJAC for providing recommendations on the CEJST in August 2022, which helped to inform version 1.0 of the tool. Over 27,000 census tracts are identified as disadvantaged in version 1.0 of the CEJST, which is about 3,700 tracts more than in the beta version. CEQ also appreciates the ongoing work of the WHEJAC Climate and Economic Justice Screening Tool Workgroup to develop recommendations for future updates.

### 1. Updates to the CEJST in Version 1.0

In August 2022, the WHEJAC provided [11 recommendations](#) on the CEJST. As is clear from the table below, many of these recommendations informed key updates that CEQ implemented in version 1.0 of the CEJST. Additional information on the changes made between the beta version and version 1.0 of the tool can be found in the [release notes](#) available on the Downloads page of the CEJST, the [Methodology & data page](#) of the tool, and also in the [Technical Support Document](#).

#### Examples of version 1.0 CEJST updates

Update made to version 1.0 <sup>3</sup>	Description
<b>Categories of Burden</b>	
<b>Climate change</b>	Version 1.0 of the CEJST now includes indicators of burden for projected flood risk and projected wildfire risk. The projected flood risk indicator is a high precision, climate-adjusted model that projects flood risk for properties in the future. The projected wildfire risk indicator uses a 30-meter resolution model projecting the wildfire exposure for any specific location in the contiguous United States, today and with future risks from climate change.

<sup>2</sup> The CEJST is intended to be an iterative tool. As new relevant nationally-consistent, publicly-available datasets at the census tract level become available, they can be evaluated for inclusion in the CEJST.

<sup>3</sup> The order of presentation reflects the overall methodology and the way that the categories of burden are presented in the CEJST. For more details, see the [Methodology & data page](#) of the tool.



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	<p><i>See WHEJAC recommendation on “Enhance the climate change vulnerability category” (#4).</i></p>
<b>Housing</b>	<p>The historic underinvestment indicator of burden has been added to the housing category and reflects census tracts that experienced historic underinvestment based on redlining maps created by the federal government’s Home Owners’ Loan Corporation (HOLC) between 1935 and 1940. The historic underinvestment burden is not available for tracts that were not included in the original HOLC maps because there is no underlying data.</p> <p>Lack of greenspace is incorporated from data from Multi-Resolution Land Characteristics (MRLC) consortium with data analysis provided by The Trust for Public Lands and American Forests, indicating the share of land with developed surfaces covered with artificial materials like concrete or pavement, excluding crop land used for agricultural purposes.</p> <p>Lack of indoor plumbing is added and reflects housing without indoor kitchen facilities or complete plumbing facilities.</p> <p><i>See WHEJAC recommendations on “Redlining” (#1A), “Enhance the climate change vulnerability category” (#4), and “Integrate metrics of physical and social infrastructure” (#5).</i></p>
<b>Legacy pollution</b>	<p>Version 1.0 of the tool now includes Formerly Used Defense Sites (FUDS), properties that were owned, leased, or possessed by the United States, under the jurisdiction of the Secretary of Defense prior to October 1986.</p> <p>The proximity to abandoned mine land indicator details the presence of an abandoned mine left by legacy coal mining operations.</p> <p><i>See WHEJAC recommendation on “Expand or enhance environmental hazard indicators” (#7).</i></p>
<b>Transportation</b>	<p>A transportation barriers indicator is now included and indicates the average relative cost and time spent on transportation relative to all other tracts.</p> <p><i>See WHEJAC recommendation on “Integrate metrics of physical and social infrastructure” (#5).</i></p>
<b>Waste and wastewater</b>	<p>The underground storage tanks and releases indicator was added and is a weighted formula of the density of leaking underground storage tanks and the number of all active</p>

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underground storage tanks within 1,500 feet of the census tract boundaries.

*See WHEJAC recommendation on “Add indicators of drinking water quality and sanitation” (#9).*

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### **Workforce development**

The workforce development category in version 1.0 of the CEJST only has one socioeconomic indicator, which is that fewer than 10% of people ages 25 or older have a high school education (i.e., graduated with a high school diploma). In the beta version of the CEJST, the higher education non-enrollment indicator was also used in the workforce development category. It measured the percentage of the census tract's population 15 or older that was not enrolled in college, university, or graduate school. As a result of feedback received, version 1.0 of the CEJST no longer uses the higher education non-enrollment indicator for the workforce development category.

