

# State & Local Justice40 Advocacy Toolkit

## I. How to Use This Toolkit

The [Equitable and Just National Climate Forum \(EJNCF\)](#) created this Justice40 Activist Toolkit. The [Equitable and Just National Climate Platform \(EJNCP\)](#) advances the goals of economic, racial, climate, and environmental justice to improve the public health and well-being of all communities, while tackling the climate crisis. The EJNCP was developed by an intentionally aligned network of environmental justice and national environmental groups with the goal alignment on desired outcomes for the national climate policy agenda.

This Toolkit provides background on the Justice40 Initiative, an overview of State-Level Justice40 actions, the steps that advocates and community leaders can take to ratify the Justice40 commitment into their local governments and various resources.

The intended audience for this Toolkit includes local community leaders, organizations, local and state legislators. We anticipate that most people using this Toolkit already have some background on federal government program benefits and are ready to take the next steps to advocate for state and local Justice40 initiatives.

**Our goal is to empower advocates, community leaders, and their local representatives with a deeper understanding of the intricacies of Justice40, preparing them to effectively advocate to reaffirm the initiative and implement it in our communities.**

## II. Background

### What is Justice40?

In 2021, through Executive Order 14008 President Biden established the Justice40 initiative. The Justice40 initiative directs Federal agencies to work with states and local communities to deliver at least 40 percent of the overall benefits from Federal investments in climate and clean energy to disadvantaged communities. The Justice 40 initiative covers over 400 federal programs, many of them established or funded through the Bipartisan Infrastructure Law and the Inflation Reduction Act. To see all the federal actions and to learn more in-depth about the potential impacts Justice40 can have, visit the Equitable and Just National Climate Forum's [Justice40 Funding Finder and Resource Guide](#). The administration also released its [Environmental Justice \(EJ\) Scorecard](#) in spring 2023, which has Justice40 progress updates.

President Biden's Justice40 Initiative is a Federal administration commitment, not a state commitment. A large amount of the federal programmatic benefits available is moving into states via formula grants. Like previous infrastructure investments in states this money will be deployed quickly or already has been deployed where the states and localities will have majority control over how investments are made and who benefits from them. The success of Justice40 relies on state elected officials passing legislation. This can be accomplished through many ways. That includes Governors and Mayors issuing executive orders, and/or local elected leaders passing ordinances to confirm the commitment to protect all communities.

### Defining Disadvantaged Communities

In November 2022, the White House Council on Environmental Quality (CEQ), released the Climate and Economic Justice Screening Tool (CEJST 1.0) for the Justice40 purposes of identifying disadvantaged communities. Federal agencies have been guided to use the CEJST tool to identify disadvantaged communities that are marginalized, underserved, and overburdened by pollution to inform how to direct federal program benefits.

Some federal agencies have developed and are using agency-specific screening tools to identify disadvantaged communities. For instance, the U.S. The Department of

Transportation utilizes the "Transportation Disadvantaged Census Tracts" mapping tool to inform program applicants if their project is located in a disadvantaged community. State and local governments are required to comply with Justice40 stipulations when implementing federal programs or using certain federal funding covered by the Justice 40 initiative. In some cases, state and local governments may choose to utilize **state and local mapping tools** to identify disadvantaged communities.

## Policy Maker Authority

Advocacy efforts are needed at every level of government to make progress in ensuring that at least 40 percent of the overall benefits from Federal investments in climate and clean energy go to disadvantaged communities. This section provides some foundational knowledge on the various policy makers' abilities to ratify Justice40.

