



MESC

OFFICE OF MANUFACTURING AND ENERGY SUPPLY CHAINS

Guidance for Creating a Community Benefits Plan

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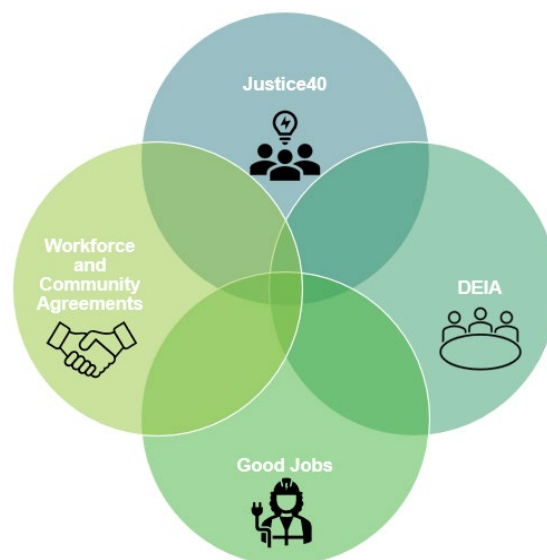
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Disclaimer: This document provides guidance and recommendations which may not apply to a particular situation based upon the individual facts and circumstances. If there are any inconsistencies between Funding Opportunity Announcements (FOAs) and the statements in this document, the FOA is the controlling document and applicants should rely on the FOA language.

Introduction

What is the purpose of this document?

This document is intended to provide supplemental information that will assist applicants to FOAs and specifically with developing the Community Benefits Plan (CBP). 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 implementation, will help ensure broadly shared prosperity in the clean energy transition.



The CBP requirements are intentionally flexible to foster approaches from applicants that are responsive to the communities, workers, and groups impacted by their projects. In sections where there is overlap (e.g., where a Justice40 approach includes creating good jobs in specific communities), applicants should point reviewers to more comprehensive efforts addressed elsewhere. This lets reviewers know that applicants are thinking about all these pieces holistically. Plans should be specific, actionable, and measurable.

CBPs are scored at **20 percent** of the overall technical merit review of proposals. This Guidance is designed to provide specific information and examples to aid applicants in developing a CBP that showcases their work in a way that is maximally responsive to DOE FOA requirements. Applicants should ensure their CBP includes Specific, Measurable, Achievable, Relevant and Timely (SMART)¹ milestones that coordinate with their overall project timelines.

Will these plans be public?

As appropriate, DOE reserves the right to share non-procurement sensitive portions of information contained in CBPs publicly after awards are announced. However, during project selection and negotiations – which can take several months – the content in CBPs submitted in FOA applications is considered procurement sensitive and cannot be shared by DOE with the public. 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.

Where can I find additional information?

For answers to common Frequently Asked Questions (FAQs), see: [Community Benefits Plan Frequently Asked Questions \(FAQs\)](#).²

¹ SMART (Specific, Measurable, Achievable, Relevant, and Timely) milestone guidance:

Specific: make goals narrow and concrete—this will enable the measurability.

Measurable: identify what data/evidence can be used to assess progress

Achievable: benchmarks that can help determine what is feasible; time and resources to implement this goal.

Relevant: consider the goals identified for engagement.

Timely: consider setting interim milestones on the way to a larger goal.

² [BIL Community Benefits Plan Frequently Asked Questions \(FAQs\)](#)



COMMUNITY AND LABOR ENGAGEMENT

Community and labor engagement is about relationship building leading to partnerships that ensure the community and workers have a real voice in project execution and outcomes. It is also about building accountability – for example, through negotiated Workforce and Community Agreements. Engagement should primarily focus on organizations or officials directly representing a particular group or groups of stakeholders. This can help ensure stakeholders and groups that are traditionally excluded are given sufficient representation, as well as aid in the negotiation of Workforce and Community Agreements, which can include Community Benefits Agreements, Good Neighbor Agreements, Project Labor Agreements, or other similarly negotiated and enforceable agreements.

The applicant's CBP should describe plans and actions for engaging and partnering with labor and stakeholder groups in the project's community. Groups to engage with for project success may include, but need not be limited to:

- Local and regional economic development organizations
- Workforce development organizations and Community Colleges
- Labor unions representing workers or trades that will be needed for both construction and ongoing operations/production activities
- Social service providers
- State, regional, and local governments including Tribal governments where appropriate
- Community-based organizations representing local residence and businesses, with particular attention on engaging those serving underserved and disadvantaged communities

If applicable given the project location, this section should also 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).

