Instructions to Federal Agencies on Using the Climate and Economic Justice Screening Tool ("CEJST Instructions")

Council on Environmental Quality

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I. Introduction

A. What is the Climate and Economic Justice Screening Tool (CEJST)?

The Climate and Economic Justice Screening Tool (CEJST) is a critical component of the Biden-Harris Administration's historic commitment to addressing environmental justice. In Executive Order 14008 (EO 14008) on *Tackling the Climate Crisis at Home and Abroad* (January 27, 2021), President Biden directed the White House Council on Environmental Quality (CEQ) to develop a geospatial mapping tool to identify disadvantaged communities. These communities have been marginalized by society, overburdened by pollution, and underserved by infrastructure and other basic services.

The CEJST uses publicly-available, nationally-consistent datasets to identify disadvantaged communities. The datasets are indicators of burdens that disadvantaged communities face. These burdens are related to climate change, the environment, health, and economic opportunity. The CEJST features a user-friendly, searchable map of all 50 states, the District of Columbia, and the U.S. territories. Communities are considered disadvantaged if they are in census tracts that meet the thresholds for at least one of the tool's categories of burden, or if they are on lands within the boundaries of Federally Recognized Tribes. Census tracts are the smallest geographic unit for which reliable, nationwide data exist to support the CEJST methodology. The tool utilizes the census tract boundaries from 2010 because many of the data sources in the tool use those boundaries. More information about the CEJST methodology, datasets, and downloadable files, can be found on the CEJST website at https://screeningtool.geoplatform.gov. The CEJST Technical Support Document (TSD), also available on the CEJST website, provides additional details about the tool.

On November 22, 2022, CEQ launched version 1.0 of the CEJST. Version 1.0 incorporates feedback CEQ received on the beta version of the tool. The beta version of the tool was released on February 18, 2022, with support from the U.S. Digital Service and in collaboration with other Federal agencies and departments, in order to solicit feedback from Federal agencies, Tribal Nations, State and local governments, Members of Congress, environmental justice stakeholders, and the public.

B. How will Federal agencies use the CEJST?

The CEJST is designed to help Federal agencies identify disadvantaged communities, including for the purposes of the Justice40 Initiative.

In conjunction with the release of these Instructions, the Office of Management of Budget, CEQ, and the Climate Policy Office have issued an Addendum to the Interim Implementation Guidance for the Justice40 Initiative, M-21-28, on using the Climate and Economic Justice Screening Tool (CEJST), M-23-09 (January 27, 2023) ("Addendum to the Justice40 Interim Guidance"). The Addendum to the Justice40 Interim Guidance directs Federal agencies to transition to using the CEJST to identify disadvantaged communities that can be geospatially mapped, i.e., the individuals live in geographic proximity to one another.[1] Until now, agencies have identified disadvantaged communities using a set of criteria outlined in Section I of the Interim Implementation Guidance for the Justice40 Initiative ("Justice40 Interim Guidance"), M-21-28 (July 20, 2021).

The Addendum to the Justice40 Interim Guidance directs Federal agencies to refer to these Instructions to Federal Agencies on Using the Climate and Economic Justice Screening Tool ("CEJST Instructions") for information on how to use the tool. As discussed in greater detail below, the CEJST will be updated at least annually. These Instructions will continue to apply to future versions of the CEJST until any subsequent instructions are issued by CEQ.

C. What is the Justice40 Initiative?

President Biden created the Justice40 Initiative in EO 14008 to deliver 40 percent of the overall benefits of certain Federal investments to disadvantaged communities. As set forth in the Justice40 Interim Guidance, these investments relate to seven areas: climate change; clean energy and energy efficiency; clean transportation; affordable and sustainable housing; the remediation and reduction of legacy pollution; critical clean water and waste infrastructure; and training and workforce development.

