



OCED

Office of Clean Energy Demonstrations



OFFICE OF

CLEAN ENERGY DEMONSTRATIONS

Guidance for Creating a Community Benefits
Plan for the Bipartisan Infrastructure Law
Energy Improvement in Rural or Remote
Areas Fixed Award Grant Program

DE-FOA-0003045



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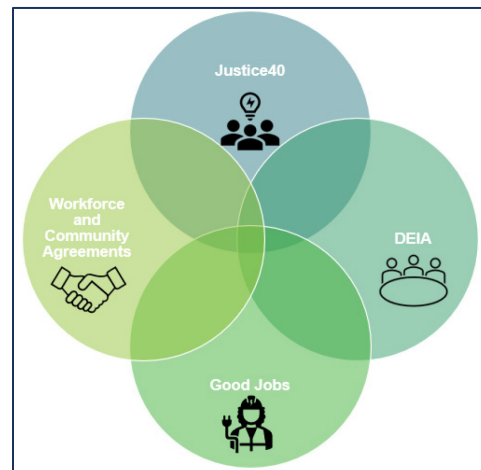
Disclaimer

This Energy Improvements in Rural or Remote Areas (ERA) guidance document (Guidance) is not a rule or regulation, and the recommendations it contains may not apply to a particular situation based upon the individual facts and circumstances. If there are any inconsistencies between the U.S. Department of Energy (DOE) Office of Clean Energy Demonstrations (OCED) Bipartisan Infrastructure Law (BIL) Energy Improvements in Rural or Remote Areas Program (ERA) Fixed Award Grant Program Funding Opportunity Announcement (FOA) No. DE-FOA-0003045, referred to as “the FOA” throughout this document, and the statements in this document, the FOA is the controlling document and applicants should rely on the FOA language.

Introduction

This document is intended to provide supplemental information to assist applicants responding to Community Benefits Plan (CBP) questions as part of a Full Application for the FOA. Answering these questions may be a helpful first step to help project teams develop a full CBP, should the project be awarded.

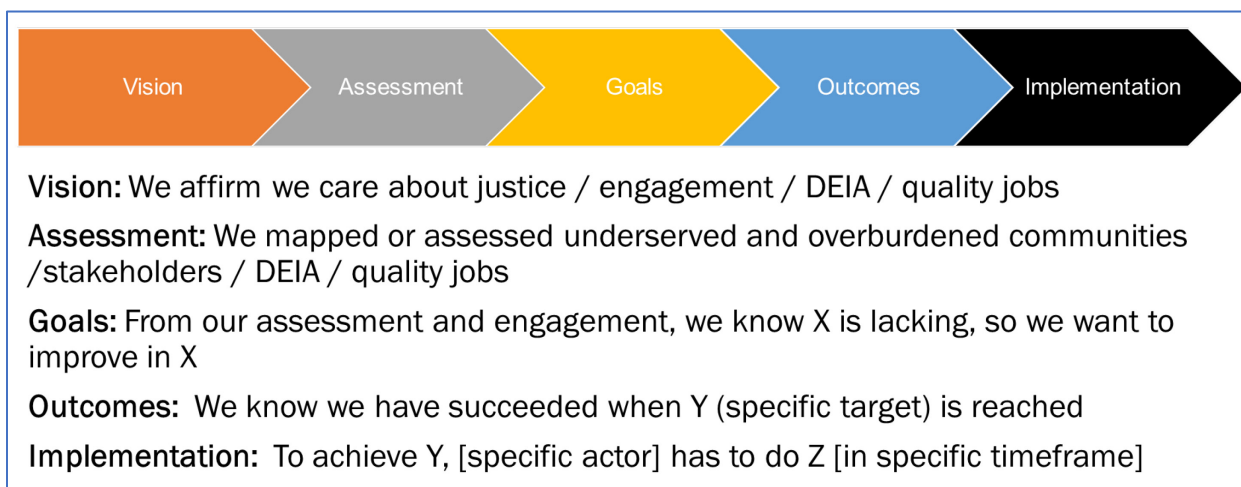
As shown in the graphic to the right, Community Benefits Plans are based on a set of four core interdependent policy priorities: engaging communities and labor; investing in America's workforce; advancing diversity, equity, inclusion, and accessibility; and implementing Justice40. These key principles, when incorporated comprehensively into project proposals and executed upon, will help ensure broadly shared prosperity in the clean energy transition. The CBP FOA requirements are intentionally flexible to generate the best approaches from applicants and their partners that are responsive to the communities, workers, and groups impacted by their projects. In cases where information is incomplete, applicants should clearly explain the reason for missing information and provide plans to address those gaps during the project. If an applicant is unable to fully address any Community Benefits Plan question, they should provide a brief explanation of the support needed to formulate a full response (e.g., site visit or virtual assistance with data gathering). CBP responses are scored at 30 percent of the overall technical merit review of proposals.



Awarded project teams will be asked to develop CBPs that include goals, objectives, strategies, milestones, and timelines related to engaging communities and labor; investing in America's workforce; advancing diversity, equity, inclusion, and accessibility; and implementing Justice40. Applicants may request technical assistance in formulating these plans from the DOE national labs, Environmental Protection Agency Thriving Communities Technical Assistance Centers (EPA

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TCTACs),¹ and other partners, in line with the FOA. DOE will provide feedback on CBPs to awardees and may ask for clarifications or updates to CBPs during award negotiations. During project implementation, DOE will also provide ongoing guidance to recipients on updating the CBP across project phases. The intent is to create CBPs that move beyond vision or assessment into actionable and measurable goals, outcomes, and implementation steps, as shown below. For awarded projects, DOE or its representative(s) expect to independently evaluate recipients' implementation status and effectiveness and incorporate independent findings into milestone reviews.



As appropriate, DOE reserves the right to share non-confidential portions of information contained in CBPs publicly after awards are announced. DOE takes very seriously the confidentiality of all applicants and will treat information submitted in applications, as well as the identity of applicants, as confidential to the fullest extent permissible under Federal law. For DOE to protect confidential information, the applicant must also treat the information as confidential and properly mark it as described in the "Treatment of Application Information" section of the FOA. Applicants may share details of their CBP with stakeholders and other parties at their own discretion. For example, applicants may create a slide deck, factsheet, or other communication tool to communicate their plans and get feedback.

Project Benefits in Energy Improvements in Rural or Remote Areas

¹ <https://www.epa.gov/environmentaljustice/environmental-justice-thriving-communities-technical-assistance-centers>

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Applicants' responses to Project Benefits question should describe how the project will benefit the community, including the ways in which the proposed project location and related infrastructure, including access to a skilled workforce, will contribute to the success of the overall project. Applicants are asked to describe any actions the project team will take to ensure benefits are realized.

To estimate how a project could impact a community, it is important to first understand the community, including its existing workforce and its geographic context. Before answering the CBP questions in the FOA (Section 4.5.2.2), applicants are encouraged to spend time assessing community history and dynamics, including current and historical social, cultural, economic, labor, and environmental characteristics and decision-making processes. While applicants are not expected to complete a formal assessment at the time of application, an informal or preliminary assessment of these different categories may provide a helpful starting point to identify sources of conflicts or influence, explore opportunities to build coalitions or expand project benefits, and establish a foundation for proactive and fruitful engagement. It may also help reveal differentially impacted groups, cumulative burdens (i.e., multiple burdens that may interact and compound), or patterns of exclusion.

An assessment of community history and dynamics can use multiple methods (e.g., Internet research, stakeholder interviews, media analyses, surveys) to provide social context for the project's affected area(s) and to identify the influence of private interests (e.g., property owners, industry); the history of labor and workforce in the area(s); economic history and current economic structures; the history of trust/distrust among or between community(ies), government, and industry or utilities; experience with natural and/or manmade disasters; how the area is planning for climate change; and the strength of local media. This exercise may be helpful even for community-based project teams with a deep connection to local history and dynamics to more holistically explore the relationship between their project and the community.

Identifying Project Benefits

Applicants are encouraged to think broadly about project benefits. Benefits may include environmental, economic, health, social, or other benefits, including benefits defined by impacted communities.

When identifying project benefits, applicants may wish to consider DOE's eight policy priorities for implementing the Justice40 Initiative, which established the goal of directing 40% of federal investments in clean energy and climate change to disadvantaged communities:²

1. Decreased energy burden.

² For more details visit <https://www.energy.gov/diversity/justice40-initiative>

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2. Decreased environmental exposure and burdens.
3. Increased parity in clean energy technology access and adoption.
4. Increased access to low-cost capital.
5. Increased clean energy enterprise creation and contracting for Minority Business Enterprises/Disadvantaged Business Enterprises.
6. Increased high-quality clean energy jobs, job pipeline, and job training for individuals.
7. Increased energy resiliency.
8. Increased energy democracy.