A good Community and Labor Engagement section of a CBP will include SMART goals for each element of the CBP: these should include details regarding scope, schedule, personnel, and budget (where applicable) to enact the plan, as well as identify key community and labor partners. It will specify organizations and entities representing traditionally excluded stakeholders and those most vulnerable to project impacts, including frontline communities and labor union(s) representing affected workers; outline the implementation of a strategy to meaningfully engage them; respond to community concerns and make decisions based upon them; and discuss any plans for Workforce and Community Agreements.

Process

Some common steps applicants may wish to consider for engaging with relevant communities and other groups are shown below:

- **Identify stakeholders, labor unions and organizations, and project partners, especially those that are most impacted by project development**, including organizations representing underrepresented or disadvantaged communities and members of those communities.
- **Identify goals** for stakeholder engagement and **choose methods** of stakeholder engagement suited for those goals.
- **Prepare a timeline** for implementing the methods that tracks with project activities.



- **Specify roles** for who will be responsible for conducting engagement and relationship-building activities and **specify the resources needed** to carry out the engagement plans.
- **Identify feedback and evaluation strategies** that will measure success.

Applicants might identify potential stakeholders to guide applicants by:

- Overlaying the project location with existing Federal priority communities, such as those identified through the White House Council on Environmental Quality's Climate and Justice Screening Tool Disadvantaged Communities,³ Environmental Protection Agency's (EPA) Brownfield Properties, the Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization priority coal communities and Rapid Response Team locations, and/or the Department of the Interior's Bureau of Indian Affairs' Indian Lands.
- Identifying fence-line communities (communities adjacent to industrial sites) based on the location of the project.
- Using state and local government partners to identify offices that work in the affected area (e.g., municipal planning and development, county public health, community colleges/workforce training organizations, economic development organizations, workforce consortiums, social service organizations) or organizations that routinely attend meetings and speak about related issues.
- Conducting website and media outlet searches for individuals and groups that work in or around the affected area or work on the topic of interest, broadly defined.

Engaging Labor and Workforce Organizations

To engage with labor unions meaningfully and productively, the applicant project team should first identify the project's potential employment impacts. This includes workers involved in the construction phase, ongoing operations at the project site, and those supporting off-site activities such as transportation and along the supply chain. It also requires identifying workers, and the unions that represent those workers, whose livelihoods will be impacted by the project, including those whose jobs may be lost or displaced.

In addition to labor unions, applicant project teams should consider additional workforce organizations to engage such as State and Local Workforce Development Boards,⁴ American Job Centers,⁵ Pre-Apprenticeship and Registered Apprenticeship Programs,⁶ and Workforce Training Programs offered through two- and four-year colleges and other not-for-profit and for-profit organizations in the community.

Engaging Tribal Communities

In the event of an award for a project in, or with significant impacts on, tribal communities, the awardee should 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

³ <https://screeningtool.geoplatform.gov/>

⁴ Find your state and local Workforce Development Board: [Career OneStop Workforce Development Board Finder](#).

⁵ Find an American Job Center: [Career OneStop American Job Centers](#).

⁶ Find and connect with a pre-apprenticeship or Registered Apprenticeship program: [Apprenticeship USA Program Finder](#)



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 and remains responsible for government-to-government consultation with any federally recognized Indian Tribes, including Alaska native village or regional or village corporations, about the proposed project. The federal government has affirmed its commitment to Tribal engagement through federal law, agency policy, and Executive Orders and Memoranda.^{7,8}

Plan Elements

This section should include the elements listed below. Methods, two-way engagement statements, and plans for prospective Workforce and Community agreements are the core of this section and DOE recommends these should comprise the majority of the information provided.

I. Background

The applicant should provide a brief narrative description of efforts to engage communities, labor, and other stakeholder groups relevant to this proposed project—with a focus on those most impacted by project development. Applicants should engage with all relevant groups to thoroughly include information for this section. If there has not been any engagement to date, note this here with a brief explanation.

The Background element could answer some of the following questions:

- Which labor unions, workforce development organizations, and community-based organizations have been engaged and what was the nature of the interaction?
- What specific engagement occurred with the intent of reaching organizations representing under-represented or disadvantaged communities and members of those communities?
- What methods are being used for engagement?
- What is the timeline of this engagement in relation to the project timeline?
- How will the applicant use key feedback from stakeholders to shape your project going forward?

II. Engagement Methods and Timeline

Applicants should describe the methods and timelines for engaging with stakeholders – including when and how they will engage communities, labor, and other stakeholders; the objectives for the engagement; and a description of specific methods that will be used. For example, during the project development phase, the team may set engagement goals of eliciting project design feedback from frontline communities and local labor unions relevant to project. The corresponding method could be to hold listening sessions at a local community center and at labor union meetings.

