

**April 25, 2022**

**To:**

The Honorable Brenda Mallory  
Chair  
Council on Environmental Quality  
730 Jackson Place, NW  
Washington, DC 20503

**From:**

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When engaging the public, we believe there is an opportunity to talk more directly about items surrounding digital tool usage, process development, and community input integration - while servicing and collaborating with States. To this end, our public comment submission aims to cover several interrelated issues, which will ensure communities are properly prioritized for climate and economic justice, and that the data does not perpetuate inequities in decision making, official processes, accessibility, and investments.

As we think about the top three items that would substantially improve the processes, we find that today's tool requires a modest amount of adjustment to have maximum impact. Action - which is a tenet of the current administration - should be equitable, accessible, and add value to the lives of community members and the agencies that are of service to them.

CEQ has the opportunity to set a new precedent in federal agency technology development that relies on iterative improvements based on new data and feedback from the community. Given the diversity of state-specific climate and economic injustices, States provide a fertile testing ground to validate, vet, and incorporate more data that can then be integrated into the Climate and Economic Justice Screening Tool (CEJEST). In order to facilitate the most current, timely, and up-to-date tool, upon release there need to be agency plans to continue stakeholder engagement and public listening sessions - in short, don't let that process stop with just this public comment period, consistent community engagement is invaluable throughout the life of this tool's use in Justice40 decision-making. Lastly, the durability and relevance of this tool to the Justice40 initiative is key - stay steady in utilizing the data, both qualitative and quantitative, that can fully consider and adjust for specific community attention, and resources, where environmental injustice is pervasive.

## 1. What recommendations for additional datasets would enhance and improve upon the set of indicators currently used in the Climate and Economic Justice Screening Tool?

In the draft tool, it is difficult to discern whether the lack of data on a specific problem is evidence of absence of the problem, or an absence of evidence collected around the problem. The implications of this are profound, as it may skew conclusions about which communities are truly disadvantaged. Data, broadly speaking, can be an indicator of digital connectivity and therefore, no data may be an indicator of an unconnected vulnerable population.

This challenge comes up in three ways throughout the draft CEJST tool:

- a. *There are several known climate justice issues that have ample national data to demonstrate the scope and scale of the issue and there is no clear justification for why the data is not included in the tool.* This includes: [urban heat islands](#), [hazardous dams](#), [sea level rise](#), [storm surges](#), [inland flooding](#), [drought](#), and [wildfires](#). Federal agencies such as the [National Oceanic and Atmospheric Administration](#) as well as the [National Center for Environmental Information](#) are reputable sources for such information. The Federal Emergency Management Agency (FEMA) offers the [Resilience Analysis and Planning Tool](#), a useful general guide to climate hazard resilience. Additionally, we'd recommend you review the following resources from third-party sources as they have developed sound and robust metrics to evaluate environmental justice and equity: [The Nature Gap](#), [American Forest's Tree Equity tool](#), and [Trust for the Public Land's ParkServe tool](#).
- b. *There are also known climate justice issues for which we do not have sufficient data, and it is important to find creative and sound mechanisms to surface these issues within the map.* This includes issues such as: toxic lead pipes and PFAS contamination, among others. The absence of these kinds of environmental justice issues within the draft CEJST is misleading. Given the amount of investment planned to address these issues through the recent Infrastructure Investment and Jobs Act, it is important to not exclude them in the CEJST. One way to address this is for CEQ to invest in federally-generated and community-generated data collection to better understand and track environmental injustices (e.g. national toxic lead pipe inventories). In the interim, there are several mechanisms to incorporate qualitative assessments of environmental issues - e.g. first-hand accounts, news articles, photos - to augment the quantitative data.

The CEJST has started to provide tract-specific public input through email which is a great way to incorporate qualitative “ground truthing” to indicate which tracts they think are DACs (or not) and why. In future iterations of the CEJST, we encourage you to further elevate and amplify the ability for communities to provide this input *and then* display that information within the map. Based on experience from the Climate Justice Working Group in New York, we learned that providing a path for tract-specific feedback is important for two reasons:

- Develops a “test-and-learn” database based on *lived experience* of where there are DACs and non-DACs and data/scoring developers can use to tweak their scoring approach based on this information. For example, if they are testing different scoring approaches, filters, etc., they could see which provides better alignment with community input.
- Asking “why?” gets people to write what factors they think are most important, which developers can use to prioritize indicators and/or develop missing indicators. People often ask for a very long list of

indicators, but when asked to explain or justify why something should be a DAC, they may only mention a few.