The Justice40 Initiative recognizes that, for far too long, communities across our country have been underserved and have faced cumulative environmental injustices. These communities face a broad range of disproportionate burdens: they may experience greater health risks due to toxic pollution, may suffer more severe impacts from climate change such as heatwaves and extreme weather, and they may continue to lack access to clean water and clean air. The Biden-Harris Administration is focused on addressing these inequities and injustices to improve the health and well-being of communities across

[1] Federal agencies may also identify disadvantaged communities that are "a geographically dispersed set of individuals (such as migrant workers or Native Americans), where [the] group experiences common conditions." Interim Implementation Guidance for the Justice40 Initiative, M-21-28 at 2 (July 20, 2021).

our country. Through the Justice40 Initiative, the Biden-Harris Administration is investing in tangible solutions that make people's lives better, such as creating new jobs and building more resilient communities.

The Justice40 Initiative is not a one-time investment, nor a single pot of money. Rather, it is a broad effort to improve how the government distributes the benefits of its many programs. Existing and new programs—including programs created by the President's Inflation Reduction Act, the Bipartisan Infrastructure Law, and the American Rescue Plan—are covered by the Justice40 Initiative if they meet the eligibility requirements. To meet the goal of the Justice40 Initiative, agencies are changing their programs to ensure the benefits reach disadvantaged communities.

II. Using the CEJST

These Instructions provide direction to Federal agencies on how to use the CEJST. CEQ is also available to help any Federal agencies that need additional assistance in understanding how to use the CEJST for resource allocation purposes. Federal agencies can direct questions to CEJST@ceq.eop.gov.

A. How to use the CEJST to identify and prioritize disadvantaged communities

Federal agencies will use the CEJST to help identify disadvantaged communities. Agencies should ensure that they either use the CEJST website directly or download the data on disadvantaged communities from the CEJST website. Agencies should not, for instance, use information obtained through an alternative ArcGIS server. This is an important step to ensure that Federal agencies do not risk using a list of communities that is outdated or inaccurate.

The CEJST uses datasets that are indicators of burdens. In combination, they reflect the multiple ways that a community may be experiencing burdens. The CEJST identifies disadvantaged communities using all of the indicators of burden included in its methodology. Because of this, agencies should use the *entire* list of identified disadvantaged communities as a starting point. The burdens are organized into categories in order to demonstrate their relationship to the priorities that President Biden identified in EO 14008 on Tackling the Climate Crisis at Home and Abroad. Section 222 of the executive order directed CEQ "to create a geospatial Climate and Economic Justice Screening Tool and . . . annually publish interactive maps highlighting disadvantaged communities." Section 219 of EO 14008 provides:

> Agencies shall make achieving environmental justice part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts. It is therefore the policy of my Administration to secure environmental justice and spur economic opportunity for disadvantaged communities that have been historically marginalized and overburdened by pollution and underinvestment in housing, transportation, water and wastewater infrastructure, and health care.

In addition, Section 223 provides that recommendations for the Justice40 Initiative shall focus on:

> how certain Federal investments might be made toward a goal that 40 percent of the overall benefits flow to disadvantaged communities. The recommendations shall focus on investments in the areas of clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of critical clean water infrastructure.

In order to ensure that the CEJST methodology reflects President Biden's priorities set forth in EO 14008, the burdens included in the CEJST are organized into eight categories: climate change, energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development.[2] The CEJST methodology was developed to reflect what EO 14008 makes clear—that disadvantaged communities face numerous challenges because they have been marginalized by society, overburdened by pollution, and underserved by infrastructure and other key services.

Disadvantaged communities should not be defined by looking at just one category. The CEJST definition of disadvantaged communities was not designed to produce separate lists for each category of burdens. Insufficient analysis has been conducted of using the methodology that way to ensure reliability when looking at just a single burden or category of burden. Rather, all agencies should use the entire list of disadvantaged communities identified by the CEJST as a starting point.