Applicants should specifically describe how engagement methods will be extended to include traditionally excluded stakeholder groups. All engagement should be designed and advanced with

⁷ See, e.g., Executive Order 13175, available at: [EO 13175: Consultation and Coordination With Indian Tribal Governments \(2000\)](#).

⁸ [Presidential Memo on Tribal Consultation and Strengthening Nation-to- Nation Relationships](#), January 2021.



consideration for potential partnerships with communities, including through recognized representatives or intermediaries.

Setting engagement goals

Applicant teams should enter each engagement with a clear goal for its interaction with the group of stakeholders. Guiding questions for a discussion of engagement goals include:

- What parts of this project (e.g., location, technical components, implementation process) could be changed according to community and labor input?
- Where are the opportunities for community and labor organization input to shape what happens in the project?

Goals will vary based on project stage, but might include:

- Listening to concerns in order to provide information on specific concerns *and* collaborate on how to address those concerns
- Understanding what communities and workers identify as potential benefits and determining strategies to achieve those benefits, including through Workforce and Community Agreements
- Determining any project enhancements to maximize community benefits and support

Choosing methods of engagement and building a timeline

Applicants should clearly identify when in the project timeline engagement is expected to occur and what type of engagement is planned. For example, in the design/permitting phase, applicants might be focusing on community outreach, education, and information gathering. The method of engagement could be information sharing 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 grocery store).

It is increasingly the standard to offer a mix of virtual and in-person engagements; bear in mind that each may be more or less accessible to different groups. Some methods of engagement include public hearings, town hall meetings, open houses, informal discussions, focus groups, and virtual workshops. Each method has a specific purpose and audience, and should be used with targeted intent.

Engagement – when done right – can build trust, enable collaboration on issues or challenges earlier in the project, and lead to better outcomes and project success. This could even include offering resources to support robust engagement from community members – such as offering childcare during meetings to increase participation, offering hybrid or virtual engagement opportunities, or holding events and meetings within target communities to make participation easier. Applicants should plan to use a combination of methods and do so with transparency. They should also respond to questions and designate a person whose job it is to follow up on those questions in a timely manner.

Establishing roles and responsibilities

Applicants should be sure to define clear roles within the project team of the designated personnel to serve as representative(s) to liaise with the community. Things to consider when defining roles include preserving institutional knowledge (it is hard to maintain a relationship if the person responsible keeps changing), decision-making authority, expertise and training of individuals, integration with other project activities, language skills if applicable, and interpersonal skills. To ensure all necessary roles and responsibilities are identified, it is important to specify roles and responsibilities related to any planned partnerships with labor unions, community organizations, institutions, nonprofits, and local businesses.



Crafting milestones

Thoughtful milestones can enable successful engagement by tying engagement to project activities and decisions, creating transparency and accountability, and providing a shared vision for the project plan. Major milestones and work descriptions relevant to the plan, and those that lead to formal agreements with labor and community partners should align with and be included within the overall project schedule and workplan. Work performed under the CBP will be monitored by DOE as specified in the FOA.

Example of milestones that could be a part of a Community and Labor Engagement plan

Below is an example of a series milestones that could be a part of an applicant's plan for engaging community organizations and labor unions.

- By month two: host a listening session, invite at least three community-based organizations concerned with workforce development.
- By month four: publish a written fact sheet within the community that answer questions heard in the above-mentioned listening session.
- By month six: present these materials at least twice (at least once in-person and once virtually) and receive feedback using transcribed and digitally posted comments to record feedback. The total audience of these presentations should be a sufficient proportion of community members not affiliated with the project and should reflect at least five different community-based organizations.
- By month eight: receive written and oral comments from the community on how the project could change to respond to community concerns surfaced in the listening sessions, host an internal meeting to evaluate findings of engagement, and make a plan for incorporating these findings into project planning/decisions.
- By month ten: share a public report of prior engagements with the community to document how their feedback/input was used in project planning and let them know of future opportunities to engage in an ongoing manner throughout the project lifecycle.
- For each step, report relevant data to DOE.

III. Workforce and Community Agreements Statements

Applicants should ensure their CBP describes any plans by the applicant to negotiate Workforce and Community Agreements. A Memorandum of Understanding (MOU) with respective community, workforce development, and labor organizations committing to work toward such agreements could be a good indicator of steps taken.

Use of such agreements can facilitate community and social buy-in and specify the distribution of community and economic benefits across the project host community. Agreements can also signal expectations of including job quality and, access to jobs and business opportunities for local residents. If there are opportunities with the applicant for co-ownership or a community stake, applicants should discuss that here.

For more information on Community Agreements see the [Community Benefit Agreement \(CBA\) Toolkit](#). A section on workforce agreements is under development.