Not every benefit will apply to every project and projects may have benefits not in this list. Whether a benefit is relevant will depend on the particulars of the project and location, as well as the priorities and needs of impacted communities. To the greatest extent possible, applicants should work with impacted communities early and often to define what benefits are most relevant to them. Applicants are encouraged to identify how proposed project benefits align with community priorities. Should a project be awarded, project awardees will be expected to identify metrics associated with project benefits as part of their CBP, and to report and track benefits throughout the project, meaning benefits will need to be quantifiable, measurable, and trackable to the greatest extent possible. Applicants are encouraged, but not expected, to identify potential metrics at the time of application.

Guiding questions for an initial assessment of project benefits could include:

- Review the eight DOE Justice40 policy priorities (above). Which of these benefits could result from the proposed project?
- To what extent does the proposed project provide ancillary environmental benefits, such as reductions in CO₂, CO, NO_x and SO_x emissions, particulate matter³ (e.g., PM_{2.5}), or hazardous pollutants?
- Does the project involve any clean up or remediation of legacy waste or pollutants?
- Does the project aim to remedy past harms from the energy system (e.g., remediating and repurposing fossil infrastructure)?
- To what extent does the proposed project provide social benefits (any benefit that affects people)? To what extent are those benefits inherent in the project, or contingent on external policy, social, or economic factors?
- Does the project feature participation by communities or community-based organizations that enables them to influence key decisions?

³ Information about particulate matter (PM) can be found at the U.S. Environmental Protection Agency's "Particulate Matter (PM) Basics" webpage at <https://www.epa.gov/pm-pollution/particulate-matter-pm-basics>

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- Does the project include formal, negotiated Workforce and Community Agreements with traditionally excluded groups?⁴
- To what extent will the proposed project spur enterprise creation and/or support minority business enterprises and minority-, woman-, and Veteran-owned businesses, for example through subcontracts?
- To what extent will the proposed project result in quality job creation, workforce development, and other economic benefits?
- Does the proposed project have engagement or technical assistance activities that can increase capacity in other organizations or groups?
- Does the project support quality employment for underrepresented groups or groups facing barriers to employment?
- To what extent will the project provide other benefits relevant to the surrounding community that are not captured in the above?

In Justice40 Initiative questions a) and b), applicants are asked to identify potential project benefits, how they may accrue differently throughout the community, and how the project team will ensure benefits are equitably realized. Applicants may reference their answer to Project Benefits question a) in their answers to Justice40 Initiative questions a) and b). See “Justice40 Initiative in Energy Improvements in Rural or Remote Areas” section for more information.

Community, Labor, and Tribal Engagement in Energy Improvements in Rural or Remote Areas

⁴ DOE uses the term “Workforce and Community Agreement” to refer to a range of formal agreements between a project developer/owner, impacted community groups, and relevant labor unions. Workforce and Community Agreements are tools used in project development and/or execution to ensure that benefits promised to communities and workers are realized. This could be an agreement specifying a project’s commitments to the community; it could also be a collective-bargaining agreement specifying wages, benefits, health and safety standards, workforce education and training, and other terms of employment with a labor union; or it could include both community and workforce provisions. This term as used here is inclusive of Community Benefits Agreements, Community Workforce Agreements, Good Neighbor Agreements, Project Labor Agreements, Collective-Bargaining Agreements, and other similar contractual tools. These agreements can facilitate community and labor input and social buy-in, outline plans for co-ownership or community stake, identify how concerns will be mitigated, and specify the distribution of community and economic benefits, including job quality, access to jobs and business opportunities for local residents, and mitigating community harms, thus reducing or eliminating these types of risks.

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Applicants' responses to Community, Labor, and Tribal Engagement questions a) through c) should describe their plans and actions to engage and partner with stakeholder groups in the communities impacted by project development.⁵ By soliciting and incorporating input and by supporting transparency and accountability, engagement can unearth opportunities to create additional benefits and support broader benefit sharing, to collaborate and build partnerships, and to minimize risks to the project, including stalls or slowdowns. It can also lay the ground for the negotiation of formal, legally enforceable agreements with labor unions and community partners. Engagement should primarily focus on organizations directly representing a particular group of stakeholders, rather than individuals representing themselves, although some elements of engagement may include meeting with individuals. This can help ensure traditionally excluded stakeholders and groups are given sufficient representation.

Applicants should identify any federally recognized Indian Tribes, including Alaska native village or regional or village corporations (hereinafter, "Tribal entities") for whom the proposed project may have implications (in addition to any Tribal project partners). DOE is and remains responsible for government-to-government consultation with any Tribal entities about a proposed project.

Successful engagement plans will evolve throughout project phases and in response to stakeholder input and needs. While FOA applicants are not expected to have completed an engagement plan at the time of application, understanding the process for developing such a plan may help project teams think through who to engage, how, and when. Some common steps to engage with impacted groups include:

- **Assess and describe community history and dynamics** to build an understanding of current and historical social, cultural, economic, labor, and environmental characteristics and decision-making processes for all impacted communities (described above).
- **Identify stakeholders, especially those most impacted by project development**, including organizations representing community members most vulnerable to energy challenges and/or project impacts, such as children, older adults, and people experiencing

⁵ These groups may include underserved, overburdened, or disadvantaged communities and members of those communities; host communities; and labor unions representing workers or trades that will be needed for both construction and ongoing operations/production activities associated with the project. Other groups with which to engage for project success include community-based organizations representing local residents and businesses, economic and workforce development organizations, local and Tribal governments, and emergency responders, but such engagement should be in addition to that targeted to worker organizations and the most vulnerable communities.

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homelessness, as well as members of underserved,⁶ overburdened,⁷ or disadvantaged communities.⁸

- **Identify goals** for engagement informed by a community history and dynamics assessment.
- **Choose methods** of engagement suited for those goals and **prepare a timeline** for implementation aligned with project activities. Analyze opportunities for two-way engagement and Workforce and Community Agreements (described below).
- **Specify roles** for who will be responsible for conducting engagement activities and continuing relationship-building with community organizations.
- **Identify feedback and evaluation strategies** to measure the success of engagement in the eyes of the project team, community members, and stakeholders.
- **Specify the resources needed** to carry out the engagement plans.

These steps are important even for community-led projects with broad local support, since only a subset of a community may be actively involved in leading the project. Completing these steps can support proactive planning and troubleshooting, promote partnerships and collaboration, and sustain community buy-in by ensuring transparency, accountability, and regular two-way communication.

Some useful resources on engagement for energy development include:

⁶ Per [Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government - The White House](#), the term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life. Communities may be underserved without meeting DOE and/or CEJST’s definition of disadvantaged (see footnote 8).

⁷ Per [EJ 2020 Glossary | US EPA](#), overburdened communities are minority, low-income, tribal, or indigenous populations or geographic locations in the U.S. that potentially experience disproportionate environmental harms and risks as a result of greater vulnerability to environmental hazards, lack of opportunity for public participation, or other factors...The term describes situations where multiple factors, including both environmental and socio-economic stressors, may act cumulatively to affect health and the environment and contribute to persistent environmental health disparities. Communities may be overburdened without meeting DOE and/or CEJST’s definition of disadvantaged (see footnote 8).

⁸ Per [Justice40 Initiative | Department of Energy](#), DOE’s working definition of disadvantaged is based on cumulative burden and includes data for thirty-six (36) burden indicators reflecting fossil dependence, energy burden, environmental and climate hazards, and socio-economic vulnerabilities collected at the census tract level. The [Climate & Economic Justice Screening Tool \(geoplatform.gov\)](#) identifies disadvantaged communities as ones that are underserved and overburdened in relation to one or more of eight categories of burden: climate change, energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development. Both definitions of disadvantaged communities include federally recognized Tribes. Communities identified as disadvantaged under these definitions are the intended beneficiaries of the Justice40 Initiative, which directs 40% of the overall benefits of certain types of federal investments to flow to disadvantaged communities.

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- “Best Practices: Public Outreach and Education for Geologic Storage Projects”⁹ offers case studies of how public engagement helped align other DOE projects with community priorities
- “Promising Practices for Meaningful Public Involvement in Transportation Decision-Making”¹⁰ offers guidance and information on public engagement
- “Solar Power in Your Community”¹¹ offers resources for labor engagement
- “High-Road Workforce Guide for City Climate Action”¹² offers support for labor engagement

Identifying Stakeholders

In addition to developing an understanding of community history and dynamics (as described above), applicants may find it helpful to map community and labor stakeholders who will be impacted by the project. As with the assessment of community history and dynamics, applicants are not expected to have a complete stakeholder analysis at the time of application. However, completing a preliminary analysis of relevant stakeholder groups may help applicants answer Community, Labor, and Tribal Engagement questions a) through c) in the Full Application.

When thinking about how the project will incorporate input from impacted groups, applicants are encouraged to think about how the project team will connect with those most impacted by project development, as well as those traditionally excluded from decision-making processes, such as underserved, overburdened, or disadvantaged communities; impacted Tribal communities; and labor unions representing workers or trades needed for the project. Applicants are encouraged to consider how to partner with these groups and may also consider future partnerships with industry and technical experts; federal, Tribal, state, and local decision-making bodies; representatives of local communities and Tribal entities; private sector actors; utilities; environmental non-governmental organizations; entities focused on education, public health and safety, and/or community planning; and concerned members of the public.