- c. *For certain climate indicators, depending on how the data is analyzed, the wrong data can be prioritized.* This is particularly salient with air quality data insofar as if the *average* of PM2.5 over the course of a year is utilized, the peaks of poor air quality exposure from key events throughout the year may be missed (i.e. [EPA's 24-hour standard](#)). Further, wind patterns play an important role in determining which communities may be more impacted by poor air quality - it is therefore vital to factor that into the calculation of which census tracts are impacted, rather than the current "within 5 kilometer" range that is being used. [Reporting from ProPublica](#) further elaborates on the consequences of mis-representing this data and the EPA's proposed "[Good Neighbor Plan](#)" could be a helpful reference for how to represent air pollution that crosses state lines.

In addition to the climate variables, there are two additional considerations to enhance and improve upon the set of indicators currently used:

1. It is important to also include "readiness metrics" to assess if a community is ready to absorb funding from federal partners. e.g. match funds, ability to take on loans, financial capacity to manage large infusion of capital, etc. Agencies generally include these readiness metrics in proposal and application processes and candidates must demonstrate that they meet these criteria. It would be difficult to capture all of the readiness factors in one tool like this one but CEQ can put into place recommendations and examples for how the data and outputs of the tool could be used to support funding decision processes of agencies and stakeholders.
2. A key policy question that we believe CEQ should dedicate additional attention to is whether income and educational thresholds should have such a binary power to determine whether environmental harms and the communities they affect matter. The "double threshold" approach of only considering pollution and other burdens when the tract *also* passes the income and higher education thresholds significantly reduces or neutralizes a lot of the indicators. There is currently no way for a community to be selected if they fail either of the income or higher ed enrollment indicators. The scoring is so sensitive to that data. Both of those indicators are from the American Community Survey which only samples 2-4% of people per year and maybe 8-12% over 5 years, resulting in high margins-of-error for both of these indicators, and potential for nonresponse bias. We encourage CEQ to:
  - a. Think of other potential sources of income data to supplement or complement American Community Survey data such as IRS data, or receipt of social services, and/or
  - b. Loosen the Higher Education Enrollment indicator because it appears that the current enrollment data is correlated with the age distribution of a community.

There may be value in these indicators *if* we believe in, and trust, the income and education indicators, but given the uncertainty in that data, it seems like it may lead to unintended consequences.

**2. What measures will the Council take to meaningfully engage stakeholders throughout the development and use of the CEJST and account for the great work undertaken by states and community advocates to date? Additionally, how can the interdisciplinary team behind the development of the tool have the right skill sets and better collaborate?**

- a. The development of the CEJST began in February 2021 and it wasn't until March 2022 that a training session on the tool was held. That is 11 months that CEQ did not share progress and engage with the public that are going

to be directly impacted by the outcomes of this tool. The US Digital Service held bi-weekly and monthly “community chats” but they were not given the license to meaningfully conduct outreach and engagement with the public. Having said that, we also recognize that even if that first year had gone differently, the work is not done. Implementation and use of a data-driven tool such as the CEJST is an ongoing, sustained process. *We strongly recommend CEQ expand public engagement and also ask agencies to lead stakeholder engagement processes to support the development of additional and more accurate indicators that are most pertinent to their Justice40 programs.* Proactive, intentional outreach with consideration for the time and resources needed to engage with government agencies is necessary to collaborate with the communities represented and affected by the dataset. Communities should have the opportunity to outline the factors that most affect them and that comes from not only public listening sessions, but also hands-on trainings, speaking events at conferences and more.