INVESTING IN THE AMERICAN WORKFORCE

In this section, applicants should describe their plans for job creation, high-quality jobs, inclusive recruitment and hiring, worker rights, workplace safety, and investments in worker training. This section can create a roadmap for how applicants plan to identify, measure, meet, and track these goals.

DOE's investments seek to create domestic energy and supply chain jobs with good pay, benefits, predictable schedules, and with affirmative assurances that workers will have a free and fair chance to join or form a union. Investing in workers includes hiring workers as employees rather than through temp agencies or as independent contractors. It also means fostering safe, healthy, and inclusive workplaces free from harassment and discrimination. Investing in American workers involves making investments in training, education, and skill development and supporting the corresponding mobility of workers to advance in their careers. By supporting such employment practices, DOE seeks to ensure that the efficiency, ingenuity, and high skill of the American workforce is the foundation of America's competitive advantage in the global energy industry and related supply chains.

Applicants may wish to cross-reference the Engagement and DEIA sections. It is important to think of the Investing in the American Workforce section as one interconnected piece of a bigger story that describes how the project will meet broader calls for justice, equity, inclusion, and quality jobs, and engagement.

Process

In preparing this part of the CBP, applicants should clearly demonstrate an understanding of the issues involved in the creation of quality jobs and the development of a diverse, skilled workforce, and address what success looks like and what changes will occur if the plan is successfully implemented.

A strong plan will look across short, medium, and long-term time horizons to cohesively and holistically map the potential to create and support high-quality jobs and workforce development. It will fully consider the benefits and impacts that the project will have on jobs and workers across every phase of the project and across dispersed geographic areas (i.e., both within and beyond the project community). Effective plans will also build on, and work in concert with, the Engagement and DEIA plans. This includes discussion of Workforce Agreements and could also include using the social characterization assessments and stakeholder analyses to understand community needs and priorities, then identifying opportunities to tailor workforce development to support these aims.

Applicants are encouraged to review the [Community Benefits Plan Frequently Asked Questions \(FAQs\)](#)¹ for additional information.

Plan Elements

I. Background

The applicant should briefly describe the team's efforts to attract, train, and retain a skilled and well-qualified workforce for the project. Applicants may briefly include information on proactive engagements or existing relationships with community and labor organizations (or reference the Engagement section); prior experience with Project Labor Agreements, Community Workforce Agreements, or other Collective Bargaining Agreements; lessons learned from prior efforts to provide quality jobs and equitable workforce development; and any other relevant information.





II. Quality Jobs

Applicants should be sure they include a cohesive description of plans to attract, train, and retain a skilled and diverse workforce for both construction and ongoing operations, production, and maintenance to ensure project stability, continuity, and success. The anticipated quality of jobs may be indicated in a variety of ways—for example through specifying wages, benefits, opportunities for wage progression, or classification as employees. Collective bargaining agreements, including project labor agreements, are another way to signal quality jobs—applicants should discuss plans for pursuing such mechanisms in the Engagement section.

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

III. Workforce Development

The applicant should provide a cohesive description of the plans to invest in workforce education and training, support workers' skill acquisition and opportunities for advancement, and utilize an appropriate credentialed workforce. To plan for this, the applicant will need to understand how the local labor force matches up with project needs, how the training and education opportunities can align with project needs, and how recruitment strategies should fit the local community.

Workforce training, education, and development

Applicants should describe the broader workforce training and education landscape relevant to project needs. Applicants may identify any existing programs in the project community and the potential for those programs to meet project needs, as well as to ensure those project needs can be met by a locally trained workforce. In addition, applicants may wish to identify plans to retain or transition displaced fossil energy workers to project-related jobs. This is a good time to cross-reference plans for labor-related engagement.

Continuing advancement and skill acquisition

Applicants may describe the mechanisms and/or steps the applicant will take to provide continuing workforce education, professional development, skill acquisition, and opportunities for advancement with increased experience. Additionally, applicants can signal commitment to 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. Applicants should describe plans to 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.

IV. Worker Rights

If applicable, applicants should discuss the steps they will take to support the rights of workers to join or form unions of their choosing, ensure project success and continuity, address health and safety in a way that ensures worker engagement in these plan designs, and track and address retention. This should include describing 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 (consistent with the Engagement section).

Worker organizing

Applicants should discuss how they will communicate and ensure employees have the free and fair chance to join or form a union. This engagement can facilitate project efficiency and continuity, and support multiple public benefits. Applicant should explain how they will affirmatively support worker organizing, providing concrete examples such as a commitment to negotiate a Project Labor Agreement (PLA) for construction activity, a pledge to remain neutral during any union organizing campaigns, intention or willingness to permit union recognition through card check (as opposed to



requiring union elections), intention or willingness to enter into binding arbitration to settle first contracts, pledge to allow union organizers access to appropriate onsite non-work places (e.g. lunch rooms), a pledge to refrain from holding captive audience meetings⁹, or other supportive commitments or pledges. This description should include information on both construction and ongoing operations.

