



Report to the Ranking Member,  
Committee on Oversight and  
Accountability, House of  
Representatives

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January 2024

# JUSTICE40

## Use of Leading Practices Would Strengthen Efforts to Guide Environmental Justice Initiative

# GAO Highlights

Highlights of [GAO-24-105869](#), a report to the Ranking Member, Committee on Oversight and Accountability, House of Representatives

## Why GAO Did This Study

In February 2021, Executive Order 14008 directed federal agencies to take action to address the disproportionately high and adverse human health, environmental, climate-related, and other cumulative impacts on disadvantaged communities. As part of this effort, the executive order established the Justice40 Initiative. The initiative is led by EOP, specifically the Council on Environmental Quality (CEQ), Office of Management and Budget, and Climate Policy Office. It currently covers more than 500 federal programs at 19 agencies, which involve billions of taxpayer dollars.

GAO was asked to review implementation of the Justice40 Initiative. This report examines the extent to which (1) EOP collaborated with federal and nonfederal entities to develop guidance and tools for implementing the initiative; (2) pilot programs found EOP's guidance and tools useful; and (3) EOP established a process for assessing federal efforts to achieve the goal of the initiative.

GAO reviewed executive orders and EOP documents; interviewed EOP staff, agency officials, and nonfederal entities; analyzed survey responses from 20 of 21 Justice40 pilot programs; and compared EOP efforts with leading practices.

## What GAO Recommends

GAO is making 15 recommendations, including that the EOP entities leading the initiative incorporate leading practices for collaboration into their Justice40 efforts. EOP neither agreed nor disagreed, but CEQ stated that it anticipates taking steps to implement our recommendations.

View [GAO-24-105869](#). For more information, contact J. Alfredo Gómez at (202)-512-3841 or [GomezJ@gao.gov](mailto:GomezJ@gao.gov).

January 2024

## JUSTICE40

### Use of Leading Practices Would Strengthen Efforts to Guide Environmental Justice Initiative

## What GAO Found

The Justice40 Initiative's goal is for 40 percent of the overall benefits of certain federal investments to flow to disadvantaged communities that have been historically marginalized and overburdened. To develop guidance and tools for implementing the initiative, the Executive Office of the President (EOP) took steps to collaborate with federal and nonfederal entities. EOP worked with the White House Environmental Justice Interagency Council, an advisory council, 21 Justice40 pilot programs at nine agencies, and others to develop interim guidance, a tool to identify disadvantaged communities, and a scorecard to track progress. EOP's efforts partially reflected leading practices for collaboration. For example, EOP included relevant entities in its collaboration efforts but has not clarified the roles and responsibilities of the Interagency Council.

### Seven Investment Areas of the Justice40 Initiative



Sources: Justice40 Interim Implementation Guidance; Soonthorn/stock.adobe.com (top left photo); Alpegor/stock.adobe.com (top center photo); Robert Herhold/stock.adobe.com (top right photo); Monkey Business/stock.adobe.com (bottom left photo); diegorayaces/stock.adobe.com (bottom center-left photo); AKGK Studio/stock.adobe.com (bottom center-right photo); Tryfonov/stock.adobe.com and National Aeronautics and Space Administration (bottom right photo). | GAO-24-105869

Additionally, over half of the Justice40 pilot programs that GAO surveyed answered that the guidance and tools in place at the time were useful. However, some programs faced challenges, such as unclear guidance. According to GAO's analysis, EOP did not systematically gather feedback on programs' experience with the guidance and tools. By more fully incorporating leading practices for collaboration, such as by systematically gathering feedback and clarifying the roles and responsibilities of the Interagency Council, EOP can better ensure that its guidance and tools provide an effective, timely, and consistent framework for Justice40 implementation.

EOP took initial steps to collect some data on agencies' Justice40 actions and published the first annual scorecard. However, EOP has not established a process for assessing implementation of the Justice40 Initiative. By incorporating key practices for effectively managing and assessing the results of federal efforts as it establishes such a process, EOP can better ensure accountability, transparency, and progress toward achieving the goal of the initiative.

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# Contents

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Letter		1
	Background	6
	EOP Worked Collaboratively to Develop Guidance and Tools and Has Opportunities to Enhance Collaboration in Future Efforts	20
	Over Half of the Justice40 Pilot Programs Found EOP's Guidance and Tools Useful, and EOP Has Opportunities to Better Identify and Address Challenges	32
	EOP Has Opportunities to Use Key Practices as It Establishes a Process for Assessing Progress on the Justice40 Initiative	41
	Conclusions	46
	Recommendations for Executive Action	48
	Agency Comments and Our Evaluation	50
Appendix I	Summary Results and Analysis of GAO Survey of Justice40 Pilot Programs	53
Appendix II	Objectives, Scope, and Methodology	68
Appendix III	White House Environmental Justice Advisory Council Recommendations	74
Appendix IV	Executive Office of the President Collaboration with Federal and Nonfederal Entities	76
Appendix V	Comments from the Council on Environmental Quality	79
Appendix VI	GAO Contact and Staff Acknowledgments	84
Tables		
	Table 1: Number of Justice40 Initiative Covered Programs, by Agency, as of November 2023	10

---

---

Table 2: Justice40 Initiative Pilot Programs	13
Table 3: Responses Regarding Executive Office of the President (EOP) Solicitation of Pilot Program Feedback on EOP Guidance and Tools	39
Table 4: Responses Regarding Pilot Program Development of Plans and Methodologies for Justice40 and Use of Executive Office of the President's (EOP) Guidance and Tools for Their Development	54
Table 5: Responses Regarding the Usefulness of Executive Office of the President's (EOP) Guidance and Tools for Pilot Programs in Developing Plans and Methodologies	54
Table 6: Responses Regarding Aspects in the Executive Office of the President's (EOP) Guidance and Tools That Pilot Programs Found Useful in Developing Plans and Methodologies	55
Table 7: Responses Regarding Aspects That Would Make the Executive Office of the President's (EOP) Guidance and Tools More Useful for Pilot Programs in Developing Plans and Methodologies	55
Table 8: Responses Regarding Pilot Programs Receiving Additional Information or Guidance from the Executive Office of the President (EOP) on Plans for Monitoring, Submission, and Evaluation Requirements	56
Table 9: Responses Regarding the Usefulness of the Executive Office of the President's (EOP) Additional Information or Guidance on Plans for Monitoring, Submission, and Evaluation Requirements for Pilot Programs	57
Table 10: Responses Regarding Aspects in the Executive Office of the President's (EOP) Additional Information or Guidance on Plans for Monitoring, Submission, and Evaluation Pilot Programs Found Useful in Implementing Justice40	57
Table 11: Responses Regarding Aspects That Would Make the Executive Office of the President's (EOP) Additional Information or Guidance on Monitoring, Submission, and Evaluation Useful for Pilot Programs Implementing Justice40	58
Table 12: Responses Regarding the Executive Office of the President's (EOP) Methods for Providing Advice to Pilot Programs on Developing Plans and Methodologies and Implementing Justice40	59

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Table 13: Responses Regarding Pilot Programs Receiving Advice from the Executive Office of the President (EOP) during Stages of Justice40 Development and Implementation	59
Table 14: Responses Regarding Pilot Programs Receiving Advice from the Executive Office of the President (EOP) and Information on Expectations or Standards for Developing Plans and Methodologies and Implementing Justice40	60
Table 15: Responses Regarding the Usefulness of the Executive Office of the President's (EOP) Advice, Expectations or Standards on Pilot Programs' Plans and Methodologies and Implementing Justice40	60
Table 16: Responses Regarding Aspects in the Executive Office of the President's (EOP) Advice That Pilot Programs Found Useful for Implementing Justice40	60
Table 17: Responses Regarding Aspects That Would Make the Executive Office of the President's (EOP) Advice, Expectations or Standards Useful for Pilot Programs Implementing Justice40	61
Table 18: Responses Regarding Challenges with the Executive Office of the President's (EOP) Guidance and Tools That Pilot Programs Continue to Face	61
Table 19: Responses Regarding Additional Support from the Executive Office of the President (EOP) That Would Be Useful for Pilot Programs	62
Table 20: Responses Regarding Pilot Programs' Additional Thoughts on the Executive Office of the President's (EOP) Efforts to Implement Justice40	63

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## Figures

Figure 1: Timeline of the Executive Office of the President's Development of Justice40 Guidance and Tools	9
Figure 2: Climate and Economic Justice Screening Tool Version 1.0 Map of Disadvantaged Communities in Southern Ohio and Northern Kentucky	16
Figure 3: Practices to Help Effectively Implement Federal Evidence-Building and Performance-Management Activities	20
Figure 4: Pilot and Covered Program Timeline for Developing Plans and Methodologies	35

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## Abbreviations

CEQ	Council on Environmental Quality
CPO	White House Office of Domestic Climate Policy or Climate Policy Office
E.O.	Executive Order
EOP	Executive Office of the President
EPA	Environmental Protection Agency
FACA	Federal Advisory Committee Act
MOU	memorandum of understanding
OMB	Office of Management and Budget
WHEJAC	White House Environmental Justice Advisory Council

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January 29, 2024

The Honorable Jamie Raskin  
Ranking Member  
Committee on Oversight and Accountability  
House of Representatives

Dear Mr. Raskin:

Across the United States, some communities are overburdened by adverse socioeconomic and environmental conditions. For example, certain communities are exposed to higher levels of diesel particulate matter, live in closer proximity to hazardous waste facilities, experience higher rates of asthma and heart disease, or face higher housing and energy costs. In 2021, Executive Order (E.O.) 14008, *Tackling the Climate Crisis at Home and Abroad*,<sup>1</sup> directed federal agencies to take action 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.<sup>2</sup>

Specifically, E.O. 14008 established the goal that 40 percent of the overall benefits of certain federal investments flow to disadvantaged communities. The executive order and its implementing guidance identified seven areas of investment: clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, the remediation and reduction of legacy pollution, the

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<sup>1</sup>Exec. Order No. 14,008, *Tackling the Climate Crisis at Home and Abroad*, 86 Fed. Reg. 7619 (Feb. 1, 2021). E.O. 14008 states that it is the policy of the administration “to secure environmental justice and spur economic opportunity for disadvantaged communities that have been historically marginalized and overburdened by pollution and under-investment in housing, transportation, water and wastewater infrastructure, and health care.” 86 Fed. Reg. at 7629.

<sup>2</sup>E.O. 14008 did not define the term “disadvantaged communities.” We recognize that the language used to refer to historically marginalized, overburdened, and underserved communities may vary and is often context specific. For example, terms such as underserved, vulnerable, susceptible, marginalized, and overburdened by pollution are also used when referring to the communities referred to as disadvantaged communities by E.O. 14008, or subsets of such communities. In this report, we use the term “disadvantaged communities” to refer to the communities targeted by the Justice40 Initiative because it is the term used in E.O. 14008, as well as the Executive Office of the President’s (EOP) guidance and tools related to implementing the order.

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development of critical clean water infrastructure, and climate change.<sup>3</sup> The executive order refers to this all-of-government effort, which involves tens of billions of dollars from more than 500 federal programs at 19 agencies, as the Justice40 Initiative.

The Justice40 Initiative is led by three offices within the Executive Office of the President (EOP): the Council on Environmental Quality (CEQ), the Office of Management and Budget (OMB), and the White House Office of Domestic Climate Policy (Climate Policy Office, or CPO).<sup>4</sup> E.O. 14008 also created two councils to help the federal government address current and historic environmental injustice:

- **White House Environmental Justice Interagency Council.** The Interagency Council is composed of the heads of 26 federal agencies

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<sup>3</sup>Specifically, E.O. 14008 listed six investment areas to be addressed by the Justice40 Initiative: 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. EOP added climate change as a seventh investment area in interim implementation guidance. Office of Management and Budget, Council on Environmental Quality, and Climate Policy Office, *Interim Implementation Guidance for the Justice40 Initiative, M-21-28* (Washington, D.C.: July 20, 2021). Council on Environmental Quality (CEQ) and Office of Management and Budget (OMB) staff told us that the inclusion of climate change would help achieve the presidential intent of E.O. 14008 and ensure that disadvantaged communities benefit from programs designed to address the effects of climate change.

<sup>4</sup>In this report, we use the term EOP to refer collectively to CEQ, OMB, and CPO. E.O. 14008 refers to the National Climate Advisor, which leads CPO, as the third entity with responsibilities under the Justice40 Initiative. For the purposes of this report, we refer to the office, CPO, rather than the National Climate Advisor. Because other EOP offices, such as the National Security Council and Office of Science and Technology Policy, do not have a leadership role in the Justice40 Initiative delineated under E.O. 14008, we did not include them in the scope of our report or our use of the term EOP. CEQ coordinates the federal government's efforts to improve, preserve, and protect the nation's public health and environment. OMB's mission is to assist the President in meeting policy, budget, management, and regulatory objectives. CPO was established by E.O. 14008 at the same time as the Justice40 Initiative, in February 2021, to, among other things, coordinate the policy-making process with respect to domestic climate policy issues, coordinate climate-policy advice to the President, and monitor implementation of the President's domestic climate-policy agenda.

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and other federal entities, including the Chair of CEQ, who serves as the council chair.<sup>5</sup>

- **White House Environmental Justice Advisory Council (WHEJAC).** WHEJAC, established within the Environmental Protection Agency (EPA), comprises representatives from environmental and community-based organizations, scholars, citizens of federally recognized Tribes, and a state official.

E.O. 14008 directs EOP to take certain actions to support implementation of the Justice40 Initiative and the environmental justice policy set forth by the executive order more generally, including by developing guidance and tools to implement the initiative. For example, E.O. 14008 directs CEQ to create a Climate and Economic Justice Screening Tool and annually publish interactive maps highlighting disadvantaged communities. E.O. 14008 also directs EOP, in consultation with WHEJAC, to publish recommendations on how certain federal investments might be made toward the Justice40 Initiative's goal that 40 percent of the overall benefits flow to disadvantaged communities.<sup>6</sup> In July 2021, EOP issued initial recommendations for federal agencies in interim implementation guidance that, among other things, identified 21 pilot programs across nine federal agencies to undertake initial efforts to implement the Justice40 Initiative.<sup>7</sup>

You asked us to review the implementation of the Justice40 Initiative. This report examines the extent to which (1) EOP collaborated with federal and nonfederal entities to develop guidance and tools for implementing the Justice40 Initiative, (2) pilot programs implementing the Justice40 Initiative found EOP's guidance and tools useful, and (3) EOP

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<sup>5</sup>In creating the Interagency Council, E.O. 14008 amended E.O. 12898, replacing the Interagency Working Group on Environmental Justice previously convened by the Environmental Protection Agency (EPA). See Exec. Order No. 12,898, § 1-102, 59 Fed. Reg. 7629, 7629 (Feb. 16, 1994). E.O. 12898, as amended by E.O. 14008 and further amended by E.O. 14082 and E.O. 14096, lists 25 members of the Interagency Council, including CEQ, as chair. The Interagency Council can include other members, as determined by the Chair of CEQ. According to CEQ staff, after the issuance of E.O. 14096, the Administrator of OMB's Office of Information and Regulatory Affairs is now also a member of the Interagency Council.