Below is a non-exhaustive list of ways to identify potential stakeholders:

- Overlaying the project affected area(s) with maps, demographic information, and/or other data reflecting characteristics of impacted communities. For example, this could include overlaying the project affected area with the DOE’s Disadvantaged Communities dataset,¹³ the Environmental Protection Agency’s (EPA) Brownfield Properties dataset,¹⁴ the

⁹ <https://netl.doe.gov/node/5828>

¹⁰ https://www.transportation.gov/sites/dot.gov/files/2022-10/Promising_Practices_for_Meaningful_Public_Involvement-in-Transportation_Decision-making.pdf

¹¹ <https://www.energy.gov/sites/default/files/2022-06/Solar%20Power%20in%20Your%20Community%20Guidebook.pdf>

¹² https://www.usdn.org/uploads/cms/documents/workforce-guide_4.12.21_form.pdf

¹³ <https://energyjustice.egs.anl.gov/>

¹⁴ [Brownfields and Land Revitalization Activities Near You | US EPA](#)

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Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization priority energy community dataset,¹⁵ and/or the Department of the Interior's Bureau of Indian Affairs' Indian Lands dataset.¹⁶

- Mapping project inputs, then identifying people and communities that rely on those inputs.
- Using county assessor records to identify some of the area's largest property owners.
- Using state and local government websites to identify offices that work in the affected area(s) (e.g., municipal planning and development, county public health).
- Using city, town, community, and/or county meeting minutes to identify organizations that routinely attend meetings and speak about related issues.
- Conducting website and media outlet searches for groups that work in or around the affected area(s) or work on the topic of interest, broadly defined.

How to include traditionally excluded stakeholders

An assessment of community history and dynamics and a stakeholder analysis, even when done informally, can help applicants gather information on which stakeholder groups are traditionally excluded and how. This may involve reaching out to key groups, such as community-based organizations focused on serving underserved or overburdened groups, to learn about potential barriers and opportunities for involvement. Some barriers may be logistical (e.g., meetings in places without public transport or at inconvenient times, no access to information about meetings, information only in English or only online), and it should be relatively clear how to address these (e.g., select different locations and/or hold hybrid meetings, provide childcare, offer information and facilitation in multiple languages, offer food). Other disincentives to engage might arise from power dynamics or the content and structure of previous meetings, and these may require further discussions to identify and address. Discussions may be held with organizations representing particular groups of traditionally excluded stakeholders, which could help set the groundwork for Workforce and Community Agreements.

How to engage with Tribal government and organizations

In the event of an award for a project in, or with significant impacts on, Tribal communities, the awardee will provide information to support DOE's development of a Tribal engagement plan that acknowledges each Tribe's consultation policies, traditions, and expectations, and adheres to DOE Order 144.1 on Tribal consultation, with the hope that appropriate mitigation will be identified through government-to-government consultation to off-set any such potentially adverse implications.

DOE is responsible for government-to-government consultation with Tribal entities about the proposed project. The federal government has affirmed its commitment to Tribal engagement

¹⁵ [Priority Energy Communities - Energy Communities](#)

¹⁶ [Indian Lands \(doi.gov\)](#)

through federal law, agency policy, and Executive Orders (EOs) and Memoranda.¹⁷ This was reaffirmed in the “Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships.”¹⁸

How to engage with workforce organizations including labor unions

Workers in rural or remote communities often fail to benefit from new projects or development due to a lack of locally directed outreach and capacity building, making proactive outreach to workforce organizations and unions an important priority for new energy projects. The first step is to identify the project’s potential employment impacts by looking holistically at the project’s need for, and impact on, workers. This includes identifying the types of skills needed across every project phase from construction to operation, as well as those supporting off-site activities.

Working with local Building and Construction Trade Councils, Central Labor Councils, and State Labor Federations — which often exist at the local and/or county level and may comprise many local unions involved in infrastructure work — can be a good starting point for identifying and connecting with local union groups. Not all relevant unions will be members of these councils. Additionally, some unions have national and local branches; working with national chapters may help to identify and connect with local affiliates. There could be several unions with overlapping trade jurisdictions in a geographic area, so contact with only one union for a certain trade may not be best practice.

- Below are some examples of workforce organizations with which project teams may engage:
- **Labor Unions** represent workers in relevant industries and facilities.
 - *Construction Unions*: Reaching out to national, state, or local headquarters office of a building trades council can be an effective first step to engage construction unions.
 - *Manufacturing, Production, and Other Unions*: Reaching out to national headquarters of industrial unions can be an effective first step to connect with local affiliates.
- **State and Local Workforce Development Boards** direct federal, state, and local funding to workforce development programs¹⁹ and oversee American Job Centers.
- **American Job Centers** provide free help to job seekers for career and employment needs.²⁰

¹⁷ See, e.g., Executive Order 13175, available at: <https://www.energy.gov/nepa/downloads/eo-13175-consultation-and-coordination-indian-tribal-governments-2000>

¹⁸ <https://www.federalregister.gov/documents/2021/01/29/2021-02075/tribal-consultation-and-strengthening-nation-to--nation-relationships>

¹⁹ Find your state and local Workforce Development Board at: <https://www.careeronestop.org/LocalHelp/WorkforceDevelopment/find-workforce-development-boards.aspx>

²⁰ Find an American Job Center here: <https://www.careeronestop.org/LocalHelp/AmericanJobCenters/american-job-centers.aspx>

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- **Pre-Apprenticeship Programs**²¹ are designed to prepare individuals to enter and succeed in a Registered Apprenticeship Program (RAP).
- **Registered Apprenticeship Programs** are industry-driven, high-quality career pathways where employers can develop and prepare their future workforce, and individuals can obtain paid work experience, receive progressive wage increases, classroom instruction, and a portable, nationally recognized credential.²²

Incorporating Input

As part of their CBPs, project teams will be expected to have clear strategies, methods, and milestones for community, labor, and Tribal engagement that are woven into Integrated Project Schedules (IPS) and Workplans. While full CBPs are not required at the time of application, applicants are encouraged to consider high-level objectives for engagement with communities, labor, and other stakeholders, as well as methods (how) and timelines (when) for this engagement. In Engagement question a), applicants may describe how these strategies, methods, and timelines will support the incorporation of input from community and labor stakeholders in a way that can impact project decisions, characteristics, or site selection. Applicants may describe the specific methods they will use for engagement (e.g., listening sessions, town halls, open houses, mediated discussions). Strong methods will be matched to both project phases and goals.

Applicants may have goals for community and labor engagement to impact project characteristics and decisions as a way to support energy democracy, maximize benefits, minimize harms, and ensure the equitable distribution of impacts. Previous engagement and research, including responses to DOE Requests for Information, show that environmental justice groups and community-based organizations prioritize involvement in monitoring and siting decisions, while labor unions and workforce development organizations prioritize local hiring, wages, and benefits, and that two-way engagement and opportunities to influence the project are strongly desired. Workforce and Community Agreements (described below) can be a powerful mechanism for accountability. Steps for planning engagement that can impact project characteristics and decisions may include:

- **Identify characteristics of the project (e.g., location, technical characteristics, implementation methods or timelines) that could be changed according to community and labor input** and other workforce or societal considerations. Do research and/or provide information on concerns, priorities, or needs identified by community and labor groups *and* collaborate with impacted groups on how to address them.

²¹ Find and connect with a local pre-apprenticeship program here:

<https://www.apprenticeship.gov/apprenticeship-job-finder>

²² Find and connect with a Registered Apprenticeship program here:

<https://www.apprenticeship.gov/apprenticeship-job-finder>

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- **Create a list of the points in the project where engagement can impact project decisions or project characteristics.** Incorporate milestones into the IPS that influence project direction based on community engagement results.
- **Create plans for community participation in and access to monitoring.** How can the project team support platforms that allow community members to access or share data on project impacts (e.g., plans for participatory monitoring and third-party monitoring, including monitoring post-closure if relevant)? How can the project team add technical or monitoring capabilities that the community requests to increase community benefits or reduce risk of impacts? This discussion could include things like:
 - What is proposed for monitoring and why (e.g., electricity reliability, electricity cost, or changes in fossil fuel-based energy generation by renewables).
 - The sort of equipment and resources that are required for monitoring.
 - Prospective organizations with which to partner.
 - Platforms on which data can be accessed and analyzed.
 - Processes for collaborating on monitoring scope and activities (which could be part of a Workforce and Community Agreement).
- **Describe the terms and conditions of delivering community benefits** and mitigating harms from the project. How will two-way engagement support identification of the benefits that could flow to the community and how these benefits and impacts could be calculated and reported? Learn what communities and workers view as potential benefits and identify and discuss both direct and indirect benefits and impacts, in line with the Justice40 Initiative section. Explore opportunities for project enhancements to maximize community benefits and support. Determine strategies to achieve those benefits, including with Workforce and Community Agreements.
- **Describe the terms and conditions of employment** (e.g., working conditions, salaries, compensation, working hours, and benefits) and other matters of mutual interest to the applicant and workers. These issues might include: above-inflation salary increase; paid overtime; night shift allowance; annual bonus; paid study leave; provident fund; medical aid; compensation for workplace injuries and deaths; guaranteed maternity leave; family responsibility leave; provisions for childcare when working overtime or working away from home; reasonable working hours; safe working conditions; and commitments to hire local workers and workers from economic disadvantaged communities.
- **Understand the extent to which the host community or communities and labor organizations have already indicated support for, or been involved in developing, the proposed project.**
- **Understand pathways for formal partnership with communities,** including through recognized representatives or intermediaries.