Creating a safe work environment and a culture of safety

Applicants should describe in specific terms how workers will be involved in the design and implementation of actions, policies, and procedures to ensure that workplaces are safe and healthy for workers. Such specificity could include the number of hourly worker on health and safety committees, frequency of meetings, trainings provided, etc. The plan may describe 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.

Retention

Tracking retention rates can help businesses minimize attrition costs, surface workplace concerns, and identify where improvements need to be made. They also help identify employee satisfaction. Plans may include tracking overall retention and voluntary and involuntary turnover rates.

V. Strategies, Milestones, and Timelines

Applicants should describe targeted outcomes and implementation strategies, including milestones, for this section of the Plan, which should be linked to the applicant’s overall schedule for execution. Additionally, applicants are recommended to support this section with metrics to measure the success of the proposed actions.

Example of moving from goal to outcome to implementation

The initial stakeholder engagement for your project revealed that, among the local population, levels of unemployment are high and educational attainment is relatively low. Thanks to your project planning, you can anticipate that you will need full-time skilled workers to maintain and operate certain aspects of the project once construction is complete in two to three years. Your engagement also revealed that only a small number of local workers already possess the relevant skills for these particular roles. You want your project to support the local population, and you also hope to hire employees who will be able to grow with the project over the long term in order to limit turnover and strengthen in-house expertise.

One **goal** you establish is to train and employ local people on your project in order to reduce unemployment among the local population.

You may set an **outcome** that a defined percentage goal of your full-time skilled workers will come from the surrounding community.

Your **implementation strategy** may involve working with nearby high schools, community colleges, Minority Serving Institutions (MSIs), and other training centers to develop and deliver a registered apprenticeship program that will train local individuals with the skills needed to fill future project roles.

⁹ “Captive audience” meetings refer to the standard practice among employers of meeting with employees during union organizing campaigns to express the employer’s view of the possible negative effects that unionizing may have on the general workforce. These meetings can be mandatory and take place on company property during working hours.



DIVERSITY, EQUITY, INCLUSION, AND ACCESSIBILITY (DEIA)

The Diversity, Equity, Inclusion, and Accessibility (DEIA) section should highlight how the applicant team will encourage the participation of underserved communities and underrepresented groups in the projects, and ensure equitable access to business opportunities, good-paying jobs, career-track training, and other economic opportunities. **The process for generating a DEIA plan can and should overlap with activities in the Workforce and Justice40 sections, and applicants can reference these components as applicable.**

The Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce¹⁰ 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 minority groups—blacks or African Americans, Hispanics or Latinx, and American Indians or Alaska Natives—are vastly underrepresented in the STEM (science, technology, engineering and math) fields that drive the energy sector. That is, their representation in STEM education and STEM employment is smaller than their representation in the U.S. population.¹¹ For example, in the U.S., Hispanics, African Americans and American Indians or Alaska Natives make up 24 percent of the overall workforce, yet only account for 9 percent of the country’s science and engineering workforce. DOE seeks to inspire underrepresented Americans to pursue careers in energy and support their advancement into leadership positions.¹²

¹⁰ [Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#), June 2021.

¹¹ National Science Foundation, *Women, Minorities, and Persons with Disabilities in Science and Engineering*: <https://nces.nsf.gov/pubs/nsf19304/digest/about-this-report>, 2019.

¹² U.S. Department of Energy [Minorities in Energy Initiative](#)



Process

The process for generating a DEIA plan can and should overlap with activities in the Workforce and Justice40 sections, and applicants can reference these components as applicable. Some common steps to create a DEIA section include:

- Formulate **why** the applicant is creating a DEIA plan for this project, beyond funding requirements.
- **Assess** the current state of diversity, equity, inclusion, and accessibility in the organization and the economic opportunities (e.g., job opportunities, contracting opportunities, opportunities for suppliers) created from the project
- Develop **goals and desired outcomes**.
- **Identify partnerships** critical to reaching desired goals and outcomes.
- Develop **implementation strategies** to reach those outcomes.

A good DEIA plan will include milestones, roles and responsibilities for who is executing the plan, timelines, mechanisms for tracking progress, and ensuring accountability. A good DEIA plan is also one the applicant organization will act upon to implement.

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

There is a history of well-intentioned but rushed and not-fully-considered DEIA work that creates additional harms or burdens for underrepresented groups. 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. It is also critical to avoid tokenization – the practice of making only a perfunctory or symbolic effort to be inclusive to members of minority groups, especially by recruiting people from underrepresented groups in order to give the appearance of racial or gender equality within a workplace or educational context. The de-facto assumption or expectation that individuals speak for or represent views from an entire group should also be avoided.