<sup>6</sup>E.O. 14008 states that the recommendations are to reflect existing authorities that agencies may possess for achieving the 40 percent goal, as well as recommendations on any legislation needed to achieve the 40 percent goal. Exec. Order No. 14,008, § 223(a), 86 Fed. Reg. 7619, 7632 (Feb. 1, 2021).

<sup>7</sup>Office of Management and Budget, Council on Environmental Quality, and Climate Policy Office, *Interim Implementation Guidance for the Justice40 Initiative*, M-21-28.

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established a process for assessing the federal government's efforts to achieve the goal of the Justice40 Initiative.

To examine the extent to which EOP collaborated with federal and nonfederal entities to develop guidance and tools for implementing the Justice40 Initiative, we reviewed EOP guidance, tools, and documents as well as WHEJAC documents, such as recommendations and meeting summaries.<sup>8</sup> In addition, we interviewed CEQ and OMB staff, Interagency Council Environmental Justice Officers (officers), and WHEJAC members and administrative officials. We also surveyed officials from all 21 pilot programs from January 2023 through March 2023 about their experience using EOP's guidance and tools.<sup>9</sup> We received responses from 20 pilot programs.<sup>10</sup> We analyzed survey responses from pilot program officials regarding how EOP collaborated with pilot programs to develop guidance and tools. We compared the information we gathered with E.O. 14008 and leading practices for enhancing collaboration.<sup>11</sup>

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<sup>8</sup>For the purposes of this report, unless otherwise noted, "guidance and tools" refers to materials EOP developed, is developing, or plans to develop to support implementation of the Justice40 Initiative, including implementation guidance; screening tool and related instructions; the Environmental Justice Scorecard; OMB budget data requests related to the Justice40 Initiative; and common metrics for measuring program benefits, as well as informal advice that EOP provides to agencies to assist in their use of EOP's guidance and tools.

<sup>9</sup>As of the survey period, pilot program officials had access to, and were able to describe, their experiences with the following EOP guidance and tools: interim guidance, the beta version and version 1.0 of the screening tool, the Environmental Justice Scorecard, an OMB budget data request, and informal EOP advice. In addition, our survey questions did not include version 1.0 of the screening tool because the tool was not in place when we developed the survey. Some survey respondents included information on version 1.0 of the screening tool in their responses because the tool was released by the time they responded to the survey. Additional guidance documents, such as the addendum to the interim guidance and the screening tool instructions, were not released prior to the survey period and, therefore, are not included in the guidance and tools addressed by the survey or our analysis of the survey responses.

<sup>10</sup>Two pilot programs identified the same official to submit responses regarding the programs' experiences with EOP guidance and tools. The respondent submitted one survey to represent both programs. As a result, we counted this survey submission as one response and reported the total number of surveyed respondents as 19. Not all questions were applicable to all respondents; therefore, not all respondents answered all questions. Three pilot program respondents at the same agency worked together to coordinate and provide similar responses to the survey questions. For the purposes of this report, we counted their responses individually to incorporate dissimilarities in responses.

<sup>11</sup>GAO, *Government Performance Management: Leading Practices to Enhance Interagency Collaboration and Address Crosscutting Challenges*, [GAO-23-105520](#) (Washington, D.C.: May 24, 2023).

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To examine the extent to which pilot programs implementing the Justice40 Initiative found EOP's guidance and tools useful, we analyzed the survey responses as of our survey period regarding the extent to which they found EOP guidance, tools, and advice useful and how EOP could improve its guidance and tools for implementing the Justice40 Initiative. We compared the results with leading practices for enhancing collaboration and pilot program design.<sup>12</sup> Appendix I provides a summary of the results of our survey and analysis.

To examine the extent to which EOP established a process for assessing the federal government's efforts to achieve the goal of the Justice40 Initiative, we reviewed EOP guidance, tools, and documents; interviewed CEQ and OMB staff, Interagency Council officers, and WHEJAC members and administrative officials; and analyzed survey responses from pilot program officials. We compared the information we gathered with leading practices for enhancing collaboration and key practices for evidence-building and performance-management activities.<sup>13</sup> Appendix II includes a more detailed discussion of our objectives, scope, and methodology.

We conducted this performance audit from March 2022 to January 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>12</sup>[GAO-23-105520](#); and *Data Act: Section 5 Pilot Design Issues Need to Be Addressed to Meet Goal of Reducing Recipient Reporting Burden*, [GAO-16-438](#) (Washington, D.C.: Apr. 19, 2016).

<sup>13</sup>[GAO-23-105520](#); and *Evidence-Based Policymaking: Practices to Help Manage and Assess the Results of Federal Efforts*, [GAO-23-105460](#) (Washington, D.C.: July 12, 2023).

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## Background

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### Interagency Council and White House Environmental Justice Advisory Council (WHEJAC)

E.O. 14008 directs the Interagency Council to develop a strategy to address current and historic environmental injustice. It also directs the council to develop clear performance metrics to ensure accountability and publish an annual public performance scorecard on its implementation. The executive order directs CEQ to determine the council's agenda, direct the council's work, and convene regular meetings of the council.<sup>14</sup> Pursuant to E.O. 14008, the head of each of the Interagency Council member agencies assigned a designated official within the agency to be an Environmental Justice Officer with the authority to represent the agency on the Interagency Council and perform certain other related duties. In addition, at the direction of the chair, the Interagency Council established a subcommittee focused specifically on the Justice40 Initiative.<sup>15</sup>

**Members of the White House Environmental Justice Interagency Council as of September 2023**

- Chair of the Council on Environmental Quality (Chair)
- Attorney General
- Secretary of Agriculture
- Secretary of Commerce
- Secretary of Defense
- Secretary of Energy
- Administrator of the Environmental Protection Agency
- Administrator of General Services
- Secretary of Health and Human Services
- Secretary of Homeland Security
- Secretary of Housing and Urban Development
- Secretary of the Interior

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<sup>14</sup>As specified in E.O. 14008, the Office of Administration within EOP is to provide funding and administrative support for the Interagency Council, to the extent permitted by law and within existing appropriations. The executive order further specifies that, to the extent permitted by law, and subject to the availability of appropriations, the Department of Labor, the Department of Transportation, and EPA shall provide administrative support as necessary.

<sup>15</sup>E.O. 14096, *Revitalizing Our Nation's Commitment to Environmental Justice for All*, expanded the membership of the Interagency Council and provided additional direction, including that the council shall support and facilitate interagency collaboration on programs and activities related to environmental justice. Exec. Order No. 14,096, § 7, 88 Fed. Reg. 25,251, 25,258 (Apr. 26, 2023)

- Secretary of Labor
- Secretary of State
- Secretary of Transportation
- Secretary of Veterans Affairs
- Chair of the Council of Economic Advisers
- Director of the Office of Management and Budget
- Director of the Office of Science and Technology Policy
- Executive Director of the Federal Permitting Improvement Steering Council
- Executive Director of the White House Gender Policy Council
- National Climate Advisor
- Senior Advisor to the President for Clean Energy Innovation and Implementation
- Assistant to the President for Domestic Policy
- Assistant to the President for Economic Policy
- Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget

Sources: Exec. Order No. 12,898, § 1-102 (as amended by Exec. Order No. 14,096, § 7(a); Exec. Order No. 14,082, § 4(b); Exec. Order No. 14,008, § 220(a)); and Council on Environmental Quality staff. | GAO-24-105869

E.O. 14008 charged WHEJAC with advising the Interagency Council and the Chair of CEQ. WHEJAC is also to provide recommendations to the Interagency Council on how to increase the federal government’s efforts to address current and historic environmental injustice.<sup>16</sup> Pursuant to E.O. 14008, WHEJAC was established within EPA, as noted previously. EPA is to provide funding and administrative support to WHEJAC to the extent permitted by law and within existing appropriations. As of August 2023, WHEJAC was composed of 24 presidentially appointed members, including representatives from environmental and community-based organizations, scholars, citizens of federally recognized Tribes, and a state official.<sup>17</sup> Responding to CEQ requests for recommendations on

<sup>16</sup>According to the WHEJAC charter, WHEJAC operates under the provisions of the Federal Advisory Committee Act (FACA), which requires federal agencies to ensure that federal advisory committees make decisions that are independent and transparent to the public. Pub. L. No. 92-463, 86 Stat. 770 (1972) (codified as amended at 5 U.S.C. §§ 1001-1014). A charter describes the framework and responsibilities of the council. Under its charter, WHEJAC was originally set to terminate on January 27, 2023. Environmental Protection Agency, *United States Environmental Protection Agency Charter: White House Environmental Justice Advisory Council (WHEJAC)*, (Washington, D.C.: Mar. 15, 2021). WHEJAC has been extended by the President several times, most recently by E.O. 14109, which continued a number of advisory committees, including WHEJAC, through September 30, 2025. Exec. Order No. 14,109, 88 Fed. Reg. 68,447, 68,448 (Oct. 4, 2023).

<sup>17</sup>In December 2022, CEQ announced that it was seeking expressions of interest to fill approximately 15 vacancies on WHEJAC for a 2-year term. According to CEQ and OMB staff, the appointment review process for these potential new members was in progress as of August 2023.

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specific topics, WHEJAC issued a series of reports between May 2021 and August 2022 that included, among other things, recommendations for CEQ, the Interagency Council, and federal agencies on developing guidance and tools for implementing the Justice40 Initiative.<sup>18</sup> Appendix III provides additional information on WHEJAC’s recommendations.

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### EOP Guidance and Tools for Implementing the Justice40 Initiative

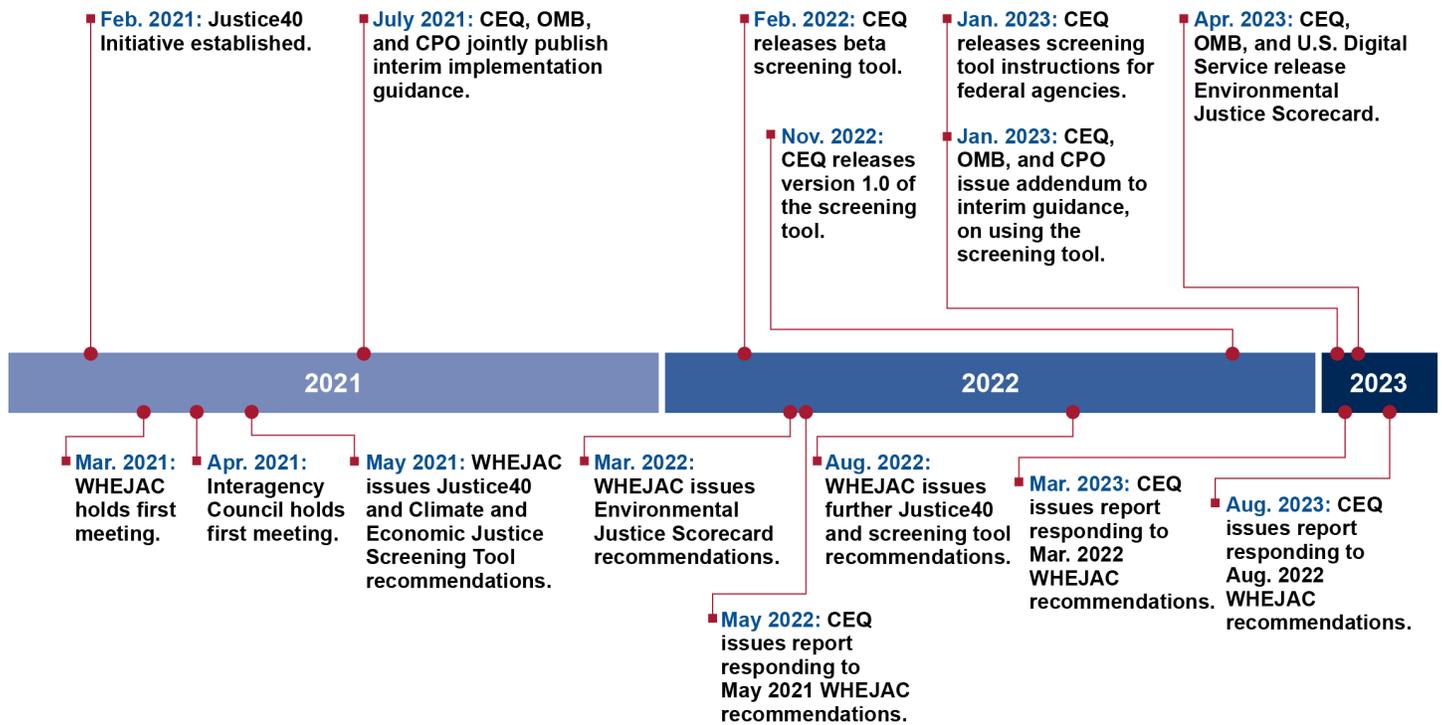
As directed by E.O. 14008, EOP has taken steps in collaboration with federal and nonfederal entities to develop guidance and tools to support agencies in implementing the Justice40 Initiative (see fig. 1). For example, CEQ issued a screening tool to identify disadvantaged communities.<sup>19</sup> Figure 1 provides a timeline of EOP’s actions.

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<sup>18</sup>CEQ reported to Congress in 2022 and 2023 on EOP and agency responses to WHEJAC recommendations and provided updates on the work it had undertaken pursuant to those recommendations. Under FACA, within 1 year after an advisory committee submits a public report to the President, the President or the President’s delegate is to submit a report to Congress detailing the disposition of the advisory committee’s recommendations. See 5 U.S.C. § 1005(b); 41 C.F.R. § 102-3.175(a). App. III includes further information on WHEJAC’s recommendations and CEQ’s reports to Congress.

<sup>19</sup>Council on Environmental Quality, *Climate and Economic Justice Screening Tool*, accessed Oct. 17, 2023, <https://screeningtool.geoplatform.gov/en>.

**Figure 1: Timeline of the Executive Office of the President’s Development of Justice40 Guidance and Tools**



Source: GAO analysis of documents from the Council on Environmental Quality (CEQ), Office of Management and Budget (OMB), White House Office of Domestic Climate Policy (CPO), the White House Council on Environmental Justice (WHEJAC), the White House, and Environmental Protection Agency (EPA). | GAO-24-105869

Note: The Executive Office of the President released lists of Justice40 covered programs in June, July, and August 2022 and in April and November 2023.

Additional details on key steps in the timeline follow.

### Interim Implementation Guidance

E.O. 14008 directed EOP, in consultation with WHEJAC, to jointly publish recommendations, within 120 days of the issuance of the order, or by May 2021, for how certain federal investments might be made toward the goal that 40 percent of the overall benefits flow to disadvantaged communities. In July 2021, EOP published interim implementation guidance for the Justice40 Initiative that, according to the guidance, provided the initial recommendations pursuant to E.O. 14008.<sup>20</sup> The interim guidance included a set of actions required of the agencies that

<sup>20</sup>Office of Management and Budget, Council on Environment Quality, and Climate Policy Office, *Interim Implementation Guidance for the Justice40 Initiative, M-21-28*.

manage Justice40 covered programs, as well as direction to an initial set of those programs for implementing the Justice40 Initiative.



Participants, including former coal miners, train to become electrical utility line workers through a federally funded program. Federal programs making covered investments in workforce training and development are covered by the Justice40 Initiative.