Applicants should specifically describe how their plans for incorporating community input will be extended to include traditionally excluded stakeholder groups. Applicants are encouraged to

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describe how they will ensure that stakeholders and communities will not be unduly burdened by demands for engagement. This can involve talking to people about how they would like to be engaged (e.g., mediums, locations, and timing) to design engagement that is less burdensome.²³ It is increasingly the standard to offer a mix of virtual and in-person engagements; bear in mind that accessibility of either may vary among groups, and internet connectivity may be limited in some rural or remote areas. WRI's "Guidelines for Community Engagement in Carbon Dioxide Capture, Transport, and Storage Projects"²⁴ outlines various methods for engagement and considerations for selecting the appropriate method.²⁵ NC State Extension's "Working Together: A Guide to Collaboration in Rural Revitalization" offers guidance on engaging and collaborating with rural communities to establish productive and enduring processes compatible with rural revitalization.²⁶

Building relationships with stakeholders takes time and transparency, so effective engagement plans will allocate sufficient time for relationship building, incorporating or responding to input, sharing results of engagement with communities and labor groups, and negotiating any formal agreements with labor and community. Applicants are recommended to identify when in the project is expected to occur the type of engagement planned.²⁷ As the project develops and stakeholder identification matures and will be important for project teams to have a plan to receive, analyze, and incorporate or respond to stakeholder input.

Creating Accountability

Workforce and Community Agreements

Applicants are encouraged to consider opportunities to negotiate formal, enforceable Workforce and Community Agreements with impacted community and labor groups. Use of such agreements can facilitate community and labor input and social buy-in, outline plans for co-ownership or community stake, identify how concerns will be mitigated, and specify the distribution of community and economic benefits, including job quality, access to jobs and

²³ To learn more about participant fatigue in community-based research, see: https://www.montana.edu/energycommunities/ResearchFatigueCourse/unit_5/Unit5HowToLimitResearchFatigue.html.

²⁴ <https://www.wri.org/research/guidelines-community-engagement-carbon-dioxide-capture-transport-and-storage-projects>

²⁵ These methods include public hearings, town hall meetings, open houses, informal and targeted chats, focus groups, one-on-one meetings, facilitated discussions, and virtual workshops.

²⁶ [Working Together: A Guide to Collaboration in Rural Revitalization | NC State Extension Publications \(ncsu.edu\)](https://www.ncsu.edu/working-together-a-guide-to-collaboration-in-rural-revitalization/)

²⁷ For example, in the design/permitting phase, applicants might focus on community outreach, education, and information gathering. The method could be information sharing in community centers (e.g., post offices or libraries) or on a project website or social media account, or participation by the project team at community events (e.g., setting up a booth at a community health fair or food store).

business opportunities for local residents, and mitigating community harms, thus reducing or eliminating these types of risks.

DOE supports the negotiation of Workforce and Community Agreements because these agreements help settle disputes ahead of project deployment, strengthen civic participation, increase worker empowerment, secure the required workforce, and equitably align the resources and needs of local workers and communities with the benefits and opportunities of new projects. Robust Workforce and Community Agreements:

- Are negotiated between the project developer and an inclusive, representative, and accountable coalition of community and labor partners.
- Are legally enforceable with clear metrics, timelines, transparency, and reporting processes.
- Assign roles and responsibilities to determine compliance and outline processes to address non-compliance.

For information on Workforce and Community Agreements — including Community Benefits Agreements, Community Workforce Agreements, and Project Labor Agreements — see the [Community Benefits Plan Frequently Asked Questions \(FAQs\)](#).¹

Accountability through evaluation

Applicants may help ensure accountability by eliciting, addressing, and tracking feedback from community and labor engagement activities. Incorporating feedback on each event and throughout the process is important to iteratively improve engagement plans.²⁸

Crafting Milestones

Thoughtful milestones can enable successful engagement by tying engagement to project activities and decisions, creating transparency and accountability, and building a shared vision for the project. Major milestones and work descriptions, including those that lead to formal agreements with labor and community partners, should align with and be included in the overall project schedule and workplan.

For SMART (Specific, Measurable, Achievable, Relevant, and Timely) milestones, tips include:

²⁸ Note that there are times when some of these activities might not be appropriate. It is important to clearly communicate how any response given will be used. Collecting data can also fatigue individuals—it is important not to increase the engagement burden to community members solely to satisfy reporting requirements. At the same time, failing to evaluate or check in about how the engagement process is going could mean missed opportunities for improving it. Applicants are recommended to be conscious about selecting evaluation methods and getting input from an advisory council about the best mechanisms for a “do no harm” approach. It is also critical to be clear about how the feedback from any structured approach will be shared and whether it will be anonymized, so participants can decide whether they want to provide this feedback. Applicants should follow, as appropriate, federal requirements for human subjects research.

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- For “Specific,” make goals narrow and concrete — this will enable measurability.
- For “Measurable,” identify the data or evidence that can be used to assess whether the project team is making progress towards or achieves the goal.
- In terms of “Achievable,” knowing benchmarks, as well as where other companies or organizations are, can help calibrate what is achievable. This should also take into account the time and resources available to implement this goal.
- In terms of “Relevance,” consider the goals identified for engagement.
- With “Timely,” consider setting interim milestones on the way to a larger goal.

Investing in the American Workforce in Energy Improvements in Rural or Remote Areas

Applicants’ responses to Job Quality and Workforce Continuity questions a) and b) should describe how the project team’s plan to staff operations and maintenance aligns with the economic and workforce priorities of the community and how the team will ensure these jobs are high-paying quality jobs that will support project stability, continuity, and success.

DOE’s investments seek to create domestic energy and supply chain jobs with good pay, benefits, and predictable schedules, and with assurances that workers will have a free and fair chance to join or form a union. Investing in American workers involves hiring local workers as employees rather than temporary workers where practicable; fostering safe, healthy, and inclusive workplaces; investing in training, education, and skill development; and supporting the mobility of workers to advance in their careers.

While rural and remote energy improvement projects will vary in the number of permanent and temporary jobs they create, every project will have some level of workforce impact. Whether projects create five jobs or fifty, considering the topics below can help ensure all jobs are high quality; all workers have safe, fair conditions with opportunities for growth; and all projects are supported by a skilled workforce for construction, ongoing operations, production, maintenance, and decommissioning activities to ensure project stability, continuity, and success.

To answer Job Quality and Workforce Continuity questions a) and b), applicants are encouraged to:

- Characterize the quality of the jobs that will be offered in construction and operations;
- Determine the types and level of investments needed for workforce education and training;
- Engage with labor unions, community colleges, and other workforce organizations representing or supporting local workers;
- Identify methods to support workers’ rights, including a free and fair chance to join a union, and how to signal commitment to workers’ rights to the workers;

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- Specify how workplace health and safety and worker rights will be supported in the workplace, in both construction and ongoing operations;
- Create plans or revise existing mechanisms to track and address retention; and,
- Identify plans and resources needed to achieve goals in each of these areas.

Guiding questions for applicants include:

- What strategies will be used to fill the jobs the applicant plans to create with local workers?
- Based on the jobs that will be created as a direct result of the project, what mechanisms will be used for each job category to ensure quality?

Creating Quality Jobs

The anticipated quality of jobs may be indicated in a variety of ways – for example through specifying wages, benefits, opportunities for wage progression, classification as employees, and jobs for local workers. Worker-specific Workforce and Community Agreements are another way to signal quality jobs. Indicators of job quality include, but are not limited to:

- Family-sustaining wages;
- Employer-sponsored health insurance and pension/retirement coverage options;
- Work-family benefits, such as paid family and medical leave, paid sick leave, other paid time off, and mental health supports;
- Employer investments in training, such as safety and health management programs that include hazard prevention and control, safety and health training, and anti-harassment training;
- Caregiving supports like flexible schedules, telework, childcare facilitation, and back-up childcare;
- Predictable scheduling; and,
- Classification of workers as permanent employees.

For more information on what constitutes a quality job, see the [Community Benefits Plan Frequently Asked Questions \(FAQs\)](#).¹

Supporting Workforce Continuity

Many factors contribute to workforce continuity and the ability to attract, train, and retain a sufficient and appropriately skilled workforce. Applicants are encouraged to consider how they can support workforce development, protect worker rights, and promote retention as ways to support workforce continuity.