Applicants should also include plans for addressing systematic barriers to access to avoid occupational segregation. Wrap-around services, comprehensive support services, and more can work to remove such barriers and provide improved access to opportunities.

Plan Elements

I. Background

The applicant should describe efforts relevant to DEIA within the applicant's organization including any relevant accountability mechanisms. It should also describe efforts to advance DEIA related to suppliers, partners, and other relevant entities, diversity of the broader workforce and wealth building opportunities. The description may include a discussion of how the DEIA work fits in with the larger organization's strategy or include key data points, charts, or graphs.

II. Strategies, Milestones, and Timelines

Applicants should describe targeted outcomes and implementation strategies, including milestones, work descriptions, and a timeline for execution. The DEIA Plan schedule should define the timeline on the same schedule as the Integrated Project Schedule (IPS) and Workplan.



Example of moving from goal to outcome to implementation

Within your company, you lead a team pursuing a clean energy development project in the county where your company is located. You are at the early planning stages and are thinking through ways to increase meaningful actions on DEIA in your project—you want your project to be an example for your broader company on how to do this. Your initial analysis showed that the current demographic makeup of your company, and especially the leadership roles, are whiter and more male than the county demographics.

Perhaps you develop one **goal** (among several) to increase the diversity of the workforce on this project relative to what is in your company and the workforce of similar prior projects.

You may set an **outcome** that the workforce on the project is approximately reflective of the demographics of the county the project is in.

Your **implementation strategy** may involve things like working with nearby MSIs to advertise STEM positions within your company that are needed to support this project, working with HR to develop a system to track and report key metrics related to this project and to create a transparent mechanism for improvement over time, and hiring an expert to consult on ensuring workforce development and sub-contracting project activities incorporate DEIA throughout.

Below is a list of actions that can serve as examples of ways the project could incorporate diversity, equity, inclusion, and accessibility elements. A good DEIA plan will include both **outcomes** and **implementation strategies** in at least one of these three areas. Please note there may be important DEIA activities that do not fit into these three areas.

- **Organizational and cultural change:** Create or contribute to existing diversity, equity, inclusion, and accessibility programs at the applicant's organization
- **Including, collaborating with, and contracting with persons from underrepresented groups**
- **Education and outreach: Consider DEIA when sharing knowledge or results**
- **Sustainability:** Consider DEIA leadership engagement, DEIA organizational structure and resources, and DEIA integration.

In addition to describing any plans for partnerships with MSI, Minority Business Enterprises, Minority-Owned Businesses, Woman-Owned Businesses, 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. Applicants may describe geographically targeted outreach (e.g., presentations at job fairs) in communities, use of banners and billboards near the proposed project, online advertising, and other plans for making sure people have equitable access to career-path employment. This can reference Workforce and Justice40 sections as applicable.

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



JUSTICE40 INITIATIVE

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. Applicants should submit a Justice40 Initiative section within the CBP that describes plans to address energy and environmental justice (EEJ), which will maximize the likelihood of successful advanced energy property projects. Meaningful engagement with impacted communities is a key component of environmental justice and is covered in detail as part of the engagement section.¹³

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—and as such closely relates to meaningful engagement as described in the engagement section.

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).

The Assessment and Implementation components of the Justice40 section tend to focus more on distributive justice (i.e., analyzing the distribution of negative impacts and benefits) than procedural justice (i.e., meaningful involvement in decision-making). It is recommended that applicants develop the engagement section together with the Justice40 Initiative and other sections of the CBP.

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.”¹⁴ 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 14008, Tackling the Climate Crisis at Home and Abroad.¹⁵ Section 223 of that Executive Order established the Justice40 Initiative¹⁶, 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 housing, training and

¹³ The CBP and Environmental Considerations Summary (required as part of the FOA application) and the Environmental Information Volume (required as a deliverable for selected projects) will be used by DOE to determine the required level of NEPA review (categorical exclusion, environmental assessment, environmental impact statement) and will inform DOE’s NEPA analysis. Consistent with NEPA, DOE will evaluate potential beneficial and adverse ecological, aesthetic, historic, cultural, economic, social and health impacts. Information included in the CBP will also be used in DOE’s NEPA analysis, particularly with respect to the analysis of potential impacts to communities.

¹⁴ U.S. Department of Energy [Office of Economic Impact and Diversity](#)

¹⁵ [Executive Order \(EO\) 14008](#), “Tackling the Climate Crisis at Home and Abroad,” January 27, 2021.