Policy Maker(s)	Types of Authority	Brief Description
Governor	Executive Order	The authority for governors to issue executive orders is found in state constitutions, statutes, case law, or is implied by the powers assigned to state chief executives. Executive orders can be considered laws executed by Governors.*
State Legislature	Legislation	State legislatures serve three primary functions. They perform a lawmaking function by researching, writing, and passing legislation. Members represent their districts and work to meet requests for help from citizens.
Mayor	Executive Order	<p>There are two distinct types of mayors, depending on the system of local government. Cities have either "strong" or "weak" mayors. The term is not a judgment of effectiveness, but instead distinguishes the administrative authority assigned to that mayor.</p> <p>In the council-manager system of municipal government, the mayor is equal with the city council. This is common for smaller cities. Charlotte, North Carolina is a notable large city with a "weak" mayor.</p>

*\*It's important to note that in some states Governors have limited powers. Here is a **report** that outlines what authority Governors have in certain states.*

Policy Maker(s)	Types of Authority	Brief Description
Mayor (cont.)	Executive Order (cont.)	(cont.) Most "strong" mayors are in the mayor-council form of government and are directly elected by citizens to that office. In this system, the mayor and city council are separate offices. The mayor acts as an elected executive with the city council functioning as a legislative branch and is likely able to issue executive orders like the president or governor of a state. This is the system used in most large cities.
City/County	Ordinance	<p>City, town, &amp; county council members and county commissioners are legislators. Together, the council members or commissioners constitute a legislative body that is given authority by the state constitution and state law to make local laws.</p> <p>Local legislative authority is generally limited to what the state specifically grants to counties, cities, and towns. However, code cities, charter cities, and charter counties have more extensive powers called "Home Rule" that permit them to exercise authority not specifically granted, provided that the state has not specifically prohibited that local authority. However, some states have enacted "Dillon's Rule" that could limit a locality's home rule.</p>
Public Utility Commissions (PUC)	Docket	<p>Public utility commissions (PUCs) regulate electric, gas, telecommunications, water and wastewater utilities. In most states a single agency will regulate these sectors; however, in some states these functions may be split between more than one agency.</p> <p>Commissioners are typically appointed by the governor and generally serve 4 to 6 year terms, although in approximately 1/4 of states commissioners are elected. As a general rule, utility commissions are charged with assuring that utilities provide reasonable, adequate and efficient service to customers at just and reasonable prices. Utility regulation takes many forms, including price regulation, resource planning and acquisition, reliability and quality of service regulation. PUCs typically regulate all investor-owned utilities (IOUs) in their state. Municipal and cooperative utilities are often exempted from PUC regulation or have limited regulation.</p>

## List of State & Local Actions

Below you will find a non-exhaustive list of actions that states and localities have successfully or unsuccessfully attempted in regards to Justice40 sorted by Policy Maker Authority:

### Governor

- In **Connecticut**, Governor Lamont issued an **Executive Order** directing the establishment of a Community Climate Resilience Program, with 40% of funds distributed to municipalities with vulnerable populations.
- **Nevada's** Governor announced **environmental justice teams** to implement the Justice40 Initiative.
- Governor Roy Cooper issued **Executive Order No. 246** affirming **North Carolina's** commitment to a clean energy economy, while at the same time directing each cabinet agency to identify an environmental justice and equity lead. In addition, the EO instructs cabinet agencies to invest federal funding in historically underserved communities.

### State Agency

- In **Michigan**, the Department of Environment's **Healthy Climate Plan** states that the state is committed to ensuring that at least 40 percent of state funding for climate-related and water infrastructure initiatives benefit Michigan's disadvantaged communities which is in line with the Justice40 directive.
- In **Minnesota**, the Minnesota Commerce Department has invested in engagement with communities that have traditionally been underserved and overburdened by energy inequity by establishing "The Community Energy Collaborative" (CEC). The CEC works collaboratively to access federal funds for community projects that can deliver energy justice.

### State Legislature

- **California** introduced **AB2419** which would invest at least 40 percent of federal climate and infrastructure funding into communities that have been historically neglected by discriminatory and racist policies. Unfortunately the bill did not pass in the 2022 Senate session.
- **Delaware** was the first state to pass a law, **Resolution 40**, intended to capture the opportunities of Justice40. The law establishes a **committee** to "locate and help organize disadvantaged communities to ensure that these communities derive the full benefit of these credits, grants, and loans to improve the overall quality of life in Delaware."