Promoting workforce development

Applicants are encouraged to describe any plans to invest in workforce education and training, support workers' skill acquisition and opportunities for advancement, and utilize an appropriate credentialed workforce. Applicants may also describe how they will provide supportive services

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to help train, place, and retain individuals from underrepresented communities in good-paying jobs, registered apprenticeships, or other career-track training opportunities (this information may also be included or referenced in response to Diversity, Equity, Inclusion, and Accessibility questions a) and b)).

Effective workforce development planning is built on an understanding of how the local labor force matches up with project needs, how training and education opportunities can align with project needs, and how recruitment strategies should fit the local community. Applicants may identify any existing programs in their project area and the potential for those programs to meet project needs. Applicants may describe plans to engage with training and education providers to ensure that project needs can be met by a trained local workforce. In addition, if project host communities or surrounding communities have experienced job loss associated with the clean energy transition, applicants may wish to identify displaced fossil energy workers and describe plans to retain or transition them to project-related jobs.

Employer investments in workforce education and training can take several forms, including:

- Participation in labor-management training partnerships, including registered apprenticeships and pre-apprenticeships (see above “How to engage with workforce organizations including labor unions” for more on registered apprenticeships and pre-apprenticeships);
- Commitment to employer contributions to training programs and paid time for employees to participate in skills training;
- Partnerships with community colleges;
- Sector-based approaches to workforce development;
- Promotion of worker voice in training programs;
- Provision of continuing education programs for employees to earn credentials and degrees relevant to their career pathways;
- Provision of personalized, modularized, and flexible skill development opportunities, such as performance-based assessments and on-demand and self-directed virtual training; and,
- Tuition or flexible scheduling for education and training, including support for travel to training sites.

Applicants may describe the mechanisms and/or steps they will take to provide continuing workforce education, professional development, skill acquisition, and opportunities for advancement with increased experience, where relevant.²⁹ Applicants should describe plans to

²⁹ Some applicants may offer in-house corporate university programs or joint labor-management training programs that allow employees to gain new skills and move up the career ladder, while other may be able to partner with local or regional universities or third-party trainers to meet continuing education goals. Applicants may explore the possibility of starting a tuition reimbursement program or providing continuing education and development with contributions to training programs and paid time for employees to participate in skills training and earn credentials and degrees relevant to their career pathways.

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ensure their workforce will meet requirements for appropriate and relevant professional and safety training, certification, and licensure, including where appropriate utilization of graduates from registered apprenticeship programs.

Guiding questions for applicants include:

- What investments are the project team planning to make to ensure local workers have the skills needed for the jobs that will be created?
- How will worker representatives, if applicable, be engaged in the design and implementation of those training opportunities?
- What is the project team's plan for employee retention and advancement?

Supporting worker rights

Support for worker rights is an important aspect of attracting and retaining local workers and promoting project stability, continuity, and success. Applicants are encouraged to consider steps they will take to support the rights of workers to join or form unions of their choosing and have the opportunity to organize to exercise collective voice,³⁰ to address health and safety in a way that ensures worker engagement in these plan designs, and track and address retention.³¹ Applicants are encouraged to describe how Project Labor Agreements or Community Workforce Agreements may be utilized in construction activity and the level of commitment to collective bargaining for ongoing operations work.

Applicants are encouraged to consider the following questions:

- What assurances can be put in place to enable workers to have a free and fair right to workplace organizing and union representation without retaliation?
- Which labor unions can the project team engage for planning construction activity?
- How can the project team ensure project success and continuity by mitigating labor disputes or strikes (e.g., labor peace agreements, good faith negotiations)?

Creating a safe work environment and a culture of safety

Applicants are also encouraged to describe the actions, policies, and procedures they will implement to ensure that workplaces are safe and healthy for workers. This may include a description of how the project will ensure the highest standards of workplace safety and health, including operational safety and personal safety, through the creation of a workplace that is free from harassment and discrimination and offers safeguards for worker health and well-being. The

³⁰ Employees' ability to organize, bargain collectively, and participate through labor organizations of their choosing in decisions that affect them builds meaningful economic power, safeguards the public interest, contributes to the effective conduct of business, and facilitates the amicable settlement of disputes between employees and their employers.

³¹ Tracking retention rates can help businesses minimize attrition costs, surface workplace concerns, and identify where improvements need to be made. It can also help identify employee satisfaction.

involvement of workers in designing and developing the plan is a key feature, and applicants should describe how they will ensure worker engagement in the design and execution of workplace safety and health plans.

Examples of these plans include:

- Instituting anti-harassment policies and training;
- Creating plans for staff safety/maintenance/operation training and development;
- Creating plans for developing a safety culture; and
- Conducting regular worksite health and safety reviews.

Diversity, Equity, Inclusion, and Accessibility in Energy Improvements in Rural or Remote Areas

Applicants' responses to Diversity, Equity, Inclusion, and Accessibility (DEIA) questions a) and b) should describe goals, outcomes, strategies, and milestones to ensure jobs are accessible to underrepresented groups, especially workers facing systematic barriers to employment, as well as any other DEIA policies, including measurable and actionable goals.

DEIA goals may focus on fostering a welcoming and inclusive environment; supporting people from groups underrepresented in Science, Technology, Engineering, and Mathematics (STEM), construction and operations workforces, and other applicable workforces; advancing equity; and encouraging the inclusion of individuals from underrepresented groups and those facing systemic barriers to quality employment in all phases of the project, across all proposed project sites, and within the project team.³² As part of their DEIA efforts, applicants are encouraged to describe activities to ensure equitable access to economic opportunities created from the project, as well as plans to provide comprehensive support services to increase representation and access in the project's jobs.

³² Grant awardees must make all employment decisions in a nondiscriminatory manner that does not extend a preference to a particular individual based on membership in a protected class, consistent with federal and state labor and employment laws and regulations. A grant awardee may lawfully set placement goals — objectives or targets that are reasonable steps to advance equity in the workplace. See, e.g., 41 CFR 60-2.16. However, a grant awardee is expressly forbidden from setting quotas for individuals in a protected class. For example, an awardee can set a placement goal about broadening recruitment and outreach to increase the diversity of its applicant pool but cannot set a quota to hire two individuals from a protected class.

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The Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce³³ defines diversity, equity, inclusion, and accessibility as:

Diversity means the practice of including the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people, including underserved communities.

Equity means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.

Inclusion means the recognition, appreciation, and use of the talents and skills of employees of all backgrounds.

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them. Accessibility includes the provision of accommodations and modifications to ensure equal access to employment and participation in activities for people with disabilities, the reduction or elimination of physical and attitudinal barriers to equitable opportunities, a commitment to ensuring that people with disabilities can independently access every outward-facing and internal activity or electronic space, and the pursuit of best practices such as universal design.

What does “underrepresented” mean?

The term “underrepresented” is context-dependent and should be considered relative to the relevant communities, workforces, and locations. For example, according to the National Science Foundation’s 2019 report titled, “Women, Minorities and Persons with Disabilities in Science and Engineering,” women, persons with disabilities, and underrepresented ethnic and racial groups — blacks or African Americans, Hispanics or Latinx, and American Indians or Alaska Natives — are vastly underrepresented in the STEM fields that drive the energy sector.³⁴ Underrepresented groups could also include those facing systemic barriers to quality employment, such as individuals with disabilities, returning citizens, opportunity youth, and veterans.

Developing DEIA Plans

³³ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/#:~:text=%28e%29%20The%20term%20%E2%80%9Caccessibility%E2%80%9D%20means%20the%20design%2C%20construction%2C,with%20disabilities%2C%20can%20fully%20and%20independently%20use%20them.>

³⁴ <https://nces.gov/pubs/nsf19304/digest/about-this-report>

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There is no singular process for generating DEIA plans, and successful plans will iterate and evolve throughout project phases and in response to stakeholder input and needs. While applicants are not expected to have formal DEIA plans at the time of application, it may be helpful to understand how DEIA plans are built and begin the planning process. Common steps to create a DEIA plan include:

- Formulate **why** the applicant is creating a DEIA plan for this project, beyond funding requirements.³⁵ It is important for team members to be on the same page about the purpose of putting together a DEIA plan, as well as how it fits into existing efforts. Common reasons for organizations or teams to implement DEIA plans include: to cultivate a workplace culture that will attract and retain top talent, to align practices with the values members hold, to better communicate with clients and other stakeholders, and to act on research that a more diverse workplace will improve creativity and productivity.³⁶ Clarity on this vision for DEIA in the project will help to build buy-in for a plan that is implemented.
- **Assess** the current state of DEIA in the organization or team and the economic opportunities (e.g., job opportunities, contracting opportunities, opportunities for suppliers) created from the project. This will be an initial assessment; identify any knowledge gaps, identify analysis needs, and itemize those needs. Steps for an initial assessment are offered in Appendix A.
- Develop **goals and desired outcomes**. What does success in achieving these goals look like? How will it be measured?
- **Identify partnerships** critical to reaching desired goals and outcomes. Partnerships are key to reducing barriers to employment and ensuring that disadvantaged and underrepresented workers have access to jobs and training. Partnerships also can facilitate access to financing, insurance, and capacity development for minority- and women-owned businesses. Partnerships may be referenced in Community, Labor, and Engagement questions a) through c).
- Develop **implementation strategies** to reach those outcomes. This includes specifying roles and responsibilities, defining required resources, establishing accountability measures, and developing a timeline for executing the strategies.