- b. EPIC provided frequent feedback to the US Digital Service team about relevant datasets and environmental issues, but it is not clear what the decision making process was used to decide which ended up being incorporated into the CEJST. If agencies are asking for feedback, it is equally important to surface the decision-making process for why certain factors are or are not included so as to allow stakeholders to provide the most meaningful and relevant recommendations and input. Whereas Federal Register comment processes on draft policies create a record of agency response on public comments, the government broadly lacks tools to document public input and responses on digital projects like the CEJST. It’s not CEQ’s fault that we lack a governmental process for this new data environment, but the development of public comment response tools for data products and projects is something that CEQ could spearhead. An intermediate step that could be taken is for USDS or CEQ to share what datasets have been considered, are in the pipeline for consideration or have been excluded from the tool.
- c. 14 states and several cities have their own environmental justice screening tools, and several others are under development. Such tools allow for the unique challenges of each state to be more accurately represented than a federal screening tool will ever be - which is good! And, in the states that meaningfully engaged environmental justice advocates, such as Washington, New York and California, there is robust credibility and trust in the tools. CEQ and USDS should learn from the datasets, stakeholder engagement and tool development process that was employed and enable clearer links and interoperability between these tools and the federal CEJST. Where better data, trust and usability exist, use state tools wherever possible. This can be achieved by providing clearer guidance to agencies about when CEJST is employed as the primary decision-making mechanism, or is simply a first screen and then encouraging agencies to use more local tools that better reflect the reality of communities on the ground.

However, this is also an opportunity to use modern digital infrastructure and processes to integrate a national level tool with local tools through APIs and open data portals. Colleagues at the [Internet of Water](#) and [Digital Service for the Planet coalition members](#) have experience and could provide more detailed recommendations about how this works in practice across government and third-party data as helpful.

- d. The development of this tool has also shed light on a critical capacity gap: across agencies that work on conservation, climate, wildlife and water, the primary technology focus is in core administrative work like human resources and financial accounting, and not on program delivery. Thus, when initiatives like Justice40 arise, there

is a dearth of technical expertise at the right levels within agencies to create a comprehensive, user-friendly tool to guide environmental decision-making and investments. Environmental agencies lack leaders who understand how to leverage salient technologies, and agencies do not have shared digital infrastructure to foster collaboration within and amongst environmentally-focused colleagues. Further, the US Digital Service does not have a history of working with environmental datasets and agencies which resulted in:

- i. Challenging communication and collaboration with environmental agencies because there was little foundation for a collaborative relationship
- ii. Little environmental background to discern what datasets or information would be useful
- iii. A lack of networks in environmental justice space to guide tool development

**3. Are there specific features or functions that will enhance the usability of the interactive map by community members and organizations, government staff, and other stakeholders?**

For starters, the website lacks significant context for how the Climate and Economic Justice Screening Tool will be used - is it to direct funding, policy and programmatic decisions? Will agency science directors mandate the use of this tool and the data included for directing decisions? (Ex. BLM and sage grouse habitat data) If so, to what extent? We understand that the current dearth of information on this is not necessarily CEQ's fault, but rather representative of the fact that this is a work in progress and it would be difficult to fully define the scope and adoption at this stage in any process.

That said, for the purpose of this comment, we will go with the assumption that this will be used in making funding decisions for Justice40 programs, and thus two key features are needed:

- a. Enable agencies and constituents to add their own data layers that will provide further detail to their decision making process.
- b. Enable all users to filter based on the categories of interest. For example, if I am allocating funding for the Drinking Water State Revolving Fund, I would want to see communities that exceed the thresholds for Clean Water and Wastewater Infrastructure. Currently, that is not possible and thus enabling greater filtering for the specific categories of interest would allow more targeted and relevant prioritization and resource allocation.

The last remaining question is to what extent additional tools or processes will be developed to track Justice40 benefits that can complement the screening tool. While it may take months or years to show measurable impacts or outcomes, it is important to develop corresponding data tracking and digital infrastructure for accountability and transparency for Justice40.

In sum, the Climate and Economic Justice Screening Tool is a work in progress and we appreciate the opportunity to share feedback about how to strengthen this tool to meet the ambitious goals of the Justice40 initiative. Any data-driven process and tool requires consistent iterative and thoughtful improvements, with space and time to incorporate ideas from all communities and agencies impacted by its use. We look forward to the many opportunities to breathe life into this tool through engagement, training, convenings and celebrations of how this tool can be used to address decades of environmental injustices through the through use and implementation of the CEJST.