

U.S. Department of Energy
Washington, DC

POLICY

DOE P 120.1

Approved: 11-26-2024

SUBJECT: ENERGY AND ENVIRONMENTAL JUSTICE POLICY

PURPOSE AND SCOPE

This Policy communicates Departmental, programmatic, and field commitment to ensuring a clean energy future that is just and sustainable for all; and transmits the Department of Energy's (DOE or the Department) Energy and Environmental Justice Policy (hereafter "Policy" or "EEJ Policy"), including its guiding principles; and transmits the framework for implementation of the Policy. Each Under Secretary and Head of Departmental Element should review this Policy to ensure that it is reflected in the policies and operations of each office, and should consider training or other engagement to help socialize this Policy. This Policy helps ensure that DOE maintains operations that are reflective of legislative mandates.

POLICY

The Department of Energy (DOE) will weave energy and environmental justice (EEJ) into the fabric of the energy system and into its operations through DOE policies and investments. As a matter of justice and fundamental duty, DOE will implement and enforce the Nation's environmental and civil rights laws, address climate change and its unequal effects on different communities, and work to remediate legacy pollution that is harming human health and the environment. DOE sets forth in this document the vision--and steps--towards integrating EEJ across the Department.

Institutionalizing energy and environmental justice offers a path for righting the wrongs of an energy system that has disproportionately impacted Indigenous and Native American, Alaskan Native, Black, Brown, rural communities, low-income communities, and other disadvantaged communities around the United States. For much of U.S. history, these communities were called on to bear the costs and environmental burdens of our energy system. Approaching a clean energy transition through this lens of justice ensures that these same harms are not replicated in the future for all communities.

EEJ is widely held to adhere to four major tenets: distributive justice, procedural justice, restorative justice, and recognition justice. These tenets, widely supported by academic literature, have guided the development of policies and programs as DOE has begun to deploy an historic amount of Federal funding to facilitate a just and equitable energy transition.

EEJ is essential in addressing past harms, in ensuring no further harm, and in ensuring all communities, regardless of income, race, color, national origin, Tribal affiliation, or disability, benefit from the clean energy transition. By fostering a culture dedicated to proactive and reactive justice, DOE will ensure a successful energy transition that leaves no one behind.

The Department will consider these four tenets when designing programs and policies:

- DOE will strive to incorporate distributive justice by ensuring the opportunities and benefits of the energy transition are equitably shared, and that the burdens of the transition are not inequitably borne by communities historically overburdened and underserved by the energy system.
- DOE will commit to incorporate procedural justice by maintaining a high standard of community and Tribal engagement, public participation, and program development. Here, the Policy recognizes that one-size will not fit all offices and programs across the Department. Rather, the Policy identifies the major pillars that underpin procedural justice at the Department.
- DOE will continue to incorporate recognition justice by acknowledging the local and experiential knowledge of communities and integrating those perspectives into the Department's programs and policies. DOE must also continue to respect Tribal sovereignty and support self-governance by ensuring that Tribal Nations are consulted on Federal policies that have Tribal implications.
- DOE will continue to incorporate restorative justice by meaningfully addressing the harms and injustices of the energy system through its programs and policies.

DEFINITIONS

1. Environmental Justice¹

- a. “‘Environmental justice’ means the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people:
 - (i) “are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and
 - (ii) “have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.”

2. Energy Justice²

¹ Executive Order 14096, *Revitalizing Our Nation's Commitment to Environmental Justice for All*, April 21, 2023, Sec. 2(b).

² Adapted from: Initiative for Energy Justice Section 1 - Defining Energy Justice: Connections to Environmental Justice, Climate Justice, and the Just Transition - Initiative for Energy Justice (iejusa.org) <https://iejusa.org/wp-content/uploads/2019/12/The-Energy-Justice-Workbook-2019-web.pdf>

- a. Energy justice refers to 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 communities historically harmed by the energy system (“disadvantaged communities”).
 - i. Energy justice explicitly centers the concerns of disadvantaged communities and aims to make energy more accessible, affordable, clean, and democratically managed for all communities.

3. Equity³

- a. “The consistent and systematic treatment of all individuals in a fair, just, and impartial manner, including individuals who belong to communities that often have been denied such treatment, such as Black, Latino, Indigenous and Native American, Asian American, Native Hawaiian, and Pacific Islander persons and other persons of color; members of religious minorities; women and girls; LGBTQI+ persons; persons with disabilities; persons who live in rural areas; persons who live in United States Territories; persons otherwise adversely affected by persistent poverty or inequality; and individuals who belong to multiple such communities.”