¹⁶ 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>



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 E.O. 14008 and the Office of Management and Budget's Interim Justice40 Implementation Guidance M-21-28, DOE recognizes disadvantaged communities as defined and identified by the White House Council of Environmental Quality's Climate and Economic Justice Screening Tool (CEJST).¹⁷ DOE would prefer that funding recipients use 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.¹⁸

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.

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

Does this mean that 40% of the benefits of our project have to go to disadvantaged communities?

The 40% is not on a per-project basis—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 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 do not result in significant or permanent increased negative impacts to the disadvantaged community. Doing a CBP well is one way to guard against increased negative impacts.

What if my project is not in a disadvantaged community? Or what if no one lives around it?

The Justice40 Initiative section is required regardless of whether or not a project or work site is located within a disadvantaged community. Because the Justice40 Initiative includes a wide range of environmental, economic, health, and other social benefits that may accrue across many locations, it is again very likely that components of this section can and should overlap with activities in other CBP sections, and applicants can reference these components as applicable.

Applicants are encouraged to think broadly about project impacts and creatively about ways to provide benefits to disadvantaged communities even if the main project work site itself is not located in a disadvantaged community. For example, benefits and negative impacts can occur throughout the lifecycle of the project including project inputs, waste-streams, and decommissioning. Applicants are encouraged to consider modifications to technical parameters and project cost plans to support the delivery of these benefits.

For example, a project that remediates legacy soil pollution on a site, where the remediation is required prior to construction on that site, could provide benefits to a disadvantaged community downstream

¹⁷ U.S. Council on Environmental Quality [Climate and Economic Justice Screening Tool](#)

¹⁸ U.S. Department of Energy [Justice40 Implementation Guidance](#)



that had previously been subject to leaking by reducing or eliminating the leakage of soil pollution into the river. Applicants could also partner with a nearby worker training program to train workers for the project that serves individuals from disadvantaged communities.

Process

For the CBP, there are four elements that applicants must include. These parts make up the Justice40 Initiative section of the CBP:

1. Identification of applicable DACs to which the anticipated project benefits will flow;
2. Identification of applicable benefits that are quantifiable, measurable, and trackable including, at a minimum, a discussion of the relevance of each of the eight (8) DOE Justice40 Initiative benefits¹⁹;
3. A description of how and when anticipated benefits are expected to flow to DACs; and
4. A description of anticipated negative and cumulative environmental impacts on DACs.

A good Justice40 section will include very specific benefits and negative impacts—and display an understanding of how these impacts unfold over time—and propose methods for measurement, tracking, and reporting of those impacts, as well as opportunities for communities to engage in defining and monitoring these impacts. Good plans will define concrete actions to maximize benefits to disadvantaged communities and minimize negative impacts, and milestones, timelines, roles and responsibilities for who is implementing the plan. A good Justice40 plan is also one the applicant organization will take real, meaningful steps to implement. This requires securing buy-in from every individual who has a role or responsibility related to the plan.

Guidance on each of these Justice40 elements for inclusion follows in the sections below.

Plan Elements

I. Identifying Disadvantaged Communities

In this section, applicants must first determine which communities and groups of people would be impacted by their proposed project and then identify which communities are disadvantaged communities in whole or in part. Impacts to groups, communities, and Tribal Entities should be considered for all inputs and outputs along the full lifecycle of the project and facility, in addition to impacts at the project site(s) or work location(s). While doing this, applicants can attempt to identify the factors that contribute to the inequalities faced by disadvantaged communities, which is directly addressed in the following section. If none of the impacted communities are disadvantaged communities, applicants should provide a detailed explanation to support this conclusion.

II. Assess project benefits and where they flow

Here, the applicant should describe anticipated project benefits, including to the greatest extent possible metrics and units of measurement that can be used to track these benefits, where/to whom benefits will flow, and to what extent they will accrue in disadvantaged communities. Applicants should also describe the extent to which benefits align with community priorities identified in their community engagement work. Applicants will track benefits throughout the project and report benefits data to DOE.

Benefits include environmental, economic, health, social, or other benefits, including benefits defined by impacted communities. While tracking benefits may include tracking direct investments, benefits are much broader than direct investments. DOE's eight policy priorities are recommended to consider

¹⁹ For more details visit <https://www.energy.gov/diversity/justice40-initiative>



when assessing project benefits in disadvantaged communities. **For examples of metrics that could be used for DOE's 8 policy priorities, see the [Community Benefits Plan Frequently Asked Questions \(FAQs\)](#).**¹

Not all of these benefits will apply to every project and projects may have benefits that are not in this list. Applicants should carefully consider and assess the impacts appropriately for their project. Benefits that are relevant for a particular applicant will depend on the project and the location, as well as on 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.