Source: Exec. Order No. 14,008, § 223, 86 Fed. Reg. 7631 (Feb. 1, 2021); GAO (photo). | GAO-24-105869

- **Interim definition of disadvantaged communities.** The interim guidance noted that agencies should consider using, as appropriate until such time when further guidance is provided, a specified list of indicators of disadvantaged communities utilizing existing data sources and indices.<sup>21</sup> The interim guidance further noted that agencies should consider appropriate data, indices, and screening tools to determine whether a specific community is disadvantaged based on a combination of variables that may include low income, substandard housing, and access to health care.
- **Covered programs.** The interim guidance stated that agencies should work with OMB to review and determine whether federal programs fall within the scope of the Justice40 Initiative—that is, whether they are covered programs that make covered investments in one or more of the seven investment areas. The interim guidance directed agencies to deliver to OMB an assessment of agency programs that are covered programs, within 60 days of issuance of the interim guidance, or by September 2021, as provided in E.O. 14008.<sup>22</sup> Table 1 shows the number of covered programs, by agency, as of November 2023.

**Table 1: Number of Justice40 Initiative Covered Programs, by Agency, as of November 2023**

Agency	Number of Justice40 Initiative covered programs
Department of Energy	167
Environmental Protection Agency	79
Department of the Interior	75
Department of Agriculture	70
Department of Transportation	40

<sup>21</sup>According to the guidance, the existing data sources and indices referenced are currently used by programs serving low income, vulnerable, and underserved communities.

<sup>22</sup>Specifically, under E.O. 14008, within 60 days of EOP publishing Justice40 recommendations, agency heads were to identify applicable program investment funds based on the recommendations and consider investment guidance to relevant program staff, as appropriate and consistent with applicable law. Exec. Order No. 14,008, § 223(c), 86 Fed. Reg. 7619, 7632 (Jan. 27, 2021).

Agency	Number of Justice40 Initiative covered programs
Department of Housing and Urban Development	26
Department of Commerce	14
Department of Health and Human Services	13
U.S. Army Corps of Engineers	11
Corporation for National and Community Service (AmeriCorps)	5
Department of Homeland Security	4
Department of Labor	4
National Science Foundation	3
National Aeronautics and Space Administration	2
Appalachian Regional Commission	1
Delta Regional Authority	1
Denali Commission	1
Department of State	1
Department of Veterans Affairs	1
<b>Total</b>	<b>518</b>

Source: Executive Office of the President. | GAO-24-105869

Note: Covered programs are federal government programs that make certain investment benefits in one or more areas specified in the Interim Implementation Guidance for the Justice40 Initiative, issued jointly by the Office of Management and Budget, Council on Environmental Quality, and National Climate Advisor pursuant to Executive Order 14008. EOP released lists of covered programs in June, July, and August 2022 and in April and November 2023. Program counts are based on the list of covered programs released in November 2023, and may not include all existing programs that meet the definition of a covered program. Executive Office of the President, *Justice40 Initiative Covered Programs List, v.2.0* (Nov. 2023).

- Benefits of covered programs.** In addition to an assessment of agency covered programs, the interim guidance directed agencies to deliver to OMB a description of the types of benefits that result from covered programs, within 60 days of issuance of the interim guidance, or by September 2021. The interim guidance stated that agencies should consult with stakeholders, including state, local, and tribal governments, as well as Native communities, when determining the benefits of a covered program.<sup>23</sup>
- Benefits methodology and metrics.** The interim guidance directed agencies to establish and deliver to OMB a methodology for calculating the benefits that (1) flow from each covered program and

<sup>23</sup>The interim guidance calls for agencies to consult with such stakeholders to ensure public participation and that community stakeholders are meaningfully involved in what constitutes the “benefits” of a program.

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(2) accrue in disadvantaged communities from each covered program, along with a description of metrics that the agency is developing to measure covered program benefits. This methodology was due to OMB within 150 days of issuance of the interim guidance, or by December 2021. The interim guidance stated that agencies should also review and incorporate, where appropriate, recommendations from WHEJAC and the Interagency Council when developing metrics. In addition, the interim guidance stated that OMB would work with CEQ and the U.S. Digital Service to develop and publish a common set of metrics to measure select benefits across agencies.<sup>24</sup> The interim guidance stated that such common metrics would be developed building on program metrics and engagement with state and community partners, WHEJAC, and the Interagency Council, as well as other groups.<sup>25</sup>

#### Justice40 Initiative Terminology

**Benefits:** Include direct and indirect investments (and program outcomes) that positively impact disadvantaged communities. Examples of these benefits include access to clean, high-frequency transportation; and replacement of lead service lines.

**Covered investments:** A federal investment in one or more of the following categories: federal financial assistance, as defined by federal regulation at 2 C.F.R. pt. 200, including federal grants, as well as other types of financial assistance; direct payments or benefits to individuals; federal procurement benefits; programmatic federal staffing; and additional federal investments under covered programs, as determined by OMB.

**Covered program:** A federal government program that makes covered investment benefits in one or more of seven areas identified in E.O. 14008 and by the interim implementation guidance for the Justice40 Initiative. These areas include clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, the remediation and reduction of legacy pollution, critical clean water infrastructure, and climate change.

**Community:** Agencies are to define “community” as “either a group of individuals living in geographic proximity to one another, or a geographically dispersed set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions.”

Sources: Exec. Order No. 14,008, § 223, 86 Fed. Reg. 7619, 7631 (Feb. 1, 2021); Office of Management and Budget, Council on Environmental Quality, and Climate Policy Office, *Interim Implementation Guidance for the Justice40 Initiative*, M-21-28; GAO (photo). | GAO-24-105869

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<sup>24</sup>In 2014, the President established the U.S. Digital Service within OMB, to improve the federal government’s most important public-facing digital services. Its mission is to deliver better government services by applying best practices in product design and engineering to improve the usefulness, user experience, and reliability of certain public-facing federal digital services.

<sup>25</sup>The interim guidance does not specify a timeline for OMB’s development and publication of these metrics.

- **Reporting to OMB.** The interim guidance directed agencies to report certain information to OMB within 150 days of issuance of the interim guidance, or by December 2021, and annually thereafter. For example, agencies are to report the percent of benefits directed to disadvantaged communities (e.g., percent of new wastewater systems installed in disadvantaged communities out of total waste systems installed).<sup>26</sup>

The interim guidance directed the 21 pilot programs to develop and submit stakeholder engagement plans to OMB within 30 days of issuance of the interim guidance, or by August 2021. Table 2 lists the pilot programs identified in the interim guidance. Additionally, pilot programs were to develop and submit draft implementation plans and methodologies for calculating program benefits within 60 days of issuance of the interim guidance, or by September 2021.<sup>27</sup>

**Table 2: Justice40 Initiative Pilot Programs**

Agency	Program
Appalachian Regional Commission	Partnerships for Opportunity and Workforce and Economic Revitalization
Department of Agriculture	Rural Energy for America Program
Department of Energy	Weatherization Assistance Program
	Solar Energy Technologies Office (National Community Solar Partnership)
	Vehicles Technologies Office (Clean Cities)
	Environmental Management, Los Alamos
	Advance Manufacturing Office (Industrial Assessment Centers)

<sup>26</sup>In addition, the interim guidance directed agencies to report some information within 60 days of issuance of the guidance, and annually thereafter, such as whether they had developed a stakeholder engagement plan.

<sup>27</sup>The interim guidance provided agencies with an additional 90 days, beyond the 60 days provided for pilot programs, to submit benefit methodologies to OMB for all other covered programs (i.e., those other than pilot programs). All covered programs could begin planning and implementation concurrently. When developing implementation plans, the interim guidance stated that agencies with pilot programs should consider certain specified guidelines, to the extent consistent with statutory and constitutional requirements, for modifying programs to maximize benefits. These guidelines for program modifications included, among others, avoiding potential burdens to disadvantaged communities and holding competitive solicitations that prioritize or award extra points to projects that meet the criteria for benefiting disadvantaged communities. The interim guidance further noted that agencies should, to the extent modifications are restricted by statute or regulation, describe what, if any, legislative changes would be required to advance the goal of the Justice40 Initiative for the covered program. The interim guidance also directed agencies with pilot programs to undertake additional actions, including identifying applicable funding mechanisms, policies, and procedures based on the interim guidance.

Agency	Program
Department of Health and Human Services	National Institute of Environmental Health Science Environmental Career Worker Training Program
	Low Income Home Energy Assistance Program
Department of Homeland Security	Flood Mitigation Assistance Program
	Building Resilient Infrastructure and Communities Program
Department of Housing and Urban Development	Lead Hazard Reduction and Healthy Homes Grants
Department of the Interior	Abandoned Mine Land Economic Revitalization Program
Department of Transportation	Bus and Bus Facilities Infrastructure Investment Program
	Low or No Emissions Vehicle Program
Environmental Protection Agency	Drinking Water State Revolving Fund
	Clean Water State Revolving Fund
	Brownfields Program
	Superfund Remedial Program
	Diesel Emissions Reductions Act Program
	Reducing Lead in Drinking Water

Source: Office of Management and Budget, Council on Environmental Quality, and Climate Policy Office. | GAO-24-105869

## Climate and Economic Justice Screening Tool

E.O. 14008 directed CEQ to create the Climate and Economic Justice Screening Tool within 6 months of the issuance of the executive order, or by July 2021, and annually publish interactive maps highlighting disadvantaged communities.<sup>28</sup> CEQ published a beta version of the screening tool in February 2022 and released version 1.0 in November 2022.<sup>29</sup> Version 1.0 of the screening tool identifies 27,248 census tracts as disadvantaged, representing approximately 33 percent of the U.S.

<sup>28</sup>EOP's 2023 addendum to the interim guidance noted that the screening tool only applies to the identification of disadvantaged communities that are geographically defined and not to those that are geographically dispersed. Office of Management and Budget, Council on Environmental Quality, and Climate Policy Office, *Addendum to the Interim Implementation Guidance for the Justice40 Initiative, M-21-28, on Using the Climate and Economic Justice Screening Tool (CEJST)*.

<sup>29</sup>Council on Environmental Quality, *Climate and Economic Justice Screening Tool*, accessed Oct. 17, 2023, <https://screeningtool.geoplatform.gov/en>. Compared with the beta version, version 1.0 of the screening tool included additional indicators and a modified methodology for identifying disadvantaged communities. According to EOP's frequently asked questions document on the beta screening tool, agencies could continue to use their interim definitions for disadvantaged communities during the beta-phase of the tool. Executive Office of the President, "Climate and Economic Justice Screening Tool: Frequently Asked Questions," accessed Apr. 28, 2022, <https://www.whitehouse.gov/wp-content/uploads/2022/02/CEQ-CEJST-QandA.pdf>. CEQ released a Spanish version of version 1.0 of the screening tool in July 2023.

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population.<sup>30</sup> The following text box provides additional information about the tool’s methodology, and figure 2 shows an illustrative example of disadvantaged communities identified in the screening tool.

**Climate and Economic Justice Screening Tool Version 1.0 Methodology**

The screening tool identifies communities as disadvantaged if they are in census tracts that meet the thresholds for at least one specified category of burden or are on land within the boundaries of federally recognized Tribes or point locations for Alaska Native villages.

The tool assesses burdens in eight categories: climate change, energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development. Each category uses several specified datasets as indicators of burden. Such datasets include, for example, expected population loss rate, projected flood risk, historic underinvestment, and transportation barriers.

In most instances, the screening tool uses percentiles of these indicators of burden to determine how much of a burden each tract experiences when compared with other tracts. The tool then sets a percentile threshold for each indicator of burden to determine if communities in a tract are disadvantaged.

The screening tool identifies a community as disadvantaged if it is in a census tract that is (1) at or above the threshold for one or more environmental, climate, or other burdens; and (2) at or above the percentile threshold for an associated socioeconomic burden. For example, in the category of health, communities are identified as disadvantaged if they are located in census tracts that are (1) at or above the 90th percentile for asthma, diabetes, heart disease, or low life expectancy; and (2) at or above the 65th percentile for low income.

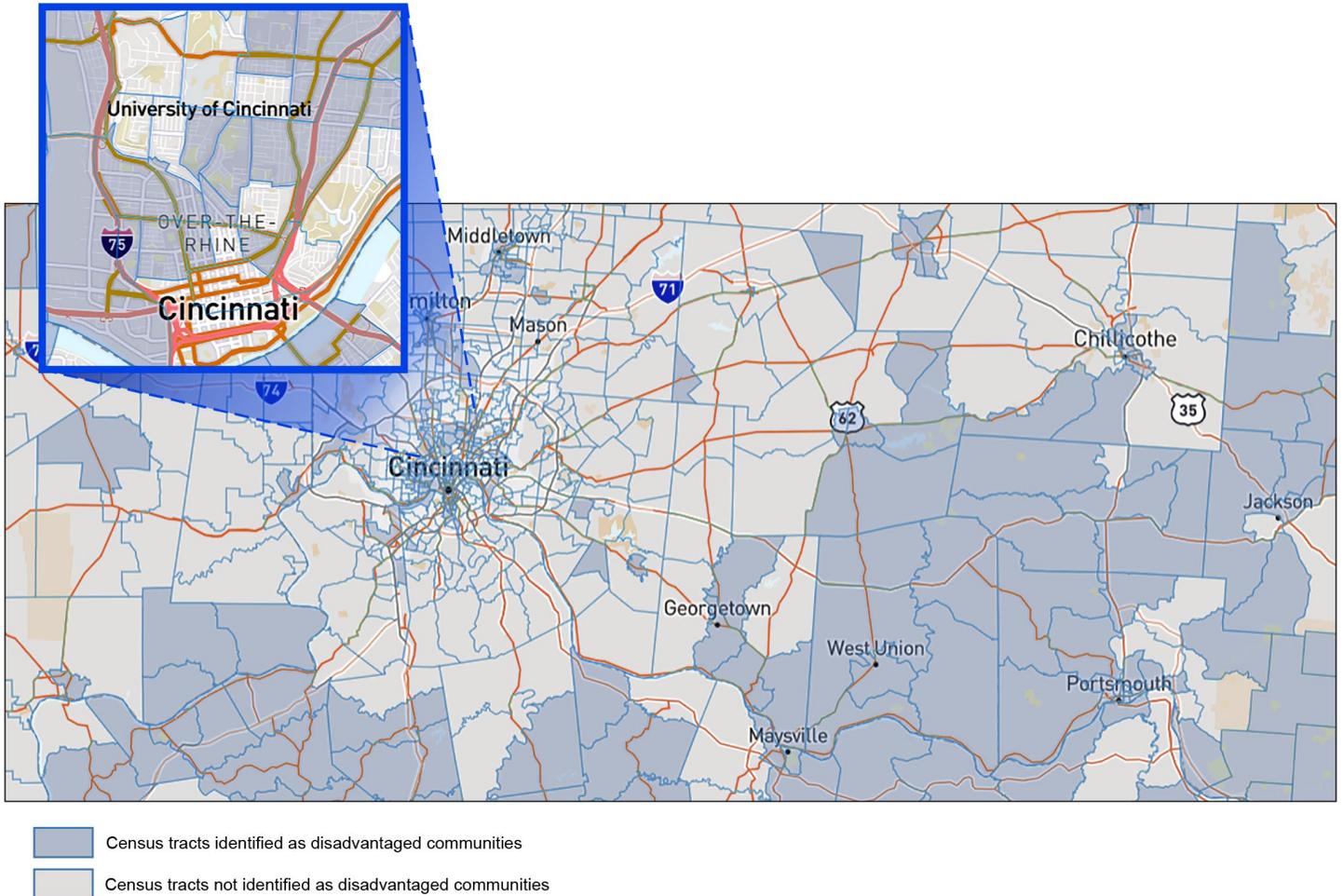
In addition, a census tract that is completely surrounded by disadvantaged communities and is at or above the 50th percentile for low income is also considered disadvantaged. If a census tract does not meet any of the burden thresholds in the tool, but it does contain land within the boundaries of a federally recognized Tribe, then the part of the tract that contains the lands of Tribes is considered disadvantaged. The tool displays this type of census tract as “partially disadvantaged.”