*See WHEJAC recommendation on “Address missing income data and ensure that the low-income threshold is not prioritized over all other indicators in a way that precludes [disadvantaged community] designation when thresholds for other indicators are met” (#3).*

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### **Other Updates**

#### **Income**

The tool imputes income for census tracts missing income data and that have a known population greater than zero to address missing income data.

The tool also now has income data for the U.S. Virgin Islands and Guam. The tool also now considers communities disadvantaged if they are completely surrounded by other disadvantaged communities and that meet an adjusted low-income threshold.

The tool no longer has low-income and higher education as two separate indicators. Rather, the low-income indicator is now calculated by removing income data for students enrolled in higher education.

*See WHEJAC recommendations on “Address missing income data and ensure that the low-income threshold is not prioritized over all other indicators in a way that precludes DAC [disadvantaged community] designation when thresholds for other indicators are met” (#3).*

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#### **Lands within the boundaries of Federally Recognized Tribes**

Version 1.0 of the tool now shows lands within the boundaries of Federally Recognized Tribes and Alaska Native Villages, to

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respect Tribal sovereignty and self-government and to fulfill federal trust and treaty responsibilities. This decision was made after meaningful and robust consultation with Tribal Nations. The [Land Area Representation \(LAR\) dataset](#) from the U.S. Department of the Interior depicts American Indian land areas for Federally Recognized Tribes. The LAR dataset is the Bureau of Indian Affairs' official geospatial representation of Federal Indian land areas. In addition, [M-23-09](#) states that regardless of whether a Federally Recognized Tribe has land, all Federally Recognized Tribal entities are considered disadvantaged communities for the purposes of the Justice40 Initiative.

*See WHEJAC recommendation on "Include relevant indicators of Native American and tribal land" (#2).*

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### Enhanced user interface

Version 1.0 of the CEJST has an improved user interface, including improved design of the map side panel and updated the site copy of the website.

The demographic information, race/ethnicity and age, are now included in the side panel to better characterize the people living in a census tract but are not included in the tool's methodology.

Version 1.0 of the CEJST improves the way users can provide feedback on the tool, including a [data sources survey](#), [site experience survey](#), [census tract feedback survey](#),<sup>4</sup> and a [general contact form](#). In addition, the site now includes an email ([Screeningtool-Support@omb.eop.gov](mailto:Screeningtool-Support@omb.eop.gov)) for users to contact CEQ.

Technical updates for version 1.0 of the tool included the addition of new data indicators and demographics in the .xls, .csv, and shapefiles; added a previous version's page on the site to access the beta version's download files; updated the codebook; and updated the Technical Support Document.

*See WHEJAC recommendations on "Provide a more transparent and accessible interface for timely user and community feedback on the CEJST" (#11).*

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CEQ continues to take seriously and to consider the WHEJAC's August 2022 recommendations on the CEJST, including recommendations on datasets. The CEJST [Technical Support Document](#) provides

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<sup>4</sup> The sidebar of each census tract on the map has a "Send Feedback" button that allows users to send specific feedback about that tract.

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additional information on the datasets used in version 1.0 of the tool and discusses some other datasets that are not currently suitable for inclusion. There are some datasets referenced in the WHEJAC's recommendations that could not be added for reasons specified in the [Technical Support Document](#), for example:

Birth outcomes data, such as preterm births or low birth weights, are not currently publicly-available at the census tract level. There also are not yet nationally-consistent, publicly-available datasets on foreclosures, concentrated animal feeding operations (CAFOs), and Medicaid claims.

CEQ also values the WHEJAC's recommendations regarding cumulative impacts. It looks forward to receiving future recommendations from the WHEJAC and the [National Academies of Sciences, Engineering, and Medicine](#), which is expected to provide recommendations that may inform a potential methodology to incorporate cumulative impacts into the CEJST.

### C. Air Pollution Emissions Limits for Incinerators

On August 16, 2022, the WHEJAC submitted recommendations to CEQ Chair Brenda Mallory on the air pollution emissions limits for incinerators, and CEQ sent the recommendations to EPA.<sup>5</sup> EPA provides the following response.

EPA appreciates the opportunity to respond to the [Recommendations on Air Pollution Emissions Limits for Incinerators](#), which highlights and catalogs the challenges faced by many communities across the country related to air pollution emitted by large and small municipal solid waste combustors. Emissions from these facilities are regulated, as the WHEJAC noted in its recommendations, by section 129 of the Clean Air Act (CAA). The CAA directs the EPA Administrator to develop regulations limiting emissions of nine air pollutants (i.e., particulate matter, carbon monoxide, dioxins/furans, sulfur dioxide, nitrogen oxides, hydrogen chloride, lead, mercury, and cadmium) from four categories of solid waste incineration units: municipal solid waste; hospital, medical and infectious solid waste; commercial and industrial solid waste; and other solid waste.