- A **Hawaii** Senate **resolution** passed in 2022 requested that the Hawaii State Energy Office engage the U.S. Department of Energy to establish a permanent presence within the State of Hawaii in response to the Justice40 Initiative requiring at least 40% of overall benefits from federal investments in climate and clean energy be dispersed to disadvantaged communities.
  - **Senate Concurrent Resolution 106** tried making its way through the **Hawaii** state Legislature, but didn't. Among other things, it called for the Governor to appoint a task force "to coordinate the use of federal funds for climate resilience and equity and to implement guidelines for state projects to ensure that they promote climate resilience and equity."
- The **Illinois** legislature passed, and the Governor signed, **S.B. 2940** amending the Electric Vehicle Act to support at least 40% investment of make-ready infrastructure incentives to facilitate the rapid deployment of charging equipment in or serving environmental justice, low-income, and eligible communities. The legislature also attempted to **pass a law** that would have created a Justice40 oversight committee.
- **Maine** passed **LD 1682** directing the Office of Policy Innovation and the Future to develop definitions for "environmental justice," "environmental justice populations," "frontline communities," and any other term determined by the office to be necessary for the incorporation of equity considerations in decision making at the department, the Public Utility Commission, and other agencies.
- In **Maryland**, a **bill implementing Justice40** was unable to pass, however the General Assembly is including language in the 2022 budget that requires at least 40 percent of various funds to be targeted to overburdened communities.
- The **New Jersey Senate** introduced **S336** in 2022. While it isn't Justice40 related it would have direct the establishment of certain clean energy, energy efficiency, and energy storage programs for overburdened communities and make changes to the community solar program.
- In **New York**, the **Climate Leadership and Community Protection Act**, passed in 2020 prior to the Biden-Harris J40 commitment. Section 75-0117 of the Climate Leadership and Community Protection Act requires state agencies, to the extent practicable, to invest or direct available and relevant resources to achieve a goal of having disadvantaged communities (as defined in the Act) receive 40% of the overall benefits of spending on clean energy and energy efficiency program, projects or investments in the areas of housing, workforce development, pollution reduction, low income energy assistance, energy, transportation and economic development, and that communities shall receive no less than 35% of the overall benefits invested.

- **South Carolina** was the first state in the country to introduce a bill in response to Justice40. **House Bill 432219** would have established a Justice40 Oversight Committee for transparency and accountability. While this bill did not pass during the 2021 sessions, an ad hoc committee with the same aims is moving forward.
- **Washington's Climate Commitment Act of 2021** establishes that a minimum of not less than 35%, and a goal of 40% of total investments should be allocated annually to provide direct and meaningful benefits to vulnerable populations.

## Mayor

- In Albuquerque, **New Mexico** Mayor Tim Keller, established through an **executive order** “Albuquerque Justice40” to assure a just and equitable implementation of the national Justice40 initiative locally. This work is guided by the Justice40 Oversight Coordinating Committee (OCC), which is composed of seven community representatives appointed by the Mayor. The larger aim of Albuquerque Justice40 is to institutionalize the inclusion and involvement of the community when the City seeks out federal funding. Community engagement and involvement will be first and will emphasize reversing the effects of lack of investment in communities, such as negative environmental and health impacts.

## City/Locality

- In Cook County, **Illinois**, the proposed resolution **Justice40 Infrastructure Fund Initiative** (pg. 9), would create a special purpose fund for infrastructure dollars that target areas that have been disenfranchised.

## PUC

- In **Michigan**, the **Public Utilities Commission** is directing the rate-regulated utilities to file comments that demonstrate how rate-regulated utilities are, or should be, considering and taking advantage of the various grants, loan programs, funds, and assistance available under the IIJA, including affordable energy.



# III. What You Can Do

Be an advocate and demand change! Advocacy is defined as making the case for a cause that matters to you and building support for that issue among community members, elected officials, the media, and other key leaders. The goal of Justice40 is to help correct a long history of uneven resources and benefits of federal funding in communities of color and low-income areas. Justice40 is imperative to ensure states and cities prioritize disadvantaged communities that for decades have been disproportionately and systematically harmed by pollution.