Source: Climate and Economic Justice Screening Tool. | GAO-24-105869

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<sup>30</sup>Census tracts are small, relatively permanent statistical subdivisions of a county or statistically equivalent entity, such as a parish or borough. Census tracts generally have a population size between 1,200 and 8,000 people. The screening tool uses the 74,134 census tracts listed in the 2010 census, including tracts in the United States, Puerto Rico, American Samoa, Guam, Commonwealth of the Northern Mariana Islands, and U.S. Virgin Islands. However, not all the data used in the tool are available or used for all U.S. territories.

**Figure 2: Climate and Economic Justice Screening Tool Version 1.0 Map of Disadvantaged Communities in Southern Ohio and Northern Kentucky**



Source: Climate and Economic Justice Screening Tool. | GAO-24-105869

In January 2023, EOP released an addendum to the Justice40 interim guidance on using the screening tool, and CEQ released instructions to federal agencies on using the tool.<sup>31</sup> The interim guidance addendum

<sup>31</sup>Office of Management and Budget, Council on Environmental Quality, and Climate Policy Office, *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*; and Council on Environmental Quality, *Instructions to Federal Agencies on Using the Climate and Economic Justice Screening Tool* (Washington, D.C.: Jan. 2023).

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Environmental Justice  
Scorecard

directed agencies to start using the screening tool as their primary tool to identify geographically defined disadvantaged communities for any covered programs under the Justice40 Initiative and for programs where a statute directs resources to disadvantaged communities, to the maximum extent possible and permitted by law.<sup>32</sup> E.O. 14008 directs CEQ, in implementing the screening tool, to annually publish interactive maps highlighting disadvantaged communities. According to CEQ and OMB staff, CEQ plans to update the tool annually coinciding with the start of the federal fiscal year in October. CEQ will update the tool based on public feedback, research, and the availability of new data, according to screening tool documentation.<sup>33</sup>

E.O. 14008 directed OMB, in coordination with CEQ, the U.S. Digital Service, and other relevant agency heads, to the extent consistent with applicable law, to publish on a public website by February 2022 an annual Environmental Justice Scorecard detailing environmental justice performance measures. In April 2023, OMB, CEQ, and the U.S. Digital Service released the Phase One Scorecard, reporting actions taken by 24 federal agencies in 2021 and 2022 to advance environmental justice, including on the Justice40 Initiative.<sup>34</sup> Scorecard documentation notes that the scorecard will be updated annually to measure the progress of federal agencies over time.<sup>35</sup>

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<sup>32</sup>The interim guidance addendum notes, for example, that if a program has a statutory definition of the target beneficiaries, the federal agency may not be able to legally require funding applicants to use the screening tool. However, according to the addendum, to promote uniformity across the government, federal agencies should identify ways to encourage use of the screening tool. In addition, the addendum stated that in certain special circumstances, it may be appropriate for an agency to issue a limited exception to using the screening tool to identify geographically defined disadvantaged communities where there is a justifiable need to consider other communities as disadvantaged within the meaning of the original interim guidance definition of disadvantaged communities. The addendum directed agencies to inform CEQ of any exceptions no later than 30 days prior to their use.

<sup>33</sup>Council on Environmental Quality, *About CEJST*, accessed Dec. 11, 2023, <https://screeningtool.geoplatform.gov/en/about>.

<sup>34</sup>Office of Management and Budget, Council on Environmental Quality, U.S. Digital Service, *Environmental Justice Scorecard*, accessed Oct. 11, 2023, <https://ejscorecard.geoplatform.gov/scorecard/>.

<sup>35</sup>Council on Environmental Quality, *About the Environmental Justice Scorecard*, accessed Nov. 20, 2023, <https://ejscorecard.geoplatform.gov/about/>.

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### Examples of Agency Implementation of the Justice40 Initiative

Agencies with covered programs have taken a variety of actions to implement the Justice40 Initiative. For example:

The Department of Energy released fact sheets on the Justice40 Initiative, held a webinar for the public on the agency's implementation of the initiative, and released guidance for states, municipal governments, private sector funding recipients, and other interested parties that plan to incorporate the Justice40 Initiative goal into Department of Energy-funded projects. The agency also participates in the interagency Thriving Communities Network to, among other things, provide resources and technical assistance to disadvantaged communities to reduce barriers to accessing federal funding. The Phase One Scorecard reported that in fiscal year 2022, the Department of Energy had 146 Justice40 covered programs, made over 100 funding announcements covered under the Justice40 Initiative, and made more than \$21.8 billion available from those covered programs.

In fiscal year 2022, the Federal Emergency Management Agency modified its grant-scoring criteria for two of its covered programs, the Building Resilient Infrastructure and Communities and the Flood Mitigation Assistance programs, to prioritize funding for projects benefitting disadvantaged communities, according to the Phase One Scorecard. The agency sought to make access to the grant programs more equitable for such communities by removing a common barrier—completion of a project benefit-cost analysis—for certain disadvantaged communities. The Phase One Scorecard reported that the Department of Homeland Security in fiscal year 2022 had four Justice40 covered programs—all of which are Federal Emergency Management Agency programs—and made more than \$4 billion available from those covered programs.

Sources: Executive Office of the President, Department of Energy, Department of Transportation. | GAO 24 105869

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## Leading Practices for Collaboration and Key Practices for Evidence-Building and Performance-Management Activities

Our prior work has found that many of the meaningful results that the federal government seeks to achieve—such as those related to infectious diseases, climate change, and cybersecurity—require the coordinated efforts of more than one federal agency and often more than one sector and level of government, as well as the participation of nonfederal actors.<sup>36</sup> We have found that such collaborative efforts can be enhanced and sustained when they reflect leading practices for collaboration, such as clarifying roles and responsibilities, leveraging resources and information, and ensuring accountability. Our prior work also found that following these leading practices can help reduce or better manage fragmentation, overlap, and duplication, which may lead to more efficient and effective programs.<sup>37</sup>

Further, our prior work found that federal decision makers need evidence about whether federal programs and activities are achieving intended

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<sup>36</sup>[GAO-23-105520](#).

<sup>37</sup>GAO, *Fragmentation, Overlap, and Duplication: An Evaluation and Management Guide*, [GAO-15-49SP](#) (Washington, D.C.: Apr. 2015).

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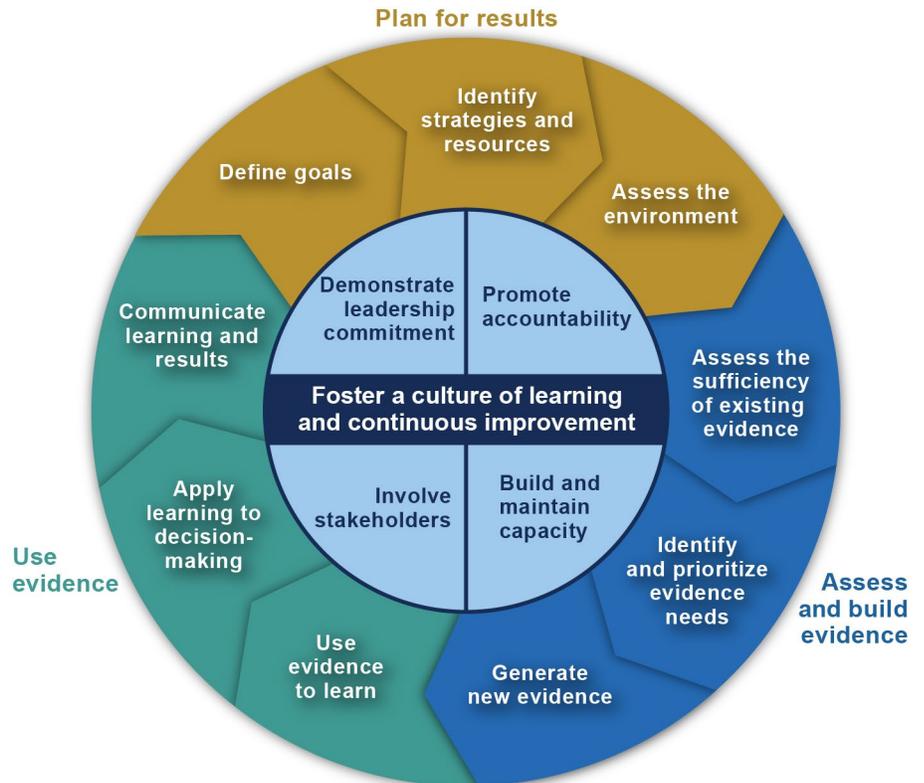
results. We have identified 13 key practices that can help federal leaders and employees effectively manage and assess the results of federal efforts by developing and using evidence.<sup>38</sup> Evidence-building activities can help decision makers obtain the evidence they need to understand and assess results and identify actions to improve them. Taken as a whole, performance-management activities help an organization define what it is trying to achieve, determine how well it is performing, and identify what it could do to improve results.

The 13 key practices fall into four areas: planning for results, assessing and building evidence, using evidence, and fostering a culture of learning and continuous improvement. These areas and related practices are interconnected and can be viewed as part of a cycle, as shown in figure 3.

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<sup>38</sup>[GAO-23-105460](#).

**Figure 3: Practices to Help Effectively Implement Federal Evidence-Building and Performance-Management Activities**



Source: GAO analysis. | GAO-24-105869

**EOP Worked Collaboratively to Develop Guidance and Tools and Has Opportunities to Enhance Collaboration in Future Efforts**

EOP collaborated with a variety of federal and nonfederal entities to develop guidance and tools for implementing the Justice40 Initiative. EOP's actions to develop guidance and tools partially reflected the leading practices for enhancing and sustaining collaborative efforts that we identified in our prior work. EOP has taken steps to improve its collaborative efforts and has further opportunities to enhance collaboration as it updates and develops new guidance and tools.

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## EOP Collaborated with Federal and Nonfederal Entities When Developing Guidance and Tools

According to our prior work, including relevant participants is a leading practice that can enhance collaborative efforts.<sup>39</sup> EOP collaborated with a variety of entities, including WHEJAC, the Interagency Council, and other federal and nonfederal entities, to develop the guidance and tools for implementing the Justice40 Initiative, reflecting this leading practice.

For example, according to EOP documents, CEQ and OMB staff, and an Interagency Council officer, EOP relied on WHEJAC's recommendations and received input from the Interagency Council when it developed the interim guidance and the scorecard. CEQ did the same when it developed the beta screening tool and version 1.0.<sup>40</sup>

CEQ and OMB staff stated that EOP also consulted with individual federal agencies to ensure that the interim guidance addressed topics helpful to federal agencies and also received feedback from agencies on improving the beta screening tool. When developing the screening tool, EOP also reviewed similar state initiatives and tools and met with state and local officials. These included officials from New York, New Mexico, and the National Black Caucus of State Legislators, according to CEQ and OMB staff. Further, CEQ reported that two tribal consultation sessions strongly influenced its decision to make changes to the definition of disadvantaged communities in the screening tool.

In addition, CEQ requested public comments on both the beta screening tool and the vision, framework, and outcomes of the scorecard. CEQ received comments from nongovernmental organizations, federal agencies, advocacy groups, trade associations, state offices, and federally recognized Tribes, among others.<sup>41</sup> CEQ and OMB staff told us that they received input directly from disadvantaged communities through the public comment processes and meetings with community organizations. EOP also received input indirectly from disadvantaged

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<sup>39</sup>[GAO-23-105520](#).

<sup>40</sup>Council on Environmental Quality, *Response by the White House Council on Environmental Quality to the White House Environmental Justice Advisory Council's Final Recommendations: Justice40, Climate and Economic Justice Screening Tool, and Executive Order 12898 Revisions that were submitted on May 21, 2021* (Washington, D.C.: May 20, 2022).

<sup>41</sup>Specifically, CEQ issued a request for information to solicit feedback on the beta screening tool in the *Federal Register* in February 2022. 87 Fed. Reg. 10,176 (Feb. 23, 2022). CEQ also issued a request for information to solicit feedback on the vision, framework, and outcomes of the scorecard in the *Federal Register* in August 2022. 87 Fed. Reg. 47,397 (Aug. 3, 2022).

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communities through WHEJAC, the Interagency Council, and agency officials because the two councils and officials had direct engagement with disadvantaged communities, according to CEQ and OMB staff.<sup>42</sup> Appendix IV provides more information on how EOP consulted with various entities to develop Justice40 guidance and tools.

CEQ and OMB staff said they plan to continue collaborating with a variety of entities as they annually update the screening tool and the scorecard. According to an August 2023 report to Congress, OMB is coordinating with CEQ and other federal agency partners to update the scorecard.<sup>43</sup> Further, CEQ plans to continue to provide opportunities for WHEJAC, environmental justice stakeholders, and the public to provide recommendations to improve the scorecard.<sup>44</sup> For example, in November 2023, CEQ solicited feedback from the public on the Phase One Scorecard.<sup>45</sup> In addition, in March 2023, CEQ requested that WHEJAC provide further advice and recommendations to CEQ on informing future versions of the screening tool. Further, the National Academies of Sciences, Engineering, and Medicine plans to make recommendations to CEQ in August 2024 regarding an overall data strategy for the screening tool.<sup>46</sup>

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<sup>42</sup>For example, between March 2021 and December 2023, WHEJAC held 14 public meetings at which members received public comments.

<sup>43</sup>Council on Environmental Quality, *Report to Congress on the White House Environmental Justice Advisory Council's Recommendations for the Justice40 Initiative Phase One Implementation, the Climate and Economic Justice Screening Tool, and Air Pollution Emissions Limits for Incinerators* (Washington, D.C.: Aug. 16, 2023).

<sup>44</sup>The public can provide feedback to EOP on the screening tool and scorecard through a survey linked from each tool's website.

<sup>45</sup>88 Fed. Reg. 80,697 (Nov. 20, 2023).

<sup>46</sup>The National Academies is conducting a study of how environmental health and geospatial data can inform the screening tool. As part of their analysis, according to the National Academies' website, the National Academies will scan existing tools; evaluate current data availability and quality; note key data gaps; and discuss approaches to process, integrate, and analyze these data. National Academies of Sciences, Engineering, and Medicine "Utilizing Advanced Environmental Health and Geospatial Data and Technologies to Inform Community Investment" (Washington, D.C.), accessed Oct. 16, 2023, <https://www.nationalacademies.org/our-work/utilizing-advanced-environmental-health-and-geospatial-data-and-technologies-to-inform-community-investment>.

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## EOP Has Opportunities to Enhance Collaboration as It Updates and Develops New Guidance and Tools

According to our analysis, EOP has opportunities to more fully incorporate selected leading practices for effective collaboration as it updates and develops new guidance and tools. These opportunities are (1) clarifying roles and responsibilities, (2) bridging organizational cultures, (3) leveraging resources and information, and (4) identifying and sustaining leadership.<sup>47</sup> In addition, EOP may have an opportunity to strengthen participants' commitment to work collaboratively and enhance accountability for results by articulating agreements on such leading practices in formal documents, which is another leading practice.

