



The Secretary of Energy

Washington, DC 20585

July 25, 2022

Dear Department of Energy Stakeholders:

On November 15, 2021, President Joseph R. Biden signed the historic Bipartisan Infrastructure Law (the BIL), kickstarting a once in a generation effort to overhaul our Nation's energy infrastructure and strengthen America's competitive edge in clean energy for years to come. The BIL includes more than \$62 billion for the Department of Energy (DOE) to deliver a more equitable clean energy future for the American people.

DOE has adopted the following priorities for DOE's work, including BIL implementation:

- Modernizing and upgrading American energy infrastructure;
- Driving quality job creation, including the opportunity for good-paying union jobs;
- Delivering reliable, clean, and affordable energy to more Americans as we tackle the climate crisis, pursuing a zero-carbon electricity system by 2035 and a net-zero emission economy by 2050;
- Advancing justice and equity and ensuring stronger economic and environmental benefits for disadvantaged communities;
- Increasing domestic manufacturing and protecting energy supply chains;
- Growing private sector uptake of clean energy technologies through DOE-led demonstration and deployment programs.

As we launch this historic investment in American communities, I want to reiterate a major priority set forth by the Biden Administration that will be integral to our successful implementation of the BIL—Justice40 in line with existing statute.

On January 27, 2021, the White House issued Executive Order 14008 (E.O.), establishing a goal that 40 percent of the overall benefits of certain Federal Government investments, including in climate and clean energy, flow to disadvantaged communities (the Justice40 Initiative). DOE intends to implement the Justice40 Initiative throughout all its BIL efforts, wherever authorized by law, and within well-established DOE programs that fall within the climate and clean energy investment categories covered by Justice40. Together these efforts comprise part of the agency's effort to ensure that communities historically left behind in Federal programs and spending are able to access the benefits of this energy transition. This is how we view energy justice. Our deep commitment to its principles will help to ensure that underserved, overburdened, and frontline communities (disadvantaged communities or DACs) receive transformative benefits as we make investments that will transform our Nation's energy infrastructure.

In April of this year, DOE's Office of Economic Impact and Diversity released the Department's Justice40 framework (<https://www.energy.gov/diversity/justice40-initiative>). The framework identifies Justice40 communities and outlines the agency's approach to the President's transformative initiative, as summarized below.

- **Justice40 Implementation.** Applicants for new funding opportunity announcements (FOA) will be asked to consider how project benefits can flow to DACs. Moreover, FOA applicants will also be asked to articulate how DACs can be meaningfully considered, identified, and benefited in plans submitted to DOE. Funding recipients will also be asked to track and report how these identified benefits flow to DACs. Specific requirements will vary by program, including which Justice40 benefits (see below) are applicable and how DACs are to be identified for purposes of a given program. DOE will provide general guidance on Justice40 implementation, but program-specific funding and guidance documents will be the source for definitive requirements.
- **Identifying Justice40 covered programs.** Today, the Department is releasing a comprehensive list of current programs covered by the Justice40 Initiative. This list was developed by applying the criteria in OMB’s Interim Justice 40 Implementation Guidance M-21-28. These programs include new and expanded BIL programs critical to building the energy infrastructure of the future, as well as well-established DOE programs that fall into the categories of climate change, clean energy and energy efficiency, clean transportation, affordable and sustainable housing, training and workforce development (related to climate, natural disasters, environment, clean energy, clean transportation, housing, water and wastewater infrastructure, and legacy pollution reduction, including in energy communities), remediation and reduction of legacy pollution, and critical clean water and waste infrastructure. The list of DOE Justice40 Covered Programs is available at <https://www.energy.gov/diversity/justice40-initiative>.
- **Identifying DACs.** Pursuant to E.O. 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 DACs. These resources can be located at <https://energyjustice.egs.anl.gov/>. DOE will also recognize DACs as defined and identified by the White House Council of Environmental Quality’s Climate and Economic Justice Screening Tool (CEJST), which can be located at <https://screeningtool.geoplatform.gov/>.
- **Identifying benefits that flow to DACs.** Benefits can be thought of as direct or indirect investments or positive project outcomes—such as job creation or enterprise creation—that flow to DACs. DOE’s “General Guidance for Justice40 Implementation” identifies policy priorities the agency sees as critical to advancing an equitable clean energy future, which are: (1) decreasing energy burden; (2) decreasing exposure to environmental hazards and burdens; (3) increasing clean energy jobs, job pipeline, and job training; (4) increasing clean energy enterprise creating and contracting (e.g., minority-owned or disadvantaged business enterprises); (5) increasing energy democracy; (6) increasing access to low-cost capital; (7) increasing parity in clean energy technology access and adoption; and (8) increasing energy resiliency. Depending on the DOE program or funding, recipients will be asked to consider how certain activities, such as direct dollars invested, stakeholder engagement, jobs and workforce development, energy burden reduction, and the amelioration of environmental harms, can benefit DACs.

Benefits can be highly specific to each project or program, with some categories not relevant depending on the technology or economic sector involved, and we encourage funding applicants to collaborate with Department staff and resources to explore all the ways Federal funding can lift up the communities in our Nation in most need of assistance.

That said, in keeping with principles of energy and environmental justice, DACs should not be identified solely to meet Federal goals, and Federal funding should not create or exacerbate harm to communities.

I am honored to lead this Department through a historic re-investment in our country's energy infrastructure. Justice will serve as our North Star as we fight climate change and bring economic prosperity to our great Nation. I hope you will join us in our efforts to ensure that the benefits of BIL, DOE climate and clean energy programs, and other Federal efforts build a better future for *all* Americans.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Granholm', with a stylized flourish at the end.

Jennifer M. Granholm