## Collaborate with Local Groups

If you are not a frontline group yourself, there is an opportunity to partner with the folks on the ground who are already doing Justice40 style work across the country. Most of these groups have been doing this work well before President Biden's executive order. Reaching out to them to help lift up their work and provide support should be the first step.

## If There Is No Clear Relationship

In the circumstance where there is not an existing relationship with a group, then you should focus on listening, building the relationship, and finding ways to be an ally.

If you choose to build a relationship, lean into the [Jemez Principles](#) and have thoughtful conversations with Environmental Justice partners on their priorities and how to help with this work.

## Build a Justice40 Campaign Around One of These Targets

### Governor

If your Governor has authority to issue an executive order (see above in part II) and hasn't, then establish a course of action.

Mobilize a grassroots campaign to pressure your governor via:

- Emails from constituents highlighting their stories and lived experiences



- Organizing a community call-in night or phone bank, encouraging constituents to call their office asking for them to issue an Executive Order
- Asking for an in-person meeting with constituents
- Using social media to reach out to them

## State Legislators

If your Governor doesn't have authority to issue an executive order (see above in part II), then make a determination if passing legislation is the right avenue.

Build a state level legislative campaign by:

- Identifying a legislative champion to sponsor a Justice40 inspired bill
- Developing an email campaign requesting support for your Justice40 bill
- Asking community members to set up constituent meetings with their state legislators to discuss Justice40
- Attending a legislator's town hall meeting and engaging them on Justice40
- Developing a common set of social media tags and working with constituents to reach out to their elected officials

## Mayor

If your Mayor has authority to issue an executive order (see above in part II) and hasn't, then call upon them to issue an executive order.

Develop a grassroots campaign to mobilize constituents to pressure your mayor. Here are some actions to take when advocating to your Mayor:

- Engage the community via local events
- Develop an email template for constituents highlighting the needs and how this funding could benefit the community
- Make a phone call to their office asking for them to issue an Executive Order
- Work with community leaders to set up a meeting to discuss Justice40, explaining why it is important for your city
- Use social media to reach out to them

## City Council/City Commissioners

If your mayor does not have the authority to issue an executive order (see above in part II), then there is always an opportunity to advocate your city and county leaders to institute an ordinance.

You can:

- Call them to advocate for them to institute an ordinance enacting a Justice40

initiative

- Send them an email
- Ask for a meeting to discuss Justice40, explaining why it is important for your locality
- Attend a public meeting and speak during public comment
- Use social media to reach out to them
- Create a grassroots campaign to mobilize others to pressure local leaders

## Public Utility Commission

If your Public Utility Commission (PUC), or a similar entity, can direct rate-regulated utilities to file comments, then call upon them to issue a docket.

Develop a grassroots campaign to mobilize constituents to pressure the utility. Here are some actions to take when advocating your PUC:

- Develop an email template for utility customers highlighting the needs and how utilities could be using the funding to help communities
- Make a phone call to their office asking for them to issue a docket similar to Michigan's
- Work with community leaders to set up a meeting to discuss Justice40, explaining why it is important for utilities to take action
- Use social media to reach out to them

As you and your partners assess the lay of the land you may determine that the political landscape is an obstacle to achieving your goal or that you may miss an opportunity by not focusing on a specific project. If either of these scenarios pertains to your situation then consider directly lobbying agencies on a funding by funding basis on where your community wants to see the money spent. [Click here](#) for more information.

Once you have successfully launched a Justice 40 campaign, you may consider developing locally specific tools to measure the proportion and type of benefits that have been received by disadvantaged communities in your state or city. In April 2023, the CEQ released the first version of an Environmental Justice Scorecard, to provide a baseline assessment of actions taken by 24 federal agencies to help achieve the goals of the Justice40 Initiative. However, a community assessment of state and local action and measurement of climate and clean energy benefits will be crucial to holding the Administration and state and local government leaders accountable to the spirit of the Justice 40 initiative.