### Clarifying Roles and Responsibilities

Our prior work found that collaborating entities should work together to define and agree on their respective roles and responsibilities.<sup>48</sup> In doing so, agencies can clarify who will do what, organize their joint and individual efforts, and facilitate decision-making. E.O. 14008 described the general roles of some of the entities participating in the collaborative effort to develop EOP guidance and tools. These entities include EOP, the Interagency Council, and WHEJAC. The WHEJAC charter further described the advisory council's role.<sup>49</sup>

However, EOP and the Interagency Council have not fully clarified the specific roles and responsibilities of the Interagency Council in updating and developing new guidance and tools. For example, more than 2 years after E.O. 14008 established the council, the role of the council is still evolving, according to CEQ and OMB staff. An Interagency Council officer told us that EOP and the Interagency Council have not agreed on the role of the council in developing Justice40 guidance and tools. According to the Interagency Council officer, due to the uncertainty about its role, the Justice40 subcommittee did not convene regularly for most of 2022.<sup>50</sup>

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<sup>47</sup>[GAO-23-105520](#) identified eight leading practices that can enhance collaboration. We did not include one leading practice, defining common outcomes, in our analysis because E.O. 14008 defined the primary outcomes of the collaborative effort—recommendations for implementing the Justice40 Initiative, the Climate and Economic Justice Screening Tool, and the scorecard. We report our findings on an additional leading practice, ensuring accountability, in the following section.

<sup>48</sup>[GAO-23-105520](#); and *Managing for Results: Key Considerations for Implementing Interagency Collaborative Mechanisms*, [GAO-12-1022](#) (Washington, D.C.: Sept. 27, 2012).

<sup>49</sup>Environmental Protection Agency, *United States Environmental Protection Agency Charter: White House Environmental Justice Advisory Council (WHEJAC)*.

<sup>50</sup>According to an Interagency Council officer, certain agencies did continue to meet to coordinate and share best practices on implementing the Justice40 Initiative.

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## Bridging Organizational Cultures

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In addition, E.O. 14008 directed OMB, in coordination with CEQ, the U.S. Digital Service, and relevant agency heads, to publish an annual scorecard detailing agency environmental justice performance measures. The executive order also directed the Interagency Council to publish an annual public performance scorecard.<sup>51</sup> OMB, CEQ, and the U.S. Digital Service finalized and published the Phase One Scorecard with input from the Interagency Council, but EOP and the Interagency Council have not clearly delineated responsibilities for future updates to the scorecard.

By clarifying and documenting the roles and responsibilities of the Interagency Council when updating and developing new guidance and tools for implementing the Justice40 Initiative, EOP and the Interagency Council can more effectively organize their joint and individual efforts to develop EOP guidance and tools. In April 2023, E.O. 14096 directed the Interagency Council to adopt a memorandum of understanding (MOU) among its members—which include, among others, CEQ, OMB, and CPO—that sets forth the objectives, structure, and planned operations of the Interagency Council.<sup>52</sup> The MOU may provide one potential avenue for clarifying and documenting the roles and responsibilities of the Interagency Council in updating and developing new guidance and tools for the Justice40 Initiative. Our prior work found that articulating agreements in formal documents, such as an MOU, can strengthen participants' commitment to working together.<sup>53</sup>

Our prior work found that when two or more agencies come together to work toward common outcomes, they often face challenges deriving from differences in their cultures, missions, and perspectives. We have previously reported that addressing differences between diverse organizational cultures can create the mutual trust among collaborating participants that is critical to enhancing and sustaining the collaborative

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<sup>51</sup>Specifically, E.O. 14008 provides that the Interagency Council is to develop clear performance metrics to ensure accountability and publish an annual public performance scorecard on its implementation.

<sup>52</sup>Additionally, E.O. 14096 added to the responsibilities of the Interagency Council described in E.O. 14008. Specifically, E.O. 14096 directed the Interagency Council to support and facilitate interagency collaboration on programs and activities related to environmental justice, including the development of materials for environmental justice training to build the capacity of federal employees to advance environmental justice and to increase the meaningful participation of individuals from communities with environmental justice concerns in federal activities. Exec. Order No. 14,096, § 7(b), 88 Fed. Reg. 25,251, 25,259 (Apr. 26, 2023).

<sup>53</sup>[GAO-23-105520](#).

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effort. In particular, our prior work found that fostering open and frequent communication between collaboration participants can help bridge organizational cultures and ensure positive working relationships and trust between participants, enhancing and sustaining collaborative efforts.<sup>54</sup>

EOP took steps to bridge organizational cultures with collaboration participants by communicating with WHEJAC and agencies with covered programs in a variety of ways as it developed the guidance and tools for implementing the Justice40 Initiative. CEQ staff attended WHEJAC's public and workgroup meetings, according to WHEJAC members; met monthly with the WHEJAC steering committee, with co-chairs, and with administrative officials, according to WHEJAC administrative officials; and reported to Congress on how EOP and agencies took action based on WHEJAC's recommendations.<sup>55</sup> In addition, CEQ and OMB staff told us they provided advice on implementing EOP's guidance and tools to agencies and programs through a variety of channels. However, according to our interviews with Interagency Council officers and WHEJAC members and administrative officials, WHEJAC and the Interagency Council faced challenges in communicating effectively with each other, and EOP did not always communicate effectively with WHEJAC.

#### **Communication between WHEJAC and the Interagency Council.**

According to an Interagency Council officer and members of WHEJAC we interviewed, communication between WHEJAC and the Interagency Council has largely consisted of presentations from Interagency Council member agencies, rather than meaningful dialogue. Some WHEJAC members we interviewed said that they struggled to obtain responses to their questions from the Interagency Council and did not receive any feedback from the Interagency Council or agencies on their recommendations. In November 2022, some members of WHEJAC told us that the scorecard workgroup stopped working due to insufficient information from the Interagency Council on which to base their deliberations on developing credible metrics.

The Chair of CEQ stated that EOP is committed to achieving meaningful and regular engagement between the Interagency Council and WHEJAC,

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<sup>54</sup>[GAO-23-105520](#); and [GAO-12-1022](#).

<sup>55</sup>App. III provides further information on WHEJAC's recommendations and CEQ's reports to Congress.

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and an Interagency Council officer told us that the two entities should be engaged with each other. CEQ is partnering with WHEJAC administrative officials to develop processes to improve communication between the councils, according to the Chair of CEQ and a WHEJAC administrative official. For example, WHEJAC and the Interagency Council have held two joint sessions and, going forward, E.O. 14096 calls for the councils to have at least one joint public meeting per year. According to a WHEJAC member we interviewed, WHEJAC would like to adjust the format of these meetings to include conversations between WHEJAC members and agency officials, rather than one-way communication via agency presentations, as has occurred in past meetings. According to a WHEJAC administrative official, improving communication between WHEJAC and the Interagency Council can also help ensure that the work of the two councils' subgroups is not duplicative.

**Communication between EOP and WHEJAC.** According to WHEJAC members and administrative officials we interviewed, EOP did not always communicate effectively or openly with WHEJAC, which affected WHEJAC's ability to make meaningful recommendations. For example, some WHEJAC members told us that, as they were developing recommendations for the scorecard, EOP did not answer their questions about whether the scorecard would be universal or whether each agency would create their own, which made it difficult for WHEJAC to make useful recommendations. Further, according to members of WHEJAC and an Interagency Council officer, WHEJAC members worked long hours developing recommendations for EOP by assigned deadlines. However, EOP did not follow up with any feedback on the recommendations, making it challenging for WHEJAC to make further recommendations, according to WHEJAC members we interviewed.

According to CEQ and OMB staff, as well as WHEJAC members and administrative officials we interviewed, building capacity to communicate and work together effectively has been a learning process for both entities. It took time for EOP to build up an environmental justice staff that could work with WHEJAC, and both WHEJAC members and EOP staff took on new roles with the establishment of the advisory council, according to WHEJAC members and an administrative official we interviewed. According to the WHEJAC administrative officials, WHEJAC members have had to adjust their expectations regarding how much information EOP can share with them. For example, EOP staff are not always able to discuss EOP internal deliberations prior to making final decisions, even if that information would be useful for WHEJAC in developing recommendations, according to CEQ and OMB staff and

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WHEJAC administrative officials. Further, according to the WHEJAC administrative officials, CEQ staff have had to determine how much trust and openness to extend to WHEJAC members to work productively together.

Nevertheless, according to a WHEJAC member we interviewed and an Interagency Council officer, insufficient communication between EOP and WHEJAC has led to an ongoing lack of trust in EOP, straining the working relationship between WHEJAC and EOP. Improved communication between WHEJAC and EOP can help bridge the organizational cultures of the two entities, thereby providing an opportunity to build trust and improving their working relationship. By working with WHEJAC members and administrative officials to assess WHEJAC's communication needs with EOP and then, as appropriate, developing methods for meeting those needs, EOP can better ensure that WHEJAC can provide EOP with meaningful recommendations for updating and developing new guidance and tools.

## Leveraging Resources and Information

Our prior work found that collaborating agencies should identify opportunities to leverage each other's resources to potentially gain additional benefits that would be unavailable if they were working separately.<sup>56</sup> EOP has taken some steps to leverage resources to support the collaborative effort to develop Justice40 guidance and tools. For example, CEQ identified the need for additional support for the Interagency Council and, in early 2023, hired a Director of the Interagency Council to provide that support. In addition, EOP has leveraged the expertise of the Interagency Council, WHEJAC, federally recognized Tribes, state and local officials, and others to develop guidance and tools. CEQ has also relied on WHEJAC and the Interagency Council to share input from the public and disadvantaged communities with EOP.

Agencies are encouraged under federal regulations to provide adequate support to their advisory committees.<sup>57</sup> However, according to WHEJAC

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<sup>56</sup>[GAO-23-105520](#); and *Managing for Results: Implementation Approaches Used to Enhance Collaboration in Interagency Groups*, [GAO-14-220](#) (Washington, D.C.: Feb. 14, 2014).

<sup>57</sup>Specifically, federal regulations implementing FACA state that agencies are encouraged to apply certain principles, including providing adequate support, to the management of their advisory committees. The regulations note that considerations related to support include office space, necessary supplies and equipment, federal staff support, and access to key decision makers. 41 C.F.R. § 102-3.95(a).

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documents and our interviews with WHEJAC members, WHEJAC has not always had access to the resources members need to effectively contribute to the development of Justice40 guidance and tools. In March 2022, more than a year after WHEJAC was established, the co-chairs of WHEJAC sent a letter to CEQ stating that WHEJAC's workgroups did not have sufficient resources, personnel, or consultation capacities to produce sophisticated and well-documented reports, recommendations, and other products.<sup>58</sup> For example, both the letter, and WHEJAC members we interviewed, stated that WHEJAC members did not have access to the experts they needed to conduct their work.

CEQ and WHEJAC administrative officials stated that they are working together to respond to the members' request for additional resources.<sup>59</sup> For example, by the end of 2022, EPA had put in place a contract mechanism to support hiring experts for WHEJAC, according to WHEJAC administrative officials. WHEJAC members we interviewed told us in July and August 2023 that EPA had provided additional administrative support, and the members have a better understanding of how to effectively request the support of experts. WHEJAC members told us that an increase in resources and staff at CEQ and additional support and resources from EPA for the council have been helpful as WHEJAC continues to develop recommendations.

Developing the guidance and tools for the Justice40 Initiative has been time and resource intensive, according to CEQ and OMB staff. The delivery dates for guidance and tools established by E.O. 14008 were ambitious, in light of the extensive collaboration required to develop them, according to CEQ and OMB staff. Consequently, EOP was unable to issue recommendations for implementing the Justice40 Initiative, the screening tool, or the scorecard by the delivery dates outlined in E.O. 14008. One result of these delays, according to an Interagency Council officer, was that it became difficult to build commitment at the agencies to implement the initiative.

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<sup>58</sup>White House Environmental Justice Advisory Council, *Letter to Brenda Mallory, Chair, CEQ: Request for Resources for WHEJAC, Request for Timelines, Request for Key Agency Contacts to Attend Public Comment Period During Public Meetings and Increase in CEQ Budget and Staff* (Mar. 8, 2022).

<sup>59</sup>WHEJAC is established within EPA, which is, under E.O. 14008, responsible for providing funding and administrative support to WHEJAC. Council on Environmental Quality, *Letter to Peggy Shepard and Richard Moore, WHEJAC co-chairs: CEQ Response to WHEJAC March 2022 Letter to CEQ* (Washington, D.C.: May 11, 2022).

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Further, EOP stated in the interim guidance that it would issue common metrics for measuring program benefits. However, in March 2023, CEQ and OMB staff told us that they were still developing the metrics and, as of November 2023, EOP had not released them. In addition, some WHEJAC members we interviewed cited the length of time it takes CEQ to vet potential experts as one factor in why their workgroups have not always had timely access to experts needed to help them develop recommendations.

Since E.O. 14008 established the Justice40 Initiative, EOP has acquired staff and resources to support the initiative. For example, CEQ increased the number of staff working on or supporting the Justice40 Initiative and the screening tool from one to 12 staff members. In addition, in August 2022, the Inflation Reduction Act appropriated \$32.5 million to CEQ and \$25 million to OMB, enabling staff to support the development of future versions of the screening tool and the implementation of the Justice40 Initiative, according to CEQ and OMB staff.<sup>60</sup>

However, EOP has not fully leveraged the expertise and resources available through the Interagency Council to support the development of EOP guidance and tools. Following the issuance of E.O. 14008, the Interagency Council took steps to develop benefit methodologies, a plan for private sector engagement, and the design of the screening tool, according to an Interagency Council officer. However, by the summer of 2021, EOP had requested that the council step back and focus instead on the council's role in sharing best practices between agencies and allow EOP to steer implementation of the initiative, according to an Interagency Council officer. The council's ongoing work sharing best practices between agencies is valuable for the initiative, according to Interagency Council officers and CEQ and OMB staff we interviewed.

As a whole, the agencies that are represented on the Interagency Council have significant experience and capacity related to environmental and economic justice. Federal agencies have been making efforts to identify and address environmental justice issues for more than 25 years. For example, between 1994 and 2021, EPA led the Interagency Working

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<sup>60</sup>Pub. L. No. 117-169, §§ 60401, 70005, 136 Stat. 1818, 2079, 2087 (2022). Specifically, in August 2022, the budget reconciliation act, commonly known as the Inflation Reduction Act, appropriated \$25 million to OMB to track labor, equity, and environmental standards and performance, among other things. The act also appropriated \$32.5 million to CEQ to, among other things, support certain data collection efforts and establish, expand, and maintain efforts to track disproportionate burdens and cumulative impacts.

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Group on Environmental Justice, which provided a forum for federal agencies to collectively advance environmental justice principles, according to EPA. Further, according to the scorecard, federal agencies together have hundreds of staff working on environmental justice either in a full- or part-time capacity. This includes over 220 staff at the Department of Homeland Security and more than 140 staff at the Department of Energy.

