

# States Going "All-In" on Justice in Climate Action

Bradley Phelps, Kathleen Kennedy, Shannon Kennedy, Jocelyn Lewis-Johnson, Camryn Dahl

August 2024

Center for Global Sustainability at the University of Maryland

## BACKGROUND

Efforts by environmental justice (EJ) communities, advocates, researchers, and policymakers are pushing states to adopt programs and policies explicitly aimed at raising EJ to match mitigation efforts as states rapidly transition to a clean economy for all. From setting up commissions and task forces to passing laws, states are moving to prioritize and operationalize EJ values and concerns. As states pursue decarbonization and climate action, justice, a multidimensional concept conceived here by drawing from energy justice and just transition literature, will continue to be important during energy transitions and technology adoptions.<sup>1 2</sup> The speed of technology adoption will require trust between state and local governments, as well as the public. As was learned throughout the COVID-19 pandemic, building and maintaining trust is vital as the government communicates in a changing world.<sup>3</sup> Furthermore, states play a unique role in providing local context and political coalition-building needed to advance policies for climate action as well as maintaining EJ priorities.<sup>4</sup>

Continuous, clear, and genuine community engagement helps maintain public support for public policies.<sup>3</sup> Including diverse and trusted community groups ensures a wide reach of public engagement and communication.<sup>3</sup> States have a unique role to play in decarbonization; while the federal government has financial resources from the Bipartisan Infrastructure Law and Inflation Reduction Act, localized needs require states to be involved in energy and technology transitions.<sup>4</sup>

As part of this unique role, states have the opportunity to integrate a holistic approach to addressing justice issues into decarbonization pathways through four key elements: restorative, recognitional, procedural, and distributive justice.

## FOUR ELEMENTS OF A HOLISTIC JUSTICE AND DECARBONIZATION PATHWAY:



**Restorative Justice:** Leverage decarbonization policy to directly address historical injustices and damages inherent to the disproportionate impacts of climate change and environmental pollution.



**Recognitional Justice:** Identify and acknowledge policymaking that led to environmental and energy access injustices as well as power disparities along social, political, and economic dimensions.



**Procedural Justice:** Bring diverse voices, especially those disproportionately impacted by climate change, into the policymaking process.



**Distributive Justice:** Ensure equitable access to funding and opportunities, prioritizing benefits for disadvantaged communities.

To mobilize these elements of a holistic justice and decarbonization pathway, we make several recommendations with explicit actions and linked resources. While some recommendations might fall under multiple elements, the differentiation serves as a guide to ensure a broad coverage of justice in this context. Overall, stakeholder engagement is a critical component across each element, and this initial framework seeks to harmonize justice and decarbonization goals by placing equitable engagement at the heart of policymaking. This brief provides state policymakers with recommendations and potential actions to realize justice in decarbonization and climate action policies and programs.

## ELEMENTS OF JUSTICE

**Restorative Justice:** Using decarbonization as a medium for healing of environmental harms and historical injustices, creating space for participation of those responsible and those affected, and creating dialogue to communicate those harms and injustices.<sup>5</sup>

- *Recommendation:* Establish the local context and create a shared understanding of the particular inequities and historical injustices of your communities. Local leaders are uniquely positioned to give context and understanding to this area.
- *Potential Actions:*
  - Consider how investments in the clean energy transition could help address historical injustices and lack of investment
  - Prioritize grant applications and funding to address the injustices relevant to the impacted community
  - Develop public engagement processes in line with federally required [Community Benefit Plans](#) such as public hearings that allow constituents to speak on the injustices they have experienced, recognizing their lived experiences
- *Recommendation:* Leverage federal tools for information gathering on environmental justice (EJ). For example, states can leverage EJ map tools such as the White House's [Climate & Economic Justice Screening Tool](#), EPA [EJ Screen](#), or DOE's [Energy Justice Dashboard](#) priorities and initiatives. These tools give geographic resolution to disadvantaged and overburdened communities, providing state and local governments with the information needed to make programs and policies in response to historical environmental injustice.
- *Potential Actions:*
  - Consider what precisely makes an EJ community, defined by some as an underserved community disproportionately plagued by pollution or other environmental harms, in your state
  - Outline the EJ communities within your jurisdiction and consider appropriate ways to support them in the transition
  - Augment applicable tax credits with the [Low-Income Communities Bonus Credit](#) or the [Energy Community Tax Credit Bonus](#)
  - Contextualize what disadvantaged or overburdened might mean specifically in your community as some federal definitions may not be [sufficient](#)

**Recognitional Justice:** Publicly acknowledge historical and current injustices leading to current power disparities along political, cultural, and social axes.<sup>6</sup>

- *Recommendation:* Talk to leaders of marginalized communities about what historical injustices ought to be brought to light and how disparate economic and political power leads to marginalized communities having little voice in the policy process.
- *Potential Actions:*
  - Consider what communities may be invisible historically or currently, whether that is in decision-making or even data collected by local policymakers
  - Learn what role highway development may have had on local populations of people of color. Some [communities were split](#) or otherwise greatly [negatively affected](#) by the building of the highway system.<sup>7,8</sup>
  - Promote and invest in reconnecting communities through projects like those [recently announced](#) by the Department of Transportation
  - Consider and publicly converse about lands that may have been [stolen from Native peoples](#). Grapple with the concept of [land back](#) and consider which communities may be affected by dispossession.<sup>9</sup>

- *Recommendation:* Publicly discuss the distribution of adaptation and resilience needs as climate change impacts worsen. Underserved communities are at greater risk from the impacts of climate change.<sup>10</sup>
- *Potential Actions:*
  - Partner with Indigenous communities, blending different knowledge systems to generate climate adaptation and resilience plans
  - Work with local governments on increasing investment and efforts in climate adaptation - funding and action for adaptation is currently insufficient in the US <sup>10</sup>