Benefits should be quantifiable, measurable, and trackable to the greatest extent possible. It is likely that applicants include qualitative alongside quantitative benefits. Benefits will be reported to DOE and tracked throughout the project.

III. Assessing how/when benefits will flow

Once project benefits are identified, applicants should provide an initial assessment of how/when they will flow during the project. Some factors that may impact the flow of benefits could include the mechanisms by which the benefits listed will accrue in different communities or groups; social, economic, geographic, or other barriers that would prevent a specific benefit from accruing in a particular community or group; existing plans or relationships that would affect how benefits are likely to flow; or 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.

Timeframes over which benefits will accrue may be impacted by geographic areas and whether benefits are evenly distributed within this geographical area. For example, benefits without a clearly defined geographical area of effect might encounter factors that impact which groups are most likely to receive project benefits.

IV. Assess negative impacts and where they flow

In the final section, applicants should describe anticipated project negative impacts; where and to whom those negative impacts will flow, including the extent to which they will accrue in disadvantaged communities and how they interact with existing and/or cumulative burdens. Negative Impacts will be reported to DOE and tracked throughout the project.

In this element, applicants can also include any impacts which are neutral/uncertain or otherwise not included in the "benefits" section. Because in some cases different groups or communities could experience the same impact as a benefit, disbenefit, 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.

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



Illustrative Example of a Project Benefit

A project benefit could look like the following:

- You may have identified that a **benefit** from your project is the remediation of legacy soil contamination on the project site, which is adjacent to a public park and several homes.
- A **metric and unit** could be soil lead level (ppm lead), which you plan to reduce from the current **value** of 1600 ppm to below 400 ppm.
- **Temporally**, this benefit will begin to accrue after remediation is complete and continue in perpetuity, for at least as long as the duration of the project but likely much longer.
- The **data type** is empirical/measured, and the **collection methodology** is that soil samples will be collected and tested prior to and after remediation.
- That the **area of impact** will be the project site location boundaries and the properties directly adjacent to the project site, which include one block of homes and the park.
- This **benefit will flow** directly to two communities/groups: 1) those that live in the homes directly adjacent to this property, where soil from the property may blow into their yards, and 2) visitors to the park adjacent to the property.
- You determine that 100% of the homes in the block adjacent to the project are classified as **disadvantaged communities** per DOE's working definition. You estimate by drawing a five-mile radius around the park, in which approximately 60% of the area is disadvantaged and 40% is not. You recognize that the apportionment of *benefits* is unknown due to unknown rates of park utilization by different communities.
- You note that this benefit aligns well with **community priorities**, as residents have been advocating for remediation at this site for over seven years.
- You also know that this process could have negative impacts associated with extracting the soil and the potential for increased airborne lead during that phase and are working with community groups to develop a plan to mitigate and communicate those risks.

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.

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.²⁰ Assessing how potential negative impacts may compound or add to existing burdens is crucial to energy and environmental justice. Applicants should clearly describe the extent to which project negative impacts could exacerbate existing burdens in disadvantaged communities.

²⁰ 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.



Illustrative Example of a Project Negative Impact

A project disbenefit/harm could look like the following:

- You may have identified that your project will result in a permanent increase in truck traffic, which has three potential **negative impacts**: (1) increase in safety risk from accidents, (2) increase in dust and noise pollution, and (3) increase in tail pipe emissions.
- You define three separate sets of **metrics and units** corresponding to each impact, respectively: (1) number of accidents, (2) change in noise level (dB) and change in visibility (mi), and (3) lb Nox, HC, SO₂, PM, and Ozone emitted.
- The **data type(s), sources, and methodologies** for measuring the three potential negative impacts are, respectively: (1) estimated from typical rates of accidents for industrial projects in areas of similar population density; (2) TBD/unknown; and (3) calculated based on the expected number of trucks, miles driven, and typical exhaust emissions for similar trucks.
- **Temporally**, because you have enumerated construction-phase impacts in a separate impact, this impact will begin after construction and continue for the duration of the site (expected to be 20 years).
- For the initial assessment you analyze the two stretches road that you know trucks must use and estimate that all **negative impacts** will accrue within 0.25-mile radius of the road (your final route and impact area will be refined and updated later on).
- Therefore, the **negative impacts will flow** to those who live, work, and/or recreate within 0.25 miles of that known road.
- In that area, you determine that 20% is classified as **disadvantaged communities** per DOE's working definition.
- Further analysis and assessment of **cumulative burdens** also shows that a nearby community has limited access to parks, libraries, and grocery stores, all of which require crossing a road that could become more dangerous and congested if chosen for project truck routing – motivating further work to find alternatives that avoid this disbenefit/harm.

HAVE MORE QUESTIONS?

If you have further questions, please email them to MESC@hq.doe.gov.