Moving from goals to outcomes to implementation strategies

A goal is an aspiration, while an outcome is what it looks like when the goal is achieved. The implementation strategy spells out what needs to happen to reach that outcome, when it will happen, and who will do it. An implementation strategy for DEIA goals should define the timeline on the same schedule as the IPS and Workplan. Applicants are recommended to

³⁵ Some advice for vision and mission statements including DEIA can be found at <http://www.nonprofitinclusiveness.org/building-inclusiveness-your-mission-and-values>.

³⁶ <https://www.nature.com/articles/s41467-018-07634-8/>

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include anticipated barriers to achieving certain goals, such as a lack of organization support, funding, and expertise.

Below is a list of actions that can serve as examples of ways the project could incorporate DEIA elements. These examples should not be considered either exhaustive or prescriptive. Applicants may include appropriate actions not covered by these examples and should include a comprehensive set of specific DEIA actions anticipated in connection with the project.

A good DEIA plan will include both **outcomes** and **implementation strategies** in one or all of these areas. Please note there may be important DEIA activities that do not fit into these areas. Below are some examples of goals that may be identified through an initial assessment:

- **Collaboration and contracting: Include, collaborate with, and contract with persons from underrepresented groups**
 - Identify minority business enterprises and minority-, woman-, and Veteran-owned businesses to solicit as vendors and sub-contractors for bids on supplies, services, and equipment.
 - Identify workforce training programs hosted by the proposed project and/or nearby organizations to foster improved access to jobs for members of the community, including individuals underrepresented in relevant industries and those facing barriers to employment, such as those with disabilities and returning citizens.
 - Support quality pre-apprenticeship programs in the local community to improve access to career-track training and jobs for underrepresented workers, including returning citizens. Who will be partnered with to ensure successful outcomes?
 - Participate in High-Road Workforce Partnerships³⁷ that include community-based organizations, local government, and union programs that serve populations with barriers to employment such as women, residents of disadvantaged communities, returning citizens.
 - Plans can include information and commitments for hiring, retention, contracting, collaboration, and workforce development.
- **Organizational and cultural change: Create or contribute to existing diversity, equity, inclusion, and accessibility programs at the applicants' organization**
 - Enhance or collaborate with existing DEIA programs at the project team organization.
 - Implement evidence-based, diversity-focused education programs (such as implicit bias training for staff) in the organization.
 - Dedicate time and resources for team members to engage in DEIA training, networking, and learning opportunities externally.

³⁷ The Inclusive Economics High-Road Workforce Guide for City Climate Action defines high-road in a workforce context as: "an approach aimed at creating high-quality employment, "good jobs" characterized by family-sustaining, living wages, comprehensive benefits, and opportunity for career advancement." See https://www.usdn.org/uploads/cms/documents/workforce-guide_4.12.21_form.pdf

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- Institute or improve reporting process for tracking DEIA milestones and metrics in the project.
- Look for ways to make the worksite more accessible.
- **Education and outreach: Consider DEIA when sharing knowledge or results**
 - Disseminate results of research and development in minority-serving institutions (MSIs) or other appropriate institutions serving underserved communities.
 - Make data available and accessible to communities that may be interested.
 - Work with community groups to figure out how results or insights from the work could be useful for community priorities.
 - Create educational opportunities for schools or other educational institutions in underserved communities where the project team could share their expertise on topics that the communities are interested in.
- **Sustainability: Consider DEIA leadership engagement, DEIA organizational structure and resources, and DEIA integration**
 - Integrate DEIA into strategic planning, mission, and communications.
 - Advance accountability through DEIA performance goals.

In addition to describing any plans for partnerships with MSIs, Minority Business Enterprises, and minority-, woman-, and Veteran-owned businesses, the applicant may also demonstrate how the project will support a diverse and inclusive workforce by advancing high wages and reducing income disparities across race and gender lines.

How do we avoid creating additional burdens for members of underrepresented groups?

Recognizing that people from underrepresented groups are often asked to take on DEIA work, it is critical to analyze who is being asked to carry the load, how other work responsibilities are shifted to accommodate it, and how compensation for this work is done. Potential methods to avoid overburdening members of underrepresented groups include, but are not limited to, hiring external consultants or experts to support DEIA work; paying and otherwise valuing members of your organization who do DEIA work; creating accessible “opt-in” mechanisms for participation; providing DEIA and/or implicit bias training to staff to promote an office-wide understanding of DEIA and the risks of overburdening underrepresented groups; creating safe and responsive channels for individuals to provide feedback about DEIA efforts; and offering support services to staff.³⁸

What are some ways to address systematic barriers to access?

³⁸ <https://www.mercer.com/our-thinking/dei-initiatives-overburdening-employees-from-underrepresented-groups.html>

Addressing systematic barriers to access is required to avoid occupational segregation. Wrap-around services, comprehensive support services, and more can work to remove such barriers and provide improved access to opportunities.

For more information on the following topics, see the [Community Benefits Plan Frequently Asked Questions \(FAQs\)](#).¹

- *What are Minority Serving Institutions?*
- *Which Executive Orders describe the Administration's priorities on diversity, equity, inclusion and accessibility?*
- *What types of communities have been denied systematic fair, just, and impartial treatment?*
- *What are specific DEIA Actions that I should consider?*
- *What are strategies to expand opportunities on my construction project for women, economically disadvantaged, local workers?*

Justice40 Initiative in Energy Improvements in Rural or Remote Areas

Executive Order 14008 created the Justice40 Initiative – which established a goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities. In line with the Justice40 Initiative goals, applicants are asked to answer the following questions on project benefits and negative impacts, regardless of whether the impacted community is designated as a disadvantaged community (see below for more on identifying disadvantaged communities).³⁹ Applicants' responses to Justice40 Initiative questions a) and b) should identify potential benefits and negative impacts of the project, and describe how they may accrue differently throughout the community, especially for vulnerable populations within the community, such as children, the elderly, and those experiencing homelessness. Applicants should also describe how the project team will maximize project benefits, minimize project negative impacts, ensure benefits are equitably realized, and ensure vulnerable groups are not disproportionately harmed or burdened by the project.

³⁹ The 40% of benefits is measured at an aggregate, rather than per-project, basis, meaning individual projects may contribute more or less substantially to this goal (i.e., have a higher or lower percentage) based on factors unique to the project. However, successful applicants will demonstrate the ability to act in alignment with the intent of the Justice40 Initiative by working to maximize benefits flowing to disadvantaged, as well as underserved and overburdened, communities in ways that are relevant to that project. Recipients of DOE funds should ensure that performance of project tasks within disadvantaged communities meaningfully benefits those communities and does not result in significant or permanent increased negative impacts to the disadvantaged community.

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Answering the Justice40 Initiative questions will require a preliminary assessment of project impacts, which can be experienced by groups as potentially positive (“benefits”), neutral or ambiguous (“neutral/uncertain impacts”), or negative (“negative impacts”). Energy and environmental justice involve, in part, examining how these potential impacts are distributed among different groups of people. Based on their assessment of impacts and impacted groups, applicants should develop strategies and plans to advance beneficial outcomes; minimize negative impacts; and ensure benefits are equitably realized and vulnerable groups are not disproportionately harmed or burdened by the project.

What is environmental justice?

Environmental justice is the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no population bears a disproportionate share of negative environmental consequences resulting from industrial, municipal, and commercial operations or from the execution of federal, state, and local laws, regulations, and policies. Meaningful involvement requires effective access to decision makers for all, and the ability in all communities to make informed decisions and take positive actions to produce environmental justice for themselves. In other words, environmental justice addresses both how benefits and harms are distributed among groups (distributive justice) and whether there is meaningful involvement in decision-making (procedural justice).

What is energy justice?

DOE defines energy justice as “the goal of achieving equity in both the social and economic participation in the energy system, while also remediating social, economic, and health burdens on those disproportionately harmed by the energy system.”⁴⁰ Equity is distinct from equality because equity recognizes that harms and benefits have not been distributed equally, and that just and fair remediation requires responding to these existing imbalances.

What is Justice40?

On January 27, 2021, President Biden issued Executive Order (EO) 14008, Tackling the Climate Crisis at Home and Abroad.⁴¹ Section 223 of that EO established the Justice40 Initiative,⁴² which creates a goal that 40% of the overall benefits of certain federal investments – including investments in clean energy and energy efficiency, clean transit, affordable and sustainable

⁴⁰ <https://www.energy.gov/diversity/articles/how-energy-justice-presidential-initiatives-and-executive-orders-shape-equity>

⁴¹ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>

⁴² Read more about Justice40, including the interim guidance from the White House: <https://www.whitehouse.gov/omb/briefing-room/2021/07/20/the-path-to-achieving-justice40/> and <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>

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housing, training and workforce development, the remediation and reduction of legacy pollution, and the development of clean water infrastructure – flow to disadvantaged communities (defined below).