By consulting with the Interagency Council to identify and more fully leverage the resources of the council as EOP updates and develops new guidance and tools, EOP can better ensure that it has maximized opportunities to develop those materials efficiently and effectively. For example, one Interagency Council officer suggested that EOP could leverage the council's resources by having the council design an interagency approach to tracking and measuring benefits, advise EOP on how best to collect information from agencies, and collect and share agency recommendations on implementation with EOP. Moreover, by availing themselves of Interagency Council resources and expertise, EOP may be better able to avoid bottlenecks that have prevented the timely release of guidance and tools.

## Identifying and Sustaining Leadership

Our prior work found that strong and sustained leadership provides the authority, support, and decision-making capabilities that allow collaborative efforts to function and facilitates oversight and accountability.<sup>61</sup> However, according to WHEJAC members and Interagency Council officers we interviewed, EOP did not have the capacity to implement the Justice40 Initiative effectively at first. Prior to January 2021, CEQ did not have any staff who were focused on environmental justice issues, according to CEQ and OMB staff. In addition, CEQ experienced staff turnover of key environmental justice staff over the following 2 years.<sup>62</sup>

According to an Interagency Council officer we interviewed, this lack of capacity and gaps in leadership at EOP limited EOP's ability to lead the development of guidance and tools. For example, the officer said that the initial deficit of leadership at EOP affected EOP's ability to set goals and priorities for Justice40 implementation. In the absence of leadership, clarity, and focus from EOP, agencies with sufficient resources were

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<sup>61</sup>[GAO-23-105520](#).

<sup>62</sup>The first CEQ Senior Director for Environmental Justice held the office for less than a year, stepping down in January 2022, and was not replaced until May 2022.

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forced to figure out implementation on their own, rather than following a consistent, whole-of-government approach, according to an Interagency Council officer.

As discussed previously, EOP has since gained staff and resources to support the Justice40 Initiative. For example, CEQ hired a Director for Environmental Justice Public Engagement and a Deputy Director for Justice40 and Environmental Justice Innovation. In addition, E.O. 14096 established the White House Office of Environmental Justice within CEQ and noted that the office is to be headed by a Federal Chief Environmental Justice Officer appointed by the President.<sup>63</sup>

We have reported that when a collaboration leader is associated with the President, Members of Congress, or other high-level officials, they are better able to influence individuals and organizations within the federal government to collaborate with one another.<sup>64</sup> E.O. 14008 elevated the responsibility of coordinating federal environmental justice efforts from EPA to EOP.<sup>65</sup> Therefore, EOP is in a strong position to ensure that collaborative efforts to develop effective guidance and tools are successful. Further, EOP can better ensure that it has the political will, credibility, and information it needs to lead the development of effective guidance and tools for implementing Justice40 by more fully reflecting the leading practices for enhancing collaborative efforts discussed above.

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<sup>63</sup>Exec. Order No. 14,096, § 8, 88 Fed. Reg. 25,251, 25,260 (Apr. 26, 2023).

<sup>64</sup>[GAO-23-105520](#).

<sup>65</sup>As noted previously, E.O. 14008 amended E.O. 12898 to replace the Interagency Working Group on Environmental Justice, which was convened by EPA, with the Interagency Council.

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## Over Half of the Justice40 Pilot Programs Found EOP's Guidance and Tools Useful, and EOP Has Opportunities to Better Identify and Address Challenges

Over half of the pilot programs that responded to our survey found EOP's guidance and tools useful for developing and implementing their Justice40 plans and methodologies.<sup>66</sup> However, multiple respondents and agency officials described experiencing challenges using EOP guidance and tools. EOP has taken steps to address some of these challenges, and it has opportunities to better identify and address ongoing challenges as it updates and develops new guidance and tools.

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### Over Half of the Justice40 Pilot Programs Found EOP's Guidance and Tools Useful

According to our analysis of survey responses, over half of pilot program respondents answered that EOP's guidance and tools were useful for their programs' implementation of the Justice40 Initiative.<sup>67</sup> Specifically, in their narrative responses

- most respondents (16 of 18) wrote that the interim guidance was useful because of the information it provided on how to implement the initiative.<sup>68</sup> For example, according to one respondent's narrative response, the interim guidance included an example of benefits featuring direct and indirect investments, which they said helped their

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<sup>66</sup>App. I includes summary results in tables and analysis of Justice40 pilot program survey responses.

<sup>67</sup>Two pilot programs identified the same official to submit responses regarding the programs' experiences with EOP guidance and tools. As a result, we counted this survey submission as one response and reported the total number of survey respondents as 19. Not all questions were applicable to all respondents; therefore, not all respondents answered all questions. Three pilot program respondents at the same agency worked together to coordinate and provide similar responses to the survey questions. For the purposes of this report, we counted their responses individually to incorporate dissimilarities in responses.

<sup>68</sup>We combined responses of "very useful" and "moderately useful" into a single category of "useful" for efficiency in conveying the results of our survey. App. I shows survey results broken down by response option.

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program consider Justice40 benefits as more than just dollars invested;<sup>69</sup>

- some respondents (eight of 14) wrote that the information in the interim guidance and the beta screening tool for identifying disadvantaged communities was useful. For example, one respondent explained that the beta screening tool created consistency in how disadvantaged communities are defined government-wide while also allowing for flexibility depending on how programs serve different community levels, such as a city, county, or census tract level; and
- some respondents (seven of 18) wrote that the interim guidance was useful for developing implementation plans because it established clear deadlines for taking action. For example, one respondent stated that the “aggressive” deadlines set in the interim guidance made implementing the Justice40 Initiative the program’s main priority.

In addition to the interim guidance and screening tool, according to CEQ staff and some pilot program respondents, EOP provided advice to 11 of 19 pilot programs, including through technical assistance, email support, and office hours, which five respondents reported as useful for developing plans and methodologies.<sup>70</sup> For example, one respondent wrote that it was useful when their program discussed the meaning of the terms “disadvantaged” and “underserved” with regard to the Justice40 Initiative with OMB. Another respondent stated that EOP provided useful training on the screening tool.

According to our analysis of survey responses, as of March 2023, most respondents answered that their pilot programs developed plans and methodologies for modifying their existing programs to implement and

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<sup>69</sup>The interim guidance provides examples of covered program benefits when applied for or within disadvantaged communities, such as reduced greenhouse gas emissions and local air pollutants, and access to clean, high-frequency transportation. Indirect investments are investments that do not have to be made directly in a disadvantaged community for the community to reap their benefits, according to the Department of Transportation in its responses to WHEJAC final May 2021 recommendations on Justice40, screening tool, and E.O. 12898 revisions. Council on Environmental Quality, *Response by the White House Council on Environmental Quality to the White House Environmental Justice Advisory Council’s Final Recommendations*.

<sup>70</sup>According to pilot program respondents, EOP provided advice to pilot programs by answering clarifying questions (10 of 19); providing written or verbal feedback (six of 19); and providing additional materials, such as examples or best practices (three of 19).

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align with the Justice40 goal.<sup>71</sup> Seventeen of 18 respondents also answered that their programs used the interim guidance to develop their plans and methodologies. As part of their development efforts, most respondents (15 of 19) answered that their programs defined and identified disadvantaged communities using the interim guidance and the beta screening tool. These definitions can differ across agencies.<sup>72</sup>

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### EOP Has Taken Steps to Address Some Early Challenges Experienced by the Pilot and Other Covered Programs

According to our analysis of survey responses and interviews with an Interagency Council officer and CEQ and OMB staff, multiple pilot and other covered programs experienced challenges when implementing the Justice40 Initiative prior to EOP issuing the interim guidance addendum and CEQ releasing the screening tool and screening tool instructions. These early challenges included (1) reconciling interim guidance directives with unique program characteristics, (2) ambitious timelines to complete plans and methodologies, and (3) developing program plans and methodologies simultaneously while EOP developed guidance and tools. For example:

- Three pilot program respondents described in their narrative responses that they experienced uncertainty because the interim guidance did not clarify how programs should address discrepancies between statutory definitions and Justice40 guidance. In addition, some covered programs serving specific populations, such as federally recognized Tribes, experienced limitations identifying their communities with the screening tool when implementing the Justice40 Initiative.
- Six respondents also wrote in narrative responses that it was challenging to develop and implement plans and methodologies under the interim guidance's timelines for pilot programs, and CEQ and OMB staff told us they also considered the timelines ambitious.
- Seven respondents wrote in their narrative responses that it was challenging to develop their plans and methodologies prior to CEQ's release of the screening tool and additional implementation guidance

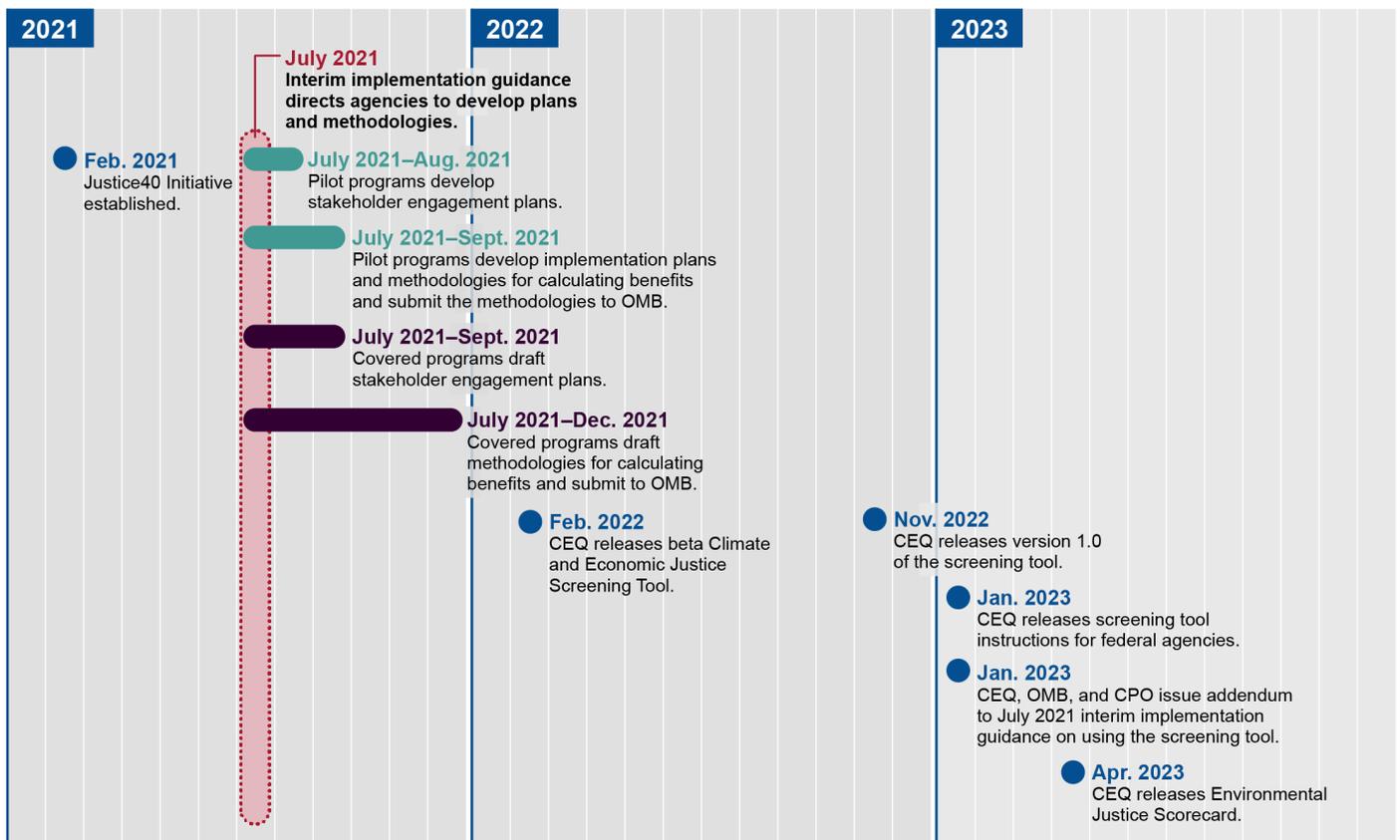
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<sup>71</sup>All respondents reported that their pilot programs completed implementation plans. Eighteen of 19 respondents reported that their programs developed stakeholder engagement plans and methodologies for calculating program benefits.

<sup>72</sup>All respondents reported that their pilot programs defined disadvantaged communities for implementing the Justice40 Initiative. Almost all respondents (15 of 19) answered that their programs used EOP guidance and tools to identify these communities, but four programs used resources other than the interim guidance or beta screening tool to do so. For example, one pilot program reported using an existing definition of disadvantaged communities that its agency uses for other equity work.

(see fig. 4). In addition, EOP's release of guidance and tools months past the due dates set in E.O. 14008 made it difficult to build commitment for the Justice40 Initiative and establish consistency across and within agencies, according to an Interagency Council officer. Appendix I provides additional detail on these examples.

**Figure 4: Pilot and Covered Program Timeline for Developing Plans and Methodologies**



- Pilot program time frame for developing plans and methodologies
- Covered program time frame for developing plans and methodologies
- Milestones for the Justice40 Initiative

Source: GAO analysis of documents from the Council on Environmental Quality (CEQ), Office of Management and Budget (OMB), White House Office of Domestic Climate Policy, and the White House. | GAO-24-105869

EOP addressed some of these early challenges by issuing the interim guidance addendum in January 2023, along with CEQ releasing version 1.0 of the screening tool in November 2022 and accompanying

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instructions in January 2023. For example, according to CEQ and OMB staff, EOP directly addressed the challenge of reconciling interim guidance directives with unique program characteristics in the addendum. This included program uncertainty, identified by survey respondents, regarding how much flexibility they had to deviate from the screening tool definition of disadvantaged communities based on specific program requirements. The addendum notes that if a program has a statutory definition of the target beneficiaries, the federal agency may not be able to legally require funding applicants to use the screening tool. The addendum also states that, in certain special circumstances, it may be appropriate for an agency to issue a limited exception to using the screening tool to identify geographically defined disadvantaged communities. Agencies may do so, according to the addendum, where there is a justifiable need to consider other communities as disadvantaged within the meaning of the interim guidance's original definition.

Further, following consultations with federally recognized Tribes, EOP clarified in the interim guidance addendum that all federally recognized Tribes are considered to be disadvantaged communities for the purposes of the Justice40 Initiative, regardless of whether the Tribes have land. The respondent with a pilot program working with federally recognized Tribes reported that this change was sufficient clarification for their program purposes.

The salience of some of the challenges that pilot programs faced has decreased over time because covered programs now have more time, guidance, and tools for developing and implementing Justice40 plans and methodologies. For example, the interim guidance's deadlines, ranging from 30 to 150 days, for programs to develop plans and methodologies ended in 2021. Some pilot programs described those deadlines as aggressive. Now the required reporting timelines for covered programs are longer, as the interim guidance directs all covered programs to report further information, including on plans and methodologies, on an annual basis.

Covered programs also have more guidance and tools with the release of version 1.0 of the screening tool, its instructions, and the interim guidance addendum. As a result, some covered programs' future efforts will not overlap simultaneously with EOP's development of these guidance and tools, as was the case initially. Further, as discussed previously, EOP plans to release updated and new guidance and tools, such as common metrics, that have the potential to address other program challenges.