Agencies may prioritize within the list of disadvantaged communities. Agencies may use their own data and metrics to prioritize certain communities within the set of disadvantaged communities identified by the CEJST, to the extent permitted by law. In addition, agencies may choose to prioritize disadvantaged communities that meet the thresholds for a larger number of burdens or categories, or may prioritize disadvantaged communities that face burdens relevant to an agency's program.[3] The CEJST download files (i.e., spreadsheets) also contain information about the number of burdens and categories that are met. The CEJST data are also available for download in shapefile format, which will enable ArcGIS users to select indicators to further prioritize communities. The CEJST Technical Support Document provides additional information on the kind of information available in the CEJST data download files, all of which may assist with the prioritization process.

If agencies decide to target certain disadvantaged communities identified by the CEJST, they should use best efforts to ensure that Notice of Funding Opportunities (e.g., Funding Opportunity Announcements,

[2] This categorization also enables CEQ to understand where additional nationwide data sources are needed. For example, the data team has been working to identify additional indicators for the water and wastewater quality category due to the lack of relevant data currently available at the census tract level.

[3] The CEJST currently does not rank disadvantaged communities based on cumulative burden due to challenges in identifying a methodology that would be suitable for the entire Nation and the Territories. However, a future version of the CEJST may better reflect cumulative burdens. Until that point in time, agencies have discretion to prioritize communities in a way that approximates this goal, i.e., by giving greater priority to communities that face numerous burdens as compared to those that only face one or two.

Requests for Applications, etc.) and other application materials clearly communicate prioritization criteria.

B. Transitioning to the CEJST

The Addendum to the Justice40 Interim Guidance directs Federal agencies to use best efforts to transition to using the CEJST as expeditiously as possible. CEQ is happy to work with agencies to ensure that the transition occurs smoothly.

C. CEJST update schedule and addressing potential changes to the list of disadvantaged communities

CEQ will update the CEJST at least annually each year, as directed by EO 14008. The annual update is expected to coincide with the start of each Federal Fiscal Year. Knowing the frequency and timeline for CEJST updates helps Federal agencies know when the list of disadvantaged communities might be updated. It also helps members of the public and other stakeholders know how they can provide feedback in a timely manner, which could affect the release of a subsequent version of the CEJST.

CEQ will update the CEJST with several goals in mind. First, the updates will ensure that the tool captures the most relevant data sources that are available at the census tract level. Second, the updates will enable CEQ to improve the underlying methodology to ensure that the tool reflects lived experiences of communities that are marginalized by society, overburdened by pollution and underserved by infrastructure and other services. Third, the updates will enable CEQ to incorporate additional feedback from Federal agencies as they use the tool. Fourth, the updates will incorporate the 2020 census tract boundaries once the datasets relied on by the CEJST include those boundaries. Finally, user feedback about the functionality of the tool and the experience of using the tool can be addressed through these updates. Each update will occur after appropriate notice and engagement with Federal agencies, Tribal Nations, State and local governments, Members of Congress, environmental justice stakeholders, and the public.

Each updated version of the CEJST will have a different version number. A major release that updates the list of communities identified as disadvantaged will be marked by an increase in the version number to the left of the decimal point (e.g., version 1.0 will change to version 2.0). A minor release that updates functionality, performance, security, or other topics, but does not change the list of communities identified as disadvantaged will be marked by an increase in the version number to the right of the decimal point (e.g., version 1.0 will change to 1.1).

Any update to the CEJST will potentially add some census tracts as disadvantaged communities and potentially remove others from the list. These changes could create challenges. For instance, an agency may offer technical assistance or engage in outreach to a community because it was identified as a disadvantaged community in the CEJST. This important work could be disrupted if, in the midst of these outreach activities, the CEJST is updated and that community is no longer on the disadvantaged community list. If the list is updated in the midst of a funding cycle, an agency may not know whether to look at the list at the time that a Federal investment application is submitted or by the time a Federal investment is awarded. Changing lists of disadvantaged communities could create similar complications

for community members and applicants for Federal benefits as they try to apply for funding for which they might be prioritized.