How are disadvantaged communities defined?

Pursuant to EO 14008 and the Office of Management and Budget’s Interim Justice40 Implementation Guidance M-21-28, DOE has developed a definition and tools to locate and identify disadvantaged communities.⁴³ Federally recognized Tribal land and U.S. territories in their entirety are categorized as disadvantaged communities in accordance with OMB Interim Guidance “common conditions” definition of communities. Federally recognized Tribal land and U.S. territories in their entirety are categorized as disadvantaged communities in accordance with OMB Interim Guidance “common conditions” definition of communities.

DOE recognizes disadvantaged communities as defined and identified by the White House Council of Environmental Quality’s Climate and Economic Justice Screening Tool (CEJST).⁴⁴ DOE would prefer that funding recipients use either DOE or CEJST definitions and tools to identify disadvantaged communities, which would allow for more streamlined reporting and consistent comparative analyses across all regions. However, DOE recognizes some states have dedicated significant time and resources towards identifying communities of concern in their jurisdictions and may desire to use their own tools and definitions. DOE would prefer that state tools and definitions are aligned with the criteria pursuant to the interim implementation guidance; for information on these criteria please see DOE’s General Guidance for Justice40 Implementation.⁴⁵

For more information on disadvantaged communities, see the [Community Benefits Plan Frequently Asked Questions \(FAQs\)](#).¹

Which populations may be considered vulnerable to project or energy system impacts?

While the adverse impacts of an energy system, or of a single energy project, may be felt by an entire community, the extent to which certain groups within a community experience adverse effects depends on factors such as their level of exposure, sensitivity, and capacity to respond or adapt. Groups that are more exposed or sensitive and/or that have more limited capacity to respond may be considered more vulnerable to project or system impacts. Social, environmental, political, economic, demographic, and health factors may contribute to disparities that increase vulnerability for certain groups. For example, older adults with limited mobility who have medication requiring refrigeration may be highly vulnerable to extended power outages.

⁴³ <https://energyjustice.egs.anl.gov/>

⁴⁴ <https://screeningtool.geoplatform.gov/>

⁴⁵ <https://www.energy.gov/sites/default/files/2022-07/Final%20DOE%20Justice40%20General%20Guidance%20072522.pdf>

Assessing Impacted Communities and Groups

An important step in supporting energy and environmental justice is to accurately and precisely identify the communities or groups that may be impacted by a particular project — including the existing and cumulative burdens those communities or groups may already be facing.^{46,47} Applicants are recommended to consider impacts to groups, communities, and Tribal Entities for all inputs and outputs along the full lifecycle of the project, in addition to impacts at the project site(s) or work location(s).

Below is a list of steps applicants could take to assess impacted communities and groups, identify disadvantaged communities, and characterize existing burdens.

- Consider the assessment of community history and dynamics. What communities or groups are within the project's affected area(s), or would otherwise be impacted by the proposed project?
- Review the list of impacted communities identified through the preliminary assessment of community history and dynamics and by the stakeholder analysis. Are the communities disadvantaged communities?
- Consider if there are subsets of all identified groups or communities that might face additional impacts based on other categories that are not captured at the larger group or community level, including socioeconomic, demographic, or geographic/physical factors that can contribute to inequality or vulnerability to project impacts, such as gender, citizenship, socioeconomic status, language accessibility, race/ethnicity, age, disability, education, physical or geographic barriers or structures, and access to transit.
- Determine what types of data or characteristics can be used to best describe or specify each community or group at the most granular level possible, including any sub-groups as identified above. Focusing at a granular level may reveal linkages or patterns that are lost at a higher level of analysis, which can be important in understanding — and acting to address — the inequitable distribution of benefits and harms among different groups, especially with an eye towards cumulative burdens. Different groups or communities may have different types of data that are most accurate or informative, but could include: city, town, village, or county boundaries; neighborhood; private property borders; Tribal lands; census tract number or census block group number; geological feature boundary; groups with similar characteristics (e.g., migrant workers or Indigenous Americans); groups utilizing resources in a particular way; and/or full address (could include radius of effect).

⁴⁶ National Renewable Energy Laboratory. (2021). Energy Justice: Key Concepts and Metrics Relevant to EERE Transportation Projects. Retrieved from <https://www.nrel.gov/docs/fy21osti/80206.pdf>

⁴⁷ Pacific Northwest National Laboratory. (2021). Advancing Environmental Justice. Retrieved from https://www.pnnl.gov/sites/default/files/media/file/PNNL_EnvironmentalJustice_WhitePaper-Primer_2021.pdf

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- Revisit this list again after identifying project impacts: Where and to what communities or groups could these impacts flow? Add any communities or groups to this section.
- This assessment may also reflect any feedback obtained through engagement from impacted communities/groups.

Characterizing existing burdens

For each impacted community and group, applicants are asked to consider the existing burdens faced. To do this, applicants could:

- Report and interpret scores for each impacted community using the EPA’s EJSCREEN tool.⁴⁸
- Consult DOE’s working definition of Disadvantaged Communities⁴⁹ to examine the 36 indicators collected at the census tract level used to construct the working definition.
- Consult the Council on Environmental Quality’s Climate and Economic Justice Screening Tool (CEJST) to examine indicators.⁵⁰
- If applicable, use other publicly available tools. Some states have their own environmental justice screening tools, such as:
 - New York: <https://www.nyserda.ny.gov/ny/disadvantaged-communities>
 - California: <https://www.cpuc.ca.gov/discom/>
- Engage with impacted communities to assess existing burdens experienced by communities.

Assessing Project Impacts

Applicants are also asked to identify anticipated project impacts and describe how they accrue differently throughout the community. This includes the extent to which they accrue to vulnerable populations and how they interact with existing and/or cumulative burdens. For project benefits, applicants may reference their response to Project Benefits question a). The process for identifying project negative impacts is similar to assessing benefits and is described below. If selected for award, project teams will be expected to report negative impacts to DOE and track them throughout the project.

Because in some cases different groups or communities could experience the same impact as a benefit, harm, or neutral impact, classification of impacts as benefits/neutral/negative should reflect the views of the various impacted communities/groups to the greatest extent possible. For example, building a road as part of project construction plans may increase accessibility or connectivity for some communities, while other communities may be burdened by increased traffic-related air or noise pollution or traffic safety risks. It is understood that impacts may be

⁴⁸ <https://www.epa.gov/ejscreen>

⁴⁹ <https://www.energy.gov/diversity/justice40-initiative>

⁵⁰ <https://screeningtool.geoplatform.gov/en/>

classified differently throughout the life of the project or for different projects due to deepening understanding of community priorities and concerns. These are classifications that can be updated in conjunction with community engagement.

Assessing project negative impacts

Potential negative impacts could include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health impacts. Applicants are encouraged to consider direct impacts, indirect impacts, and cumulative impacts. Negative impacts should be quantifiable, measurable, and trackable to the greatest extent possible; it is expected that applicants include quantifiable alongside qualitative metrics. To the greatest extent possible, applicants are recommended to work with impacted communities early and often to define the negative impacts that are most relevant to them.

Guiding questions for an initial assessment of negative impacts could include:

- How does the proposed project rely on limited resources such as potable water, freshwater, land, critical and minerals?
- What environmental pollution or waste streams (including those discharged to air, water, and/or soil) will the project generate, both during the project execution phase and after if equipment remains in operation (if applicable)?
- To what extent will the proposed project increase energy prices and/or energy burdens?
- To what extent will the project impact land-use patterns (e.g., leading to increased reliance on cars)?
- To what extent could your project impact home values, gentrification, or lead to other indirect impacts on housing?
- Would the proposed project be located on or adjacent to Tribal lands, lands considered to be sacred, or lands used for traditional purposes? Describe any known Tribal sensitivities for the proposed project area(s).
- Though applicants will not be asked to identify metrics at the time of application, they are encouraged to consider the following questions:
 - What metrics or units could be used to measure, track, and report impacts?
 - Are there metrics or sets of metrics that can be used to account for both baseline values (existing values) and changes in communities or groups?
 - How would negative impacts be measured, estimated, or modeled?
 - How can these values be checked to ensure they reflect experience on the ground?
 - What opportunities are there for community participation in the measurement, estimation, or modelling of impacts?

Assessing how negative impacts interact with existing cumulative burdens

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A key factor in energy and environmental justice is the concept of cumulative burdens — when certain communities or groups are disproportionately exposed to multiple burdens that can compound or interact in detrimental ways.⁵¹ Whereas a slight increase in a negative impact, for example increased energy burden, might have minimal consequences on one community (e.g., a high-income community facing a low energy burden) that same quantity of increase may have a huge effect on a different community (e.g., low-income community already facing high energy burden).

Applicants are asked to describe how anticipated flows of project negative impacts will interact with each other and with existing cumulative burdens in each impacted community. Applicants are asked to describe the extent to which project negative impacts could exacerbate existing burdens, especially among groups vulnerable to project impacts.