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## EOP Has Opportunities to Improve Its Efforts to Identify and Address Ongoing Covered Program Challenges

According to CEQ and OMB staff we interviewed, CEQ and OMB solicited information from pilot and other covered programs on lessons learned since the release of the interim guidance. The staff said they did this by meeting with programs individually, as well as with the Interagency Council, and shared the lessons with other agencies with covered programs. CEQ and OMB staff said EOP collected and shared examples of several agencies' efforts to integrate Justice40 considerations into their programs' financial assistance process, including funding announcements and application scoring and merit criteria.<sup>73</sup> EOP then used information collected from pilot programs' implementation efforts to update and develop new guidance and tools, according to CEQ and OMB staff. For example, according to CEQ and OMB staff and agency officials, EOP used data from a Department of Transportation tool for identifying transportation disadvantages to add a new indicator of disadvantaged communities to version 1.0 of the screening tool.<sup>74</sup>

Although EOP has addressed or plans to address certain program challenges, according to our analysis of survey responses, many challenges remain. Through its efforts to identify lessons learned, EOP was able to identify some ongoing challenges for pilot programs, according to our analysis of survey responses and interviews with CEQ and OMB staff. Specifically, most pilot programs described communicating to EOP two key ongoing challenges that programs face when reporting information to OMB.

- **Determining benefits without actionable information.** Most respondents (16 of 19) described, in their narrative responses, experiencing challenges because EOP's guidance and tools did not provide actionable information that gives step-by-step instructions for calculating, presenting, or identifying an appropriate methodology for determining program benefits for the Justice40 Initiative. Three of those respondents wrote that it was challenging to maximize program benefits and meet the Justice40 goal without additional instructions or

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<sup>73</sup>CEQ and OMB staff said they encouraged agencies to share with each other how they incorporated the Justice40 Initiative into their funding announcements in a manner consistent with applicable laws.

<sup>74</sup>CEQ and OMB staff said they examined the Department of Transportation's "Transportation Disadvantaged Census Tracts" mapping tool made for assisting applicants in identifying whether a project is located in a disadvantaged community. The tool includes data for 22 indicators collected at the census tract level and grouped into six categories of transportation disadvantage. CEQ and OMB staff said they based their indicator on transportation barriers on the Department of Transportation's disadvantage category focused on transportation access.

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more specific guidance from EOP.<sup>75</sup> They explained that their programs have several eligible project types, each with unique potential benefits, which makes it difficult to uniformly align them with the Justice40 Initiative. According to the three respondents, it would be useful for EOP to define what benefits to collect and how to measure them. Another respondent wrote that, without further information from EOP, their program had to rely on evaluation and survey tools external to EOP's guidance and tools, such as the agency's internal analysis of their program's economic impact, to determine benefits for their program.

- **Insufficient clarity and information in EOP's guidance and tools.** Thirteen of 19 respondents described, in their narrative responses, challenges with the level of clarity and information provided in EOP's guidance and tools. One respondent wrote that the guidance and tools do not provide sufficient detail on the specific activities that programs need to track and report. The respondent said that the program did not have a specific definition for disadvantaged communities that identified relevant geographic areas, such as zip codes or census tracts, or adequate mechanisms for tracking communities that receive the program's funding, which made the interim guidance's reporting directives not feasible. According to two respondents, the interim guidance included ambiguous language that made it difficult to understand what information on plans and methodologies EOP requested within specified time frames.

Some respondents (nine of 19) wrote in narrative responses that it was difficult to modify their programs to meet the Justice40 goal without additional information on best practices from other pilot programs, including examples, templates, and models. For instance, one respondent stated that examples of modifications other federal programs made to their programs to implement the Justice40 Initiative could have helped their program consider their own potential modifications. Another respondent stated that EOP providing pilot programs with baseline templates in the interim guidance would have enabled more strategic planning for developing an implementation

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<sup>75</sup>These three respondents, representing three separate pilot programs within one agency, worked together to coordinate their survey answers and provided similar narrative responses regarding this challenge.

plan.<sup>76</sup> Appendix I provides an additional example of ongoing challenges reported to EOP.

However, according to our analysis of survey responses and an interview with an Interagency Council officer, EOP did not establish a formal approach for systematically gathering feedback about the effectiveness of Justice40 guidance and tools. Moreover, pilot program respondents reported mixed experiences with EOP efforts to solicit feedback about implementing the Justice40 Initiative to help identify and address challenges. In particular, over half of the respondents answered that EOP did not solicit their feedback regarding their experiences with EOP guidance and tools during various stages of agency Justice40 development and implementation (see table 3).

**Table 3: Responses Regarding Executive Office of the President (EOP) Solicitation of Pilot Program Feedback on EOP Guidance and Tools**

Stages of agency Justice40 development and implementation where EOP solicited feedback from pilot programs	Did EOP solicit feedback or suggestions from programs regarding EOP guidance and tools or advise it provided during the following stages?		
	Yes	No	Don't know
Designing plans and methodologies	3 of 19	11 of 19	5 of 19
Modifying programs, as necessary, to maximize benefits to disadvantaged communities in alignment with the goal of Justice40	3 of 19	13 of 19	3 of 19
Monitoring program progress in implementing Justice40 and related program outcomes	3 of 19	12 of 19	4 of 19
Evaluating the extent programs maximized benefits to disadvantaged communities in alignment with the goal of Justice40	2 of 19	13 of 19	4 of 19
Other <sup>a</sup>	1 of 19	1 of 19	5 of 19

Source: GAO analysis of close-ended survey responses by pilot program respondents. | GAO-24-105869

<sup>a</sup>One pilot program respondent reported that EOP solicited feedback on their program's calculations of spending in environmental justice activities.

For example, we found that pilot program respondents experienced challenges that were not reported to EOP, including duplicative stakeholder engagement outreach. According to one pilot program, during the early implementation of the Justice40 Initiative, several pilot programs

<sup>76</sup>According to OMB, strategic planning is a valuable tool for communicating a vision for the future, and an agency's strategic goals and objectives should be used to align resources and guide decision-making to accomplish priorities and improve outcomes. It should inform agency decision-making about the need for major new acquisitions, strategic human capital planning, evaluations, and other evidence-building and evidence-capacity building investments, according to OMB. Office of Management and Budget, *Agency Strategic Planning*, OMB Circular No. A-11 (2016).

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repeatedly contacted many of the same stakeholders. Pilot and covered programs stated that coordinating stakeholder outreach across programs would be useful. According to one Interagency Council officer, discussing shared stakeholder engagement could help agencies better meet the goal of the Justice40 Initiative. One pilot program also wrote that hosting panels and advisory groups to streamline stakeholder feedback could reduce duplication across agencies. Appendix I provides more examples of ongoing challenges we identified in our analysis of survey responses that were not reported to EOP.

Our prior work found that collaborating entities should ensure accountability by establishing formal mechanisms to monitor and evaluate the results of collaborative efforts, such as development of effective guidance and tools, to better identify areas for improvement.<sup>77</sup> We found that collaborative entities are better able to assess progress and make necessary changes when they ensure accountability at agency and individual levels. In terms of ensuring accountability, we also found that entities that did not use performance data and other information to assess progress toward outcomes may be at risk of failing to achieve established goals. We also previously reported that effective pilot program design involves appropriate two-way communication between, and input from, agencies and pilot programs at all stages of a pilot.<sup>78</sup> Failure to effectively engage with pilot programs and understand and address their views can undermine an initiative.

EOP efforts to solicit feedback from some agencies and pilot programs regarding the usefulness of its guidance and tools did help EOP identify challenges that agencies and programs experienced and make updates and additions to address those challenges. According to an Interagency Council officer, it is important for EOP to continue listening to agency officials to adjust its approach and respond nimbly to challenges agencies face. However, given the mixed perspectives of EOP and survey respondents regarding EOP's solicitation of pilot program feedback, establishing and documenting a formal approach for systematically gathering feedback from agencies with covered programs about the adequacy of Justice40 guidance and tools would better position EOP to ensure that programs have what they need to effectively implement the Justice40 Initiative.

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<sup>77</sup>[GAO-23-105520](#).

<sup>78</sup>[GAO-16-438](#).

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## EOP Has Opportunities to Use Key Practices as It Establishes a Process for Assessing Progress on the Justice40 Initiative

EOP took initial steps to collect information from federal agencies on their progress in implementing the Justice40 Initiative and reported some of that information in the covered programs list, scorecard, and other documents. However, EOP has not established a process to assess progress toward achieving the Justice40 goal. EOP has opportunities to incorporate key practices as it establishes such a process, such as by defining goals, assessing evidence, and communicating the results of the assessment through a mechanism such as the scorecard.

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## EOP Took Initial Steps to Collect and Report Some Information on the Justice40 Initiative

E.O. 14008 directed agency heads to, within 60 days of EOP issuing recommendations on how certain federal investments might be made toward achieving the Justice40 goal, identify applicable program investment funds based on those recommendations. Further, EOP's July 2021 interim guidance directed federal agencies to report to OMB certain information for each covered program related to the implementation of the Justice40 Initiative.

Specifically, the interim guidance instructed agencies to report certain information, including the amount of funds appropriated and obligated for each covered program and whether the program had developed a stakeholder engagement plan. This information is to be reported to OMB within 60 days of the guidance, or by September 2021, and generally annually thereafter.<sup>79</sup> The interim guidance further directed agencies to report additional information, including the percent of benefits directed to disadvantaged communities and line-item data for the geographic distribution of benefits and program funding. This additional information is to be reported to OMB within 150 days of the guidance, or by December 2021, and annually thereafter.<sup>80</sup>

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<sup>79</sup>With respect to the amount obligated, the interim guidance provides that as obligation amounts change over time, agencies should update this reported amount semiannually.

<sup>80</sup>According to CEQ and OMB staff, EOP and federal agencies are working toward publicly reporting data on the Justice40 Initiative. According to our review of EOP documents, EOP has not stated whether it will report the information that the interim guidance directed agencies to submit to OMB, such as whether programs had developed stakeholder engagement plans or the amount of funds obligated by each covered program.

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Based on information provided to OMB by agencies, EOP published government-wide covered programs lists in 2022 and 2023.<sup>81</sup> However, according to our analysis, as of September 2023, EOP has not reported important contextual information about the list. For example, EOP has not described, for the agencies that have not identified any covered programs, whether those agencies have reviewed their programs to determine whether any are covered under the Justice40 Initiative.<sup>82</sup> Particularly, as of November 2023, more than 2 years after the issuance of E.O. 14008, EOP had not listed covered programs for, among others, the Department of Defense—other than the Army Corps of Engineers—or the Department of Education, or described those agencies' reasons for not identifying covered programs.<sup>83</sup> In addition, EOP's covered programs lists have not always been complete or consistent with other EOP documents that identify covered programs. For instance, the April 2023 covered programs list did not include some new covered programs created under the Inflation Reduction Act in August 2022 that EOP identified in its guidebook on the Act in January 2023, such as the Greenhouse Gas Reduction Fund.<sup>84</sup>

EOP stated in the introduction to the November 2023 covered programs list that the list will evolve over time as new programs are created or existing programs end.<sup>85</sup> For example, according to EOP, the November 2023 list of covered programs includes those created under the Inflation Reduction Act. However, EOP has not stated when or how often it will

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<sup>81</sup>In identifying which of their programs were Justice40 covered programs, the interim guidance provided that agencies should work with OMB to review and determine whether federal programs fall within the scope of the Justice40 Initiative. EOP released lists of Justice40 covered programs in June, July, and August 2022 and in April and November 2023.

<sup>82</sup>As noted previously, under E.O. 14008, within 60 days of EOP's publishing Justice40 recommendations, agency heads were to identify applicable program investment funds based on the recommendations and consider interim investment guidance to relevant program staff, as appropriate and consistent with applicable law.

<sup>83</sup>Executive Office of the President, *Justice40 Initiative Covered Programs List, v.2.0* (Nov. 2023).

<sup>84</sup>Executive Office of the President, *Building a Clean Energy Economy: A Guidebook to the Inflation Reduction Act's Investments in Clean Energy and Climate Action, v.2* (Washington, D.C.: Jan. 2023). The Inflation Reduction Act appropriated \$27 billion for the Greenhouse Gas Reduction Fund. Pub. L. No. 117-169, §§ 60103, 136 Stat. 2065, 2066.

<sup>85</sup>Executive Office of the President, *Justice40 Initiative Covered Programs List, v.2.0*.

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update the list or whether agencies will publicly report this information themselves, according to our review of EOP documents.

In addition to EOP publishing the list of covered programs, CEQ, OMB, and the U.S. Digital Service released the Phase One Scorecard in April 2023. The scorecard included limited information on the agencies' implementation of the Justice40 Initiative from 18 of the 19 agencies with covered programs. The scorecard reported (1) the number of covered programs, (2) the number of funding announcements covered under the Justice40 Initiative, and (3) examples of funding made available in fiscal year 2022 through covered programs.<sup>86</sup> For nine agencies, the scorecard also included examples of modifications made to covered programs to implement the Justice40 Initiative.<sup>87</sup> Through fact sheets and an email newsletter, EOP also reported examples of actions that agencies took to implement the Justice40 Initiative, such as funding announcements and stakeholder engagement activities.

However, the scorecard and other documents did not report on progress toward meeting the 40 percent goal, metrics that could be used to measure agency or government-wide progress, or information on covered program benefits, such as the percent of benefits directed to disadvantaged communities. In addition, the scorecard did not identify which programs were included in the dollar amount reported for "funding made available through covered programs," or why more comprehensive funding information was not available. The scorecard also did not report how OMB and CEQ collected and verified the information reported in the scorecard.

EOP has not described how the scorecard can or will be used to hold the federal government accountable for achieving the goal of the Justice40 Initiative. Moreover, EOP has not described the role of the scorecard in any broader process to assess agency progress on implementing the Justice40 Initiative or toward achieving the Justice40 goal. According to

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<sup>86</sup>Six of the agencies included in the Phase One Scorecard did not have any covered programs included in EOP's November 2023 covered programs list. The scorecard did not include information from the Department of State, which, according to EOP, has one covered program. EOP did not explain why no information on Justice40 implementation was available for the Department of State.

<sup>87</sup>For example, according to the scorecard, the U.S. Department of Agriculture's Forest Service and Natural Resources Conservation Service revised evaluation criteria for the fiscal year 2023 funding cycle of the Joint Chiefs' Landscape Restoration Partnership to include a new criterion to evaluate the benefits that a proposal would confer to Justice40 Initiative communities.

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the scorecard, future versions will measure the progress of federal agencies over time, include cross-agency metrics, and report additional information on how agency efforts are benefiting disadvantaged communities. The Chair of CEQ stated in a February 2022 speech that to be an effective tool for accountability, the annual scorecard will need to get more and more detailed about the progress the federal government is making on the implementation of the Justice40 Initiative.

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### EOP Has Opportunities to Use Key Practices as It Establishes a Process for Assessing Progress on the Justice40 Initiative

As of September 2023, EOP had not established a process for assessing the federal government's progress toward achieving the Justice40 goal or publicly communicated information about its plans or timelines for developing such a process. An Interagency Council officer told us that it is unclear how agencies will be held accountable for implementing the Justice40 Initiative. Further, most pilot program survey respondents answered that EOP had not provided them with additional information or guidance on how EOP was planning to monitor or evaluate their progress.<sup>88</sup>

Without a process for assessing progress, key questions about the implementation of the Justice40 Initiative remain, even as agency implementation of the initiative is underway. For example, EOP has not defined short- or long-term goals for measuring progress on the Justice40 Initiative, including at what level or levels the 40 percent goal is to be measured, such as government-wide, at the agency or program level, or by investment area. Critically, as of August 2023, EOP had not released any common metrics or reported any agency-specific metrics for measuring benefits to disadvantaged communities against which to measure the federal government's progress toward achieving the

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<sup>88</sup>According to our analysis of survey responses, 14 of 19 respondents answered that they had not received additional information or guidance on how EOP was planning to monitor their progress, and 17 of 19 respondents answered that they had not received additional information on how EOP was planning to evaluate their progress.