The CEJST will use a "grandfathering" approach to avoid any potential problems that could occur when a major update to the CEJST changes the list of disadvantaged communities. If a census tract loses its status as a disadvantaged community due to an update to the CEJST, that census tract will be "grandfathered" in as a prioritized community for at least the next two years. The CEJST map will display all current and grandfathered communities, but it will do so in a manner that allows for these groups to be distinguished. Similarly, the associated data download files will also differentiate between census tracts that are identified as disadvantaged communities under the current version of the CEJST and those that are included due to grandfathering. Through this grandfathering approach, major updates to the CEJST can occur with minimal disruption to Federal agencies, applicants of Federal funding, and other users of the tool.

To illustrate, here is an example of how this grandfathering approach would work in practice for a tract that is identified as disadvantaged by the CEJST methodology in 2022, but that is not identified as disadvantaged in subsequent years.

Year	Status of census tract according to the CEJST in FY 2022	Will the census tract be "grandfathered" into the list of disadvantaged communities?
FY 2022	Disadvantaged	Yes
FY 2023	Not disadvantaged	Yes (based on list of disadvantaged communities in 2022)
FY 2024	Not disadvantaged	Yes (based on list of disadvantaged communities in 2022)

D. Translating between census tracts and other geographic units

CEJST generally defines disadvantaged communities at the level of the census tract, which is the smallest geographic unit for which reliable, nationwide data exist to support the CEJST methodology.[4] However,

[4] The CEJST Technical Support Document provides additional detail on the reasons that the census tract level was selected as the relevant geographic unit. In addition, the CEJST also displays the lands of Federally Recognized Tribes, which do not always correlate with the boundaries of census tracts. In some instances, a census tract that does not meet any of the burden thresholds in the tool contains the lands of Federally Recognized Tribes. Only the parts of the tract that are the lands of Tribes are considered disadvantaged. The tool will display this type of census tract as "partially disadvantaged."

many Federal benefits are not allocated at the census tract level. Instead, Federal benefits may flow to counties, city governments, regional bodies, individual households, and other site addresses.[5]

Agencies should use best available methods or techniques to translate between geographic units. Ideally, an agency could evaluate where the benefits actually accrue within larger geographic units. For instance, even if funding is provided at the county or city level, agencies may be able to identify the census tracts within particular neighborhoods that are benefitting the most. Where necessary, statistical estimates can be used. For example, one possible option is to use a weighted population formula to identify the proportion of benefits going to disadvantaged communities from a particular program. To do this, an agency would first identify the unit's weighted percentage of population that lives in census tracts identified as disadvantaged communities in the CEJST. The agency would then apply that same percentage to the overall benefits of the larger geographic unit to identify the benefits that are being delivered to disadvantaged communities. Another possible option is to simply calculate the percentage of the geographic unit (i.e., city, county or zip code) that is comprised of census tracts identified as disadvantaged communities. However, a potential downside to this approach is that census tracts do not have equal populations. According to the U.S. Census Bureau, census tracts can range between 1,200 and 8,000 people, with an ideal size of about 4,000 people. As agencies develop methods translating between geographic units, they are encouraged to share their promising practices.

III. Conclusion

The CEJST is a geospatial mapping tool that EO 14008 directed CEQ to develop in order to identify disadvantaged communities. These are communities that have been marginalized by society, overburdened by pollution, and underserved by infrastructure and other basic services. These CEJST Instructions are intended to provide greater clarity to Federal agencies on how to use the CEJST. These Instructions also enable potential applicants of Federal funding, potential beneficiaries of Federal programs, members of the public, and other stakeholders to understand how and when the CEJST will be used by Federal agencies. Unless and until different instructions are provided, these CEJST Instructions apply to all versions of the CEJST.

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[5] It is also important to assess whether investments made to a large geographic unit, such as to a state, will actually result in benefits targeted towards disadvantaged communities.