Assessing where/to whom benefits will flow

Once project benefits and negative impacts are identified, applicants are asked to describe how they may accrue differently throughout the community, especially for vulnerable populations. Applicants are also asked to describe how they will ensure benefits are equitably realized. Guiding questions for an initial assessment of where and to whom benefits and negative impacts will flow could include:

- Review the list of impacted communities. Which of these communities are most likely to receive which benefits and which negative impacts?
- To what extent does each benefit or negative impact flow to vulnerable populations within the community?
- What are the social, economic, geographic, political, or other mechanisms by which the benefits or negative impacts will accrue in different communities or groups? How do those mechanisms impact which communities, groups, or sub-groups may have greater access to those benefits or bear the greatest burden of those negative impacts?
- Are there social, economic, geographic, or other barriers that would prevent a specific benefit from accruing in a particular community or group?
- What established pathways, structures, relationships, or mechanisms (social, economic, geographic, or other) already exist that would enable certain benefits to easily flow to some communities or groups but not others, and/or that enable some communities or groups to limit exposure to or avoid negative impacts?

⁵¹ For example, a single community may be located in an urban heat island, be low-income, have poor public transportation, and be located in a food desert. If that community experienced a period of contaminated tap water where residents had to rely on bottled water to drink and cook – these cumulative burdens could interact and compound by making access to bottled water extremely difficult, whereas a wealthy community experiencing an identical contaminated tap water issue may not be impacted as significantly due to easier access to bottled water and/or high-cost filtration systems.

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- Does the proposed project team have existing plans or relationships that would affect how benefits or negative impacts are likely to flow?
- For each benefit and negative impact, what is the expected timeframe over which that benefit or negative impact will accrue? Do different groups or communities experience a benefit or negative impact on different time scales?
- For benefits or negative impacts that have a clearly defined geographical area of effect – what is that geographical area? Which communities or groups would receive these benefits or negative impacts? Are the benefits or negative impacts evenly distributed within this geographical area? If not, how can an apportionment of benefits or negative impacts within this area be estimated?
- For benefits or negative impacts without a clearly defined geographical area of effect – what factors might impact which groups are most likely to receive project benefits or experience negative impacts? Are any of these factors more or less likely to occur for the proposed project due to economic, geographic, or other factors?

Developing Strategies and Methods

Applicants are asked to describe strategies and methods to maximize benefits and minimize negative impacts. This should include a schedule detailing when and how this work will be conducted that aligns with the IPS and Workplan. Applicants are encouraged to identify areas in the above assessments where additional work is needed to fully characterize impacted communities, project impacts, and where those impacts flow, including the extent to which they accrue in vulnerable groups and interact with existing burdens. Applicants may wish to describe the technical, analytical, and engagement work of the project that could lead to increasing project benefits and decreasing project negative impacts for communities, and especially vulnerable groups.

While applicants may identify steps to realize anticipated benefits, there is often no guarantee that those benefits are always realized. Similarly, there may be the theoretical potential to minimize negative impacts, but this may fail to be done in practice. With this in mind, applicants are encouraged to consider how they may address the gap between ambition and reality to ensure benefits or risk mitigation measures can be delivered. This exercise may surface additional actions to add to the plan to realize benefits and minimize harms. Guiding questions for realizing benefits could include:

- To what extent are identified benefits inherent in the project or contingent on external policy, social, or economic factors? What are these factors?
- What could be barriers to delivering these benefits?
- What would need to be done, by people on the project team and by people external to the organization, to overcome these barriers?

Guiding questions for minimizing negative impacts could include:

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- What could be obstacles to the project team's plans for minimizing negative impacts?
- What would need to be done, by people on the project team and by people external to the organization, to overcome these barriers?

Have More Questions?

If you have further questions, please email them to ERAGrant@hq.doe.gov and include the FOA name and number in the subject line.

If you have problems with OCED Exchange, email OCED-ExchangeSupport@hq.doe.gov.

Appendix A

Formulating a vision for DEIA in the project: Completing an initial assessment

Guiding questions for an initial assessment and to help consider outcomes and implementation strategies, could include:

Assessing hiring, including collaborating and contracting with persons from underrepresented groups:

- How many people are in the organization, and what is the breakdown between management and staff?
- What percent of people employed in the organization are from underrepresented groups?
- What percent of management is from underrepresented groups?
- What percent of contracts are with minority-, women-, Veteran-owned, or other disadvantaged businesses?
- What percent of collaborators (project partners, research collaborators, co-investigators, sub-contractors) are from underrepresented groups? From MSIs? How are collaborations typically formed?
- How are current employment and diversity statistics benchmarked against appropriate comparison populations, such as existing employment data for specific STEM fields across the scientific community, and existing graduation rates in specific fields, using, for example, the data available through the National Science Foundation's (NSF) National Center for Science and Engineering Statistics,⁵² NSF Science & Engineering Indicators,⁵³ and scientific professional societies?

Contracting with minority-, women-, Veteran-owned, and other disadvantaged businesses:

- Have federal, state, or local directories of certified minority-, women-, Veteran-owned and other disadvantaged businesses been explored? Numerous sources may help you identify businesses that have been certified by a government entity as a minority-, women-, Veteran-owned or other disadvantaged business.
- Have state or local government's small and minority business contracting offices been contacted? Many state and local governments have offices that serve as a conduit on key issues affecting the small and disadvantaged business communities. They may also provide services to connect minority- and women-owned and other disadvantaged small businesses to contracting and procurement opportunities.

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- What Chambers of Commerce are in the project area? There are many chambers that specifically represent minority-, women-, Veteran-owned, and other disadvantaged businesses. Working with these chambers can help you identify and connect with minority-, women-, Veteran-owned, and other disadvantaged businesses.
- Have project business hosted or participated in supplier diversity programs or training? To increase supplier diversity, many companies host supplier diversity programs and training to identify and connect with minority-, women-, Veteran-owned, and other disadvantaged businesses.

Assessing DEIA training and culture in the organization:

- Does the project or organization have an existing DEIA mission statement and philosophy?
- Do project leaders actively enact this DEIA mission, especially as it informs creating a diverse and inclusive work environment? Provide examples of how.
- What percentage of organizational resources, in terms of staff, staff time, and funding goes to DEIA activities?
- Is there a reporting process that tracks DEIA milestones and metrics in the organization? Does the reporting process involve transparent, third-party reporting systems, and incorporate employee feedback?
- What existing employment, salary, retention, and promotion data is tracked about the organization? Is it disaggregated by race, gender, and other variables? Is this data shared with employees and/or made public?
- What are the DEIA training requirements and learning opportunities for employees? What mechanisms are used to measure the effectiveness of these training activities?
- How are participation and outcomes tracked, measured, and shared? Are there DEIA elements in staff performance appraisals, and clear guidance and examples of how employees will be evaluated and what successful performance looks like?
- Are these policies and practices well-known among the employees — what percent of employees are familiar with them?
- Are these policies and practices clear and effective?

Recruitment:

- What percent of job applicants are from underrepresented groups? What percent of hires are from underrepresented groups?
- How diverse are the workforce recruiting networks (e.g., outreach programs and job groups)?
- What efforts are taken to remove bias from job description language and developed objective hiring criteria? Examples could include using gender-neutral pronouns and job titles; scanning for gender-coding or other phrases that signal unconscious bias towards age, race, or culture; and evaluating language for being welcoming to applicants with disabilities.

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- What training is offered to address implicit bias and ensure effective interviewing? Is anonymous resume screening conducted, i.e., without candidate personally identifying information?
- What steps is the company or organization taking to support wage transparency and accountability to ensure equal pay for equal work (e.g., disclosing salary ranges in job postings, after initial interviews, or upon request by applicants without reprisal)?

Retention and promotion:

- Are candidates assessed on their aptitude for supporting DEIA goals and an inclusive workplace culture, using standardized behavioral interview questions?
- How robust and transparent are pay equity processes and are these grounded in statistical analysis with annual reviews? Are there formal remediation protocols?
- What employee benefits, policies, resources, and initiatives exist to improve well-being and address the needs of employees across career stages and personal family circumstances (e.g., family support services/childcare, alternative and flexible work schedules)?
- What strategies are in place to retain workers from underrepresented groups?
- Are promotion strategies tracked with an eye towards equity? Are voluntary and involuntary separations tracked with disaggregated data to examine trends?
- Are there mentorship opportunities and programs? If so, are they currently staffed and utilized equally by individuals from different identity groups?
- Does your organization have a process for requesting and providing reasonable accommodations?

Assessing knowledge sharing:

- How diverse is the target audience when disseminating results? For example, is there prioritization of MSIs, underserved communities, or organizations working with underserved communities when sharing details and research outcomes of the work?
- How transparent and accessible is the information shared? Is information publicly disseminated and through what channels?
- Is data presented in meaningful ways for the purposes of community engagement and interpretation?
- Could the communication channels and language be rendered more accessible? Are there different forms of communication that need to be employed, e.g., for communities with different levels of digital access? What about language accessibility for speakers of other languages?
- Is the process of disseminating results empowering to those communities involved? In other words, are communities in a position to use the knowledge to pursue their priorities? If not, is there anything that could be done to facilitate this?



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