As of 2023, EPA estimates there are 57 large municipal waste combustors (LMWC) facilities with 152 units, operating in 18 states. LMWC units are those incinerators that combust greater than 250 tons per day of municipal solid waste, which are regulated under New Source Performance Standards and Emission Guidelines for new and existing units. These regulations, which address the incineration of nonhazardous solid wastes, are intended to protect public health and the environment by reducing emissions of harmful air pollutants.

EPA is preparing to propose new air pollution regulations under CAA section 129 for LMWCs, based on a review of these regulations that section 129 requires EPA to undertake at least once every five years. EPA's pre-proposal outreach efforts have offered opportunities for the public to engage with EPA and provide information and perspectives to inform the development of a proposed rule. For example, in

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<sup>5</sup> The EPA Administrator is a member of the IAC, pursuant to Executive Order 14008, as amended by Executive Order 14096.

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December 2022, EPA opened a nonregulatory docket to collect stakeholder input on EPA's efforts to review and potentially revise emissions standards for CAA section 129 pollutants from the LMWC source category. EPA also held two outreach webinars for Tribes, communities, and small businesses on December 6, 2022, and on March 21, 2023.

EPA's schedule for completing this rulemaking is the subject of a proposed consent decree. In June 2023, in accordance with section 113(g) of the CAA, EPA provided notice of a proposed consent decree in *East Yard Communities for Environmental Justice v. EPA*.<sup>6</sup> As background, on January 13, 2022, Plaintiffs East Yard Communities for Environmental Justice, Ironbound Community Corporation, and Sierra Club filed a complaint in the United States District Court for the District of Columbia alleging that the EPA failed to perform its non-discretionary duty to review and, if appropriate, revise new source performance standards and emissions guidelines for LMWCs at five-year intervals. In addition, the plaintiffs filed a separate petition on December 21, 2021, in the United States Court of Appeals for the District of Columbia seeking a writ of mandamus relating to a 2008 order of that court remanding to the EPA performance standards for LMWCs. EPA's public comment period for the proposed consent decree ended on July 14, 2023. The proposed consent decree would resolve all claims in both cases by establishing deadlines for EPA to issue proposed and final rules to review and, if appropriate, revise emissions standards for LMWCs. The proposed deadlines would have EPA issuing a proposed rulemaking by December 31, 2023, and a final rulemaking by November 30, 2024.

As the 30-day comment period has recently ended, EPA is working diligently to meet our current legal obligations and is keenly aware of the timelines in the consent decree proposed in June 2023.

In addition to our actions to address air pollution emissions from LMWCs through CAA section 129, EPA has also, for the first time, issued requirements to reduce ozone-forming nitrogen oxides (NO<sub>x</sub>) pollution from LMWCs as part of efforts to control the transport of air pollution from upwind states to downwind states, also known as air pollution interstate transport. On March 15, 2023, the EPA Administrator signed the final Good Neighbor Plan, which includes requirements to reduce NO<sub>x</sub> from LMWCs certain other industrial sources, and power plants in 23 states.<sup>7</sup> In 2026, if fully implemented, the final Good Neighbor Plan is expected to: prevent up to 1,300 premature deaths, reduce hospital and emergency room visits for thousands of people with asthma and other respiratory problems, help keep hundreds of thousands of children and adults from missing school and work due to respiratory illness, and decrease asthma symptoms for millions of Americans. To more fully understand the impacts of this rule, EPA conducted a detailed environmental justice analysis for the Good Neighbor Plan. Our analysis shows that the Good Neighbor Plan will lower ozone and fine particle concentrations in many areas, providing broadly shared benefits for communities, including many people of color and low-income households.

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<sup>6</sup> See 88. Fed. Reg. 38,859 (June 14, 2023), <https://www.federalregister.gov/documents/2023/06/14/2023-12671/proposed-consent-decree-clean-air-act-citizen-suit>.

<sup>7</sup> In response to judicial orders and potential forthcoming judicial orders partially staying this final rule and a separate, but related, EPA action, EPA amended the Good Neighbor Plan on an interim basis to implement the orders and stay the Good Neighbor Plan's requirements to mitigate interstate air pollution with respect to the 2015 ozone NAAQS for certain states. EPA intends to further amend the Good Neighbor Plan in response to additional/future judicial orders.