4. Distributive Justice⁴

- a. Distributive justice refers to the fair distribution of resources, risks, and benefits associated with the energy system. This includes ensuring that the burdens of transitioning away from fossil fuels, such as job losses or increased energy costs, are not disproportionately borne by disadvantaged communities. At the same time, it involves ensuring that the benefits of the transition, such as decreased environmental impacts, new job opportunities in the clean energy sector and more affordable energy sources, are accessible to all.

5. Procedural Justice⁵

- a. Procedural justice refers to the fairness and transparency of the decision-making processes that govern the energy system. This includes ensuring that all stakeholders have a voice in the decision-making process and that decisions are

³ Executive Order 14091, *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, February 16, 2023 at Sec. 10(a).

⁴ Adapted from: Initiative for Energy Justice Section 1 - Defining Energy Justice: Connections to Environmental Justice, Climate Justice, and the Just Transition - Initiative for Energy Justice (iejusa.org) <https://iejusa.org/wp-content/uploads/2019/12/The-Energy-Justice-Workbook-2019-web.pdf>

⁵ Adapted from: Initiative for Energy Justice Section 1 - Defining Energy Justice: Connections to Environmental Justice, Climate Justice, and the Just Transition - Initiative for Energy Justice (iejusa.org) <https://iejusa.org/wp-content/uploads/2019/12/The-Energy-Justice-Workbook-2019-web.pdf>

made based on reliable information and with consideration of the needs and perspectives of all parties involved.

- b. Procedural justice also involves providing avenues for redress and accountability in cases where decisions may negatively impact certain groups.

6. Recognition Justice⁶

- a. Recognition justice focuses on recognizing and respecting the rights, identities, and cultures of all individuals and communities affected by the energy transition. This involves acknowledging historical injustices and ensuring that the transition does not further marginalize already vulnerable groups.
- b. Recognition justice requires acknowledging the rich cultural and natural resources valued by communities and strives to preserve those resources. It recognizes that past harms to resources have impacted certain communities disproportionately.

7. Restorative Justice⁷

- a. Restorative justice involves efforts to repair the harm caused by past injustices and inequities in the energy system. This includes remediation of historical environmental harms caused by federal activities and development of our energy systems. This also includes restoring relationships and ensuring accountability and healing for communities impacted by the energy system.

REFERENCES

The following are incorporated into this policy by reference:

- a. Executive Order 13175 of November 6, 2000, *Consultation and Coordination with Indian Tribal Governments*, 65 FR 67249 at 67249-67252
- b. Executive Order 13985, of February 16, 2023, *Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 86 FR 7009 at 7009-7013
- c. Executive Order 14008 of January 27, 2021, *Tackling the Climate Crisis at Home and Abroad*, 86 FR 7619 at 7619-7633. Executive Order 14091 of February 22, 2023, *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 88 FR 10825 at 10825-10833.

⁶ McCauley, D. A., Heffron, R. J., Stephan, H., & Jenkins, K. (2013). Advancing energy justice: the triumvirate of tenets. *International Energy Law Review*, 32(3), 107-110.

⁷ Hazrati, M., & Heffron, R. J. (2021). Conceptualising restorative justice in the energy transition: changing the perspectives of fossil fuels. *Energy Research & Social Science*, 78, 102115.

- d. Executive Order 14096 of April 21, 2023, *Revitalizing Our Nation's Commitment to Environmental Justice for All*, 88 FR 25251 at 25251-25261.
- e. Executive Order 12898 of February 16, 1994, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, 59 FR 7629
- f. DOE Policy 141.1, *Department of Energy Management of Cultural Resources*, current version.
- g. DOE Order 144.1, *Department of Energy American Indian Tribal Government Interactions and Policy*, current version.
- h. DOE Order 436.1, *Departmental Sustainability*, current version.
- i. National Energy Conservation Policy Act (Public Law 95- 619), Section 641, Title VI, Part 3 November 9, 1978.

CONTACT

Questions concerning this Order should be directed to the Office of Energy Justice & Equity energyjustice@hq.doe.gov.

BY ORDER OF THE SECRETARY OF ENERGY:



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