**Procedural Justice:** People may trust the creation of and operation of programs for decarbonization if they are able to participate and feel government officials show respect to the public and listen to multiple parties with a sense of neutrality.<sup>11</sup>

- *Recommendation:* Operationalize equal access by informing all residents about policies and tax credit/rebate opportunities through multiple modes of communication
- *Potential Actions:*
  - Use existing materials, social networks, and communication modes (radio, mailers, emails, social media) to inform residents of relevant state and federal legislation such as the Inflation Reduction Act (IRA)
  - Create relationships with local organizations such as churches, schools, local Chambers of Commerce, and frequented businesses
  - Ensure information is made accessible in other languages and in formats suitable for those with disabilities
  - Create in-person and hybrid sessions to allow for direct feedback and discussion
  - Establish easy procedures for residents to take advantage of various tax credits (EV, solar, energy efficiency upgrades)
- *Recommendation:* Practice participatory budgeting to include residents in the planning and prioritization of decarbonization measures
- *Potential Actions:*
  - Ask constituents to work through basic budgeting exercises to create empathy toward the difficult task of local public budgeting
  - Collect information for local officials about people’s concrete priorities and how they see decarbonization playing out locally
  - Drive awareness and support, through the participatory budgeting process, for local efforts to obtain federal and/or state funds, and strengthen their grant applications by showing community buy-in
- *Recommendation:* Consult with the public as an essential stakeholder during program design and grant application processes for distributed energy resources siting
- *Potential Actions:*
  - Prepare for difficulties in distributed energy resource siting as hundreds of local laws exist to restrict the deployment of renewables.<sup>12</sup> Having public members participate in program design can pre-emptively create trust in siting decisions made later and limit “Not-in-my-backyard” concerns.
  - Encourage the public to raise potential issues during the program design phase so that an easy-to-execute process is achieved
  - Create a website, spearheaded by state and local officials, that offers guidance and detailed procedures for obtaining residential solar with a list of trusted providers, with help from the EPA

**Distributive Justice:** As funds flow and programs are executed, it will be important to ensure all members of the public have access to funds and opportunities, prioritizing large benefits going to those most disadvantaged.<sup>13</sup>

- *Recommendation:* Inform counties and local governments of the Justice40 initiative and how communities qualify as EJ communities to best leverage funds
- *Potential Actions:*
  - Become familiar with the federal EJ communities maps listed above and consider how the historical distribution of resources contributed to mapped inequities
  - Utilize state-level maps that could provide additional information

- Make developers aware of IRA bonus tax credits that exist for energy communities and low-income communities
- Support capacity building by utilizing existing technical resources, realizing smaller cities and municipalities might struggle in accessing competitive federal grants and other funding
- Create tools and tracking mechanisms that are easily useable for the public, showing the existing distribution of physical, human, and financial assets
- Interrogate where clean energy economic development programs are targeting, ensuring mistakes of the past are not repeated
- *Recommendation:* Ensure there are mechanisms for low and moderate-income (LMI) residents and disadvantaged communities to benefit from various buildings, transportation, electricity, lands, and industry sector programs and tax credits, including translating government documents and program information into multiple languages
- *Potential Actions:*
  - Consider solar panel leasing and property-assessed financing for increasing LMI solar photovoltaic uptake <sup>14</sup>
  - Leverage existing social networks by making peer referral a part of technology adoption programs <sup>15</sup>
  - Create processes to use the elective pay and transferability aspects of various IRA provisions, establishing pathways for a greater number of people and organizations to benefit from tax credits
  - Outreach to small businesses, encouraging them to leverage applicable IRA provisions for small businesses like the doubled research and development tax credit
  - Focus on creating achievable Community Benefits Plans that are required for many Bipartisan Infrastructure Law (BIL) and IRA funding applications
  - Plan ahead, communicating with local officials and utilities, to protect low-income customers from having to support stranded assets such as fossil fuel distribution infrastructure
  - Work with local Indigenous communities to leverage specific IRA funding for home rebates, energy project loans, electrification, climate resilience, and other programs
- *Recommendation:* Prioritize leveraging tax credits and funding associated with labor standards, including prevailing wage and registered apprenticeships
- *Potential Actions:*
  - Ensure laborers benefit as well, not just developers and project owners, so the federal investment money reaches multiple parties
  - Create additional requirements on top of tax credit or grant requirements for local hiring to support community involvement
  - Network with local labor leaders to share strategies for maximizing the uptake of federal incentives tied to labor standards in clean energy and decarbonization projects
  - Leverage federal support for training programs for contractors, electricians, plumbers, solar manufacturers, etc.

## CONCLUSION

Reducing decarbonization pathways to technical problems risks entrenching and exacerbating existing social, political, and economic inequities. Enwrapping decarbonization and climate action measures in a holistic approach to justice could help cultivate greater trust in state's efforts to decarbonize. States are uniquely positioned to leverage federal resources and local knowledge to operationalize restorative, recognitional, distributive, and procedural justice. Some of the recommendations and suggested actions above are similar and overlapping because the four elements of holistic justice outlined above are not wholly separate. Here we bring informational resources and scientific literature together for state policymakers as they seek to create climate action and decarbonization policies and programs, outlining a holistic framework of justice as well as actions to realize the framework. Future research might consider how future generations, a silent but vital stakeholder here, are accounted for in this holistic framework of justice in decarbonization. Additionally, more specific research on appropriate modes of public engagement for different decarbonization measures may be of use to state policymakers.

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**Suggested citation:** B. Phelps, K. Kennedy, S. Kennedy, J. Lewis-Johnson, C. Dahl (August 2024). "States Going "All-In" on Justice in Climate Action." Center for Global Sustainability, College Park.