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EPA values the WHEJAC's continued engagement on this topic, and EPA continues to advance a robust regulatory agenda that protects public health and the environment by reducing emissions of harmful air pollutants, including those that can cause cancer, asthma and other serious health impacts and that can be particularly dangerous for children's health. EPA recognizes it is particularly important to fulfill its Clean Air Act and other legal obligations and to advance its core policy objective of environmental justice, as there is a well-known disproportionate concentration of polluting facilities, like incinerators, in communities with environmental justice concerns.

### **D. Additional Efforts to Make the Biden-Harris Administration's Whole-of-Government Approach to Environmental Justice More Accessible**

The Biden-Harris Administration remains committed to ongoing and meaningful engagement with communities and providing the public with resources on its work to advance environmental justice, including information on the Justice40 Initiative and the CEJST. Across the Administration, agencies are breaking down barriers to engagement with communities and ensuring information about their work is increasingly accessible and available – in line with the WHEJAC's cross-cutting Justice40 Initiative Phase One Implementation Recommendations.

#### ***White House Campaign for Environmental Justice***

The Biden-Harris Administration is committed to ensuring that people are seeing and experiencing the impacts of the President's environmental justice agenda in their communities, including through the Justice40 Initiative. To strengthen partnerships with communities that have been left behind for too long, the Administration launched the White House Campaign for Environmental Justice on April 21, 2023.

Through the White House Campaign for Environmental Justice, the Administration is redoubling its efforts to meet people where they are and better focus agency resources and attention on the needs of marginalized and overburdened communities. With convenings across the nation, the campaign aims to:

- Increase communities' understanding and involvement in the Administration's environmental justice work;
- Increase communities' connection with existing and new federal resources and tools available to address environmental justice concerns and issues; and
- Provide more opportunities for communities to interact directly with federal agencies.

Below are two examples of White House Campaign for Environmental Justice events since its launch in April 2023:

- The launch of the [21<sup>st</sup> Urban Waters Federal Partnership](#) in Raleigh, North Carolina by the U.S. Environmental Protection Agency, U.S. Department of Agriculture, and U.S. Department of the Interior;



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- A visit by U.S. Department of Health and Human Services Assistant Secretary for Health, Admiral Rachel Levine, to [highlight](#) the positive impact of the National Institutes of Health’s National Institute of Environmental Health Sciences (NIEHS) [Worker Training Program](#) in St. Louis, Missouri; and
- A Nature in Communities Roundtable with CEQ Chair Brenda Mallory, officials from Federal, state, and local agencies, community-based organizations, and other stakeholders to discuss increasing access to nature in nature-deprived communities in Chicago, Illinois.

Prior to the launch of the White House Campaign for Environmental Justice, CEQ connected directly with community leaders and members through public engagement opportunities across the country, including in Los Angeles, California; Denver, Colorado; New Britain, Connecticut; Brunswick, Georgia; Troup County, Georgia; Chicago, Illinois; Baltimore, Maryland; Detroit, Michigan; New York, New York; Austin, Texas; Houston, Texas; and Washington, DC.

### *Engagement Spotlight: CEQ Environmental Justice Team Joins Community Members and Federal Agency Partners in Los Angeles, CA*

Dr. Jalonne L. White-Newsome, CEQ’s Senior Director for Environmental Justice, and Allison Rogers, CEQ’s then-Deputy Director for the Justice40 Initiative, participated in “A Los Angeles Convening on Environmental Justice Communities for Federal IJIA and Federal Funding, IRA and Justice40 Funding Opportunities,” hosted by the Liberty Hill Foundation and Resources Legacy Fund. Community organizations, local leaders, Congressional leaders, and federal agency partners at the U.S. Department of Energy (DOE), the U.S. Environmental Protection Agency (EPA), the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of the Interior (DOI), the U.S. Department of Health and Human Services (HHS), and the U.S. Department of Transportation (DOT) met to discuss environmental justice and funding opportunities.

### **CEQ Engagement Resources**

CEQ is committed to sharing resources and information with communities and stakeholders as well as directly connecting with the public. Since December 2022, CEQ has released nine editions of the [EJ Connector](#), a newsletter that shares resources, information, and updates specific to environmental justice across the federal government, including Justice40 covered program announcements, funding deadlines, webinars, and other pertinent information.

CEQ also sends out a [newsletter](#) with regular updates about climate, environmental, and environmental justice work occurring across the Administration. CEQ hosts frequent briefings and webinars on Administration announcements. These engagements feature White House and federal agency speakers providing stakeholders with timely updates regarding policy announcements and funding opportunities.

### **Biden-Harris Administration Whole-of-Government Resources**

In addition, the Biden-Harris Administration has released publicly-available, up-to-date information for the public about the President’s Investing in America agenda. Below is a list of several whole-of-government websites that provide the public with information on accessing federal funding and resources:

## DELIVERING A WHOLE-OF-GOVERNMENT APPROACH TO ENVIRONMENTAL JUSTICE

- [whitehouse.gov/environmentaljustice](https://www.whitehouse.gov/environmentaljustice): Website with information about environmental justice initiatives across the Biden-Harris Administration.
- [cleanenergy.gov](https://www.cleanenergy.gov): Website with information about the Inflation Reduction Act and clean energy deployment, including the [Inflation Reduction Act Guidebook](#), the [Inflation Reduction Act Tribal Guidebook](#), and [Open Funding Opportunities](#) for state, local, territorial, and Tribal governments; nonprofit organizations; agricultural producers; manufacturers; and more. Provides easy-to-understand information on the [“direct pay” provisions](#) that make it easier for nonprofits, local and Tribal governments, and others to benefit from the tax credits.
- [invest.gov](https://www.invest.gov): Website with information about the historic public and private sector investments President Biden’s Investing in America agenda is bringing to states and territories across the nation.
- [build.gov](https://www.build.gov): Website with information about Bipartisan Infrastructure Law investments, including [maps of progress](#), [state fact sheets](#), the [Bipartisan Infrastructure Law Guidebook](#), and the [Bipartisan Infrastructure Law Tribal Playbook](#).

Some additional community resources released by federal agencies are available here:

- [rural.gov](https://www.rural.gov): Website with information about the Rural Partners Network, an alliance of federal agencies and commissions working directly with rural communities to expand rural prosperity through job creation, infrastructure development, and community improvement.
- [energycommunities.gov](https://www.energycommunities.gov): Website with information from the Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization, established pursuant to Executive Order 14008.
- [heat.gov](https://www.heat.gov): Website created by the National Integrated Heat Health Information System (NIHHIS) with information regarding heat and health for the nation to improve federal, State, and local information and capacity to reduce the health, economic, and infrastructural impacts of extreme heat. NIHHIS is a collaboration of a dozen federal agencies to advance a heat resilient nation empowered to effectively address extreme heat and its impacts.

[resilience.climate.gov](https://www.resilience.climate.gov): Website with information about local exposure to climate-related hazards and climate mapping for resilience and adaptation, such as the [U.S. Climate Resilience Toolkit](#). This project is hosted and managed by the National Oceanic and Atmospheric Administration (NOAA), and was developed in August 2022 as part of an interagency partnership working under the auspices of the U.S. Global Change Research Program (USGCRP) and with guidance from the U.S. Federal Geographic Data Committee (FGDC).

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*Caption: President Joe Biden delivers remarks about building healthy communities and announces new actions to advance environmental justice on Friday, April 21, 2023 in the Rose Garden of the White House. (Official White House Photo by Cameron Smith) Source: [White House Flickr](#)*

## IV. Conclusion

CEQ and EPA are pleased to provide this report to fulfill the statutory requirement to Congress of responding to the WHEJAC's August 2022 reports, [Justice40 Initiative Phase One Implementation Recommendations](#), [Recommendations for the Climate and Economic Screening Tool](#), and [Recommendations on Air Pollution Emissions Limits for Incinerators](#). This report provides a status update on the Biden-Harris Administration's historic whole-of-government environmental justice agenda, which showcases the broad progress that has been made in over two and a half years.

Never before has the federal government undertaken such a sweeping, ambitious, and determined effort to deliver environmental justice for all communities. As demonstrated in this report, the Biden-Harris Administration continues to make significant progress on the Justice40 Initiative, and programs across the government are being transformed to ensure that disadvantaged communities receive the benefits of new and existing federal investments.

The recommendations provided by the WHEJAC on implementation of the Justice40 Initiative and the Climate and Economic Justice Screening Tool have helped guide the Biden-Harris Administration's progress on environmental justice and will continue to do so. By making long overdue investments, by ensuring those investments reach the communities that need them most, by integrating the voices and expertise of affected communities in federal decision-making, and by taking action to cut pollution and alleviate environmental burdens, the Administration is delivering, and will continue to deliver, on President Biden's promise of a healthy and safe environment for all.