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Justice40 goal.<sup>89</sup> According to an Interagency Council officer, the lack of leadership and focus from EOP makes questions about how agencies will be held accountable more pronounced.

According to our analysis of survey responses and interview with an Interagency Council officer, incomplete information about how EOP will assess progress on implementation of the Justice40 Initiative created uncertainty for agencies as they developed plans and modified covered programs to align with the Justice40 Initiative. For example, most survey respondents (12 of 16) reported that more guidance or information on monitoring and evaluation would be useful in modifying their programs, as necessary, to align with the Justice40 goal. One respondent stated that, without knowing what they would need to report to OMB in the long term, they have no motivation to implement the systematic changes needed to put data collection and reporting processes in place.

According to our prior work, ensuring accountability is a leading practice that can help agencies enhance and sustain their collaborative efforts through activities such as assessing and communicating progress towards short- and long-term outcomes.<sup>90</sup> We have identified 13 key practices for effectively managing and assessing the results of federal efforts by developing and using evidence, including communicating results.<sup>91</sup> These 13 practices for evidence-building and performance-management activities include defining goals, assessing the sufficiency of

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<sup>89</sup>According to CEQ and OMB staff, they have been working on developing metrics with federal agencies charged with implementing Justice40 covered programs. In October 2023, CEQ, in consultation with WHEJAC, issued interim guidance in the form of a template for agencies to use in developing environmental justice strategic plans under E.O. 14096. The guidance states that, with the goal of following GAO recommendations, the template provides agencies with a concrete roadmap that includes specific performance measures for meeting the charges of E.O. 14096. In addition, the guidance states that over time, the metrics that agencies identify in their strategic plans will help inform the cross-agency metrics used in future versions of the scorecard. The guidance notes further that agencies are encouraged to consult government planning resources from recent reports, citing GAO, *Environmental Justice: Federal Efforts Need Better Planning, Coordination, and Methods to Assess Progress*, [GAO-19-543](#) (Washington, D.C.: Sept. 16, 2019); [GAO-23-105460](#); and [GAO-23-105520](#). While the guidance notes that agencies should identify specific metrics that can be used to gauge progress and success in their environmental justice strategic plans, the guidance does not discuss assessment of progress toward achieving the Justice40 goal specifically. CEQ, *Strategic Planning to Advance Environmental Justice* (Washington, D.C.: Oct. 2023).

<sup>90</sup>[GAO-23-105520](#).

<sup>91</sup>[GAO-23-105460](#).

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existing evidence, using evidence to learn, applying learning to decision-making, and communicating learning and results.

These practices can help decision makers obtain the evidence they need to understand and assess progress and outcomes of government efforts, such as the Justice40 Initiative. In turn, that evidence can help decision makers determine how they can best make progress toward achieving goals and better understand and address challenges. The benefit of building a portfolio of evidence is fully realized when it is used to identify and correct problems, improve program implementation, and make other important management and resource allocation decisions. Further, when the results of the assessment processes are effectively communicated, Congress and the public may use the information for monitoring and oversight and holding the government accountable for achieving program goals.

CEQ and OMB staff told us that they were working internally and with agencies to assess the implementation of the Justice40 Initiative and share information beyond that in the Phase One Scorecard. By establishing and documenting a process for assessing progress toward achieving the goal of the Justice40 Initiative that incorporates key practices for evidence-building and performance-management activities, including communicating results, EOP could better ensure progress toward achieving the Justice40 goal.<sup>92</sup> Further, by establishing such a process, EOP could ensure the availability of an up-to-date inventory of covered programs and a mechanism, such as the scorecard, that credibly and transparently reports progress toward achieving the Justice40 goal, allowing Congress and the public to hold EOP and agencies accountable for their progress.

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## Conclusions

Certain communities across the United States experience disproportionate economic, social, and environmental burdens, including higher energy and housing costs; less access to clean water; higher exposure to pollution; increased risks from flooding; and higher rates of disease, poverty, and unemployment. Ensuring that the benefits of certain

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<sup>92</sup>For each of the 13 key practices, [GAO-23-105460](#) includes an example illustrating how the practice has been implemented by one or more federal agencies and highlights related GAO reports. We have also reported on federal agency efforts to develop scorecards and ratings that include recommendations on how to improve these efforts. See, for example, GAO, *Small Business Administration: Actions Needed to Improve Confidence in Small Business Procurement Scorecard*, [GAO-18-672](#) (Washington, D.C.: Sept. 27, 2018); and *Cybersecurity: OMB Should Update Inspector General Reporting Guidance to Increase Rating Consistency and Precision*, [GAO-22-104364](#) (Washington, D.C.: Mar. 31, 2022).

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federal investments flow toward these communities, as directed by E.O. 14008, will require agencies to examine, and consider modifying, how hundreds of federal programs invest and measure the impacts of tens of billions in taxpayer dollars. E.O. 14008 tasked EOP with publishing recommendations on federal agency implementation of the Justice40 Initiative. In carrying out that directive, EOP has undertaken the complex task of creating an all-of-government framework in the form of guidance and tools for defining what constitutes a disadvantaged community, determining how agencies should modify covered programs to achieve the 40 percent goal, and tracking and reporting the outcomes of these investments.

Effective and sustained collaboration with federal and nonfederal participants is critical to updating and developing new guidance and tools that can successfully guide the federal government's implementation of the Justice40 Initiative and achieve its goal. As EOP updates and develops new guidance and tools, it has an opportunity to more fully incorporate the leading practices for effective and sustained collaboration we identified in our prior work. By clarifying the roles and responsibilities of the Interagency Council, better bridging cultures by improving communication with WHEJAC, leveraging the resources of the Interagency Council, and ensuring accountability by assessing the adequacy of its guidance and tools, EOP will have greater assurance that its guidance and tools provide an effective, timely, and consistent framework for assisting federal agencies in implementing the Justice40 Initiative.

Federal decision makers, including executive branch leadership, agency and program officials, and Congress, will need evidence about whether the Justice40 Initiative is achieving its intended results to better understand and address challenges and improve implementation and performance. Moreover, this evidence will allow taxpayers to ensure that the federal government is accountable for achieving initiative outcomes. In our prior work, we identified 13 key practices—including defining goals, assessing the sufficiency of evidence, applying learning to decision-making, and communicating results—that can ensure accountability through evidence-building and performance-management activities. By establishing and documenting a process for assessing progress toward achieving the goal of the Justice40 Initiative that incorporates these key practices, EOP can better ensure accountability, transparency, and progress toward achieving the goal that 40 percent of the benefits of certain federal investments flow to disadvantaged communities.

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## Recommendations for Executive Action

We are making a total of 15 recommendations, including five each to CEQ, OMB, and CPO. Specifically:

The Chair of CEQ, jointly with the Assistant to the President and National Climate Advisor of CPO and the Director of OMB, should work with the Interagency Council to clarify and document the roles and responsibilities of the Interagency Council in updating and developing new guidance and tools for implementing the Justice40 Initiative. (Recommendation 1)

The Director of OMB, jointly with the Chair of CEQ and the Assistant to the President and National Climate Advisor of CPO, should work with the Interagency Council to clarify and document the roles and responsibilities of the Interagency Council in updating and developing new guidance and tools for implementing the Justice40 Initiative. (Recommendation 2)

The Assistant to the President and National Climate Advisor of CPO, jointly with the Chair of CEQ and the Director of OMB, should work with the Interagency Council to clarify and document the roles and responsibilities of the Interagency Council in updating and developing new guidance and tools for implementing the Justice40 Initiative. (Recommendation 3)

The Chair of CEQ, jointly with the Assistant to the President and National Climate Advisor of CPO and the Director of OMB, should work with WHEJAC members and WHEJAC administrative officials to assess WHEJAC's communication needs with EOP, and then, as appropriate, develop methods for meeting those needs. (Recommendation 4)

The Director of OMB, jointly with the Chair of CEQ and the Assistant to the President and National Climate Advisor of CPO, should work with WHEJAC members and WHEJAC administrative officials to assess WHEJAC's communication needs with EOP, and then, as appropriate, develop methods for meeting those needs. (Recommendation 5)

The Assistant to the President and National Climate Advisor of CPO, jointly with the Chair of CEQ and the Director of OMB, should work with WHEJAC members and WHEJAC administrative officials to assess WHEJAC's communication needs with EOP, and then, as appropriate, develop methods for meeting those needs. (Recommendation 6)

The Chair of CEQ, jointly with the Assistant to the President and National Climate Advisor of CPO and the Director of OMB, should work with the Interagency Council to identify and leverage resources available through

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the Interagency Council to update and develop new guidance and tools for implementing the Justice40 Initiative. (Recommendation 7)

The Director of OMB, jointly with the Chair of CEQ and the Assistant to the President and National Climate Advisor of CPO, should work with the Interagency Council to identify and leverage resources available through the Interagency Council to update and develop new guidance and tools for implementing the Justice40 Initiative. (Recommendation 8)

The Assistant to the President and National Climate Advisor of CPO, jointly with the Chair of CEQ and the Director of OMB, should work with the Interagency Council to identify and leverage resources available through the Interagency Council to update and develop new guidance and tools for implementing the Justice40 Initiative. (Recommendation 9)

The Chair of CEQ, jointly with the Assistant to the President and National Climate Advisor of CPO and the Director of OMB, should establish and document a formal approach for systematically gathering feedback from agencies and their covered programs about the adequacy of EOP's guidance and tools for implementing the Justice40 Initiative. (Recommendation 10)

The Director of OMB, jointly with the Chair of CEQ and the Assistant to the President and National Climate Advisor of CPO, should establish and document a formal approach for systematically gathering feedback from agencies and their covered programs about the adequacy of EOP's guidance and tools for implementing the Justice40 Initiative. (Recommendation 11)

The Assistant to the President and National Climate Advisor of CPO, jointly with the Chair of CEQ and the Director of OMB, should establish and document a formal approach for systematically gathering feedback from agencies and their covered programs about the adequacy of EOP's guidance and tools for implementing the Justice40 Initiative. (Recommendation 12)

The Chair of CEQ, jointly with the Director of OMB, and the Assistant to the President and National Climate Advisor of CPO, should establish and document a process for assessing progress toward achieving the goal of the Justice40 Initiative that incorporates key practices for evidence-building and performance-management activities. (Recommendation 13)

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The Director of OMB, jointly with the Chair of CEQ and the Assistant to the President and National Climate Advisor of CPO, should establish and document a process for assessing progress toward achieving the goal of the Justice40 Initiative that incorporates key practices for evidence-building and performance-management activities. (Recommendation 14)

The Assistant to the President and National Climate Advisor of CPO, jointly with the Chair of CEQ and the Director of OMB, should establish and document a process for assessing progress toward achieving the goal of the Justice40 Initiative that incorporates key practices for evidence-building and performance-management activities. (Recommendation 15)

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## Agency Comments and Our Evaluation

We provided a draft of this report to CEQ, OMB, and CPO for review and comment. In written comments, reproduced in Appendix V and summarized below, CEQ stated that it appreciated our analysis of ways to enhance its ongoing efforts to implement the Justice40 Initiative and neither agreed nor disagreed with our recommendations. CEQ also stated that it anticipates taking further steps in the coming months to implement our recommendations on leading practices, in coordination with the Interagency Council and through ongoing consideration of WHEJAC's recommendations. In its written comments, CEQ also identified areas of our draft report that it believes merit further clarification or correction, which we discuss below. In addition, CEQ and OMB jointly provided technical comments, which we incorporated, as appropriate. CPO did not provide comments on the draft report.

Regarding our recommendations 4 through 6 that CEQ, OMB, and CPO assess WHEJAC's communication needs, and then, as appropriate, develop methods for meeting those needs: CEQ stated that GAO takes an expansive view of EOP's direct coordination with and responsibility over the administration and management of WHEJAC. CEQ noted that EPA is charged with administering and managing WHEJAC. We revised the wording of our recommendation to clarify that the recommendation seeks to address communication specifically between EOP and WHEJAC.

CEQ also stated that our draft report did not fully account for recent actions taken by EOP regarding the Justice40 Initiative. EOP's development and issuance of Justice40 guidance and tools is ongoing, and therefore, the development of some guidance and tools was concurrent with our review. We updated our report, as appropriate, to reflect new material and information released by EOP since we sent the

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draft to CEQ, OMB, and CPO for review, such as CEQ's November 2023 solicitation of public feedback on the Phase One Scorecard. In addition, regarding the survey of pilot programs, we state in our report that EOP addressed some of the early challenges identified by survey respondents through the issuance of new materials, such as version 1.0 of the screening tool in November 2022 and the addendum to the interim guidance in January 2023. To ensure the accuracy and currency of information gathered during interviews, as we finalized our report, we provided Interagency Council officers the opportunity to confirm and update text in the report.

CEQ also stated that our draft report did not fully reflect the importance of E.O. 14096 for federal environmental justice efforts, including the Justice40 Initiative. Specifically, CEQ wrote that E.O. 14008 and E.O. 14096 set forth the mission of the Interagency Council and stated that it is incorrect to report that the Interagency Council did not have an agreed-upon mission. We updated the report to specify that the role of the Interagency Council is evolving and that the council does not have clear roles and responsibilities specifically regarding the development of Justice40 guidance and tools. Further, we also state in the report that E.O. 14096 directed the Interagency Council to adopt a MOU among its members that sets forth the objectives, structure, and planned operations of the Interagency Council. We note that the MOU may provide one potential avenue for clarifying and documenting the roles and responsibilities of the Interagency Council in updating and developing new guidance and tools for the Justice40 Initiative.

In addition, our report states that CEQ, as directed by E.O. 14096, released guidance for agencies to use in developing environmental justice strategic plans. We further report that the guidance encourages agencies to consult government planning resources, including GAO reports, when developing their plans and that it notes that agencies should identify metrics that can be used to gauge progress. However, the guidance does not discuss assessing progress toward achieving the Justice40 goal specifically, and it remains to be seen whether agencies will include an agency-level process for assessing the Justice40 Initiative in their strategic plans.

In response to CEQ's request for factual clarifications, we updated and added clarifying text to the report, as appropriate. CEQ also commented that the draft report stated that EOP did not follow up with any feedback on the WHEJAC recommendations and that, to the contrary, CEQ and EPA have provided responses in writing through reports to Congress.

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However, these reports, issued a year after WHEJAC made the recommendations, do not provide feedback to WHEJAC on the quality, scope, or appropriateness of the recommendations. We continue to believe that there are opportunities for EOP to improve communication with WHEJAC, as described in recommendations 4 through 6.

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As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to the appropriate congressional committees, the Chair of CEQ, the Director of OMB, the Assistant to the President and National Climate Advisor of CPO, and other interested parties. In addition, the report will be available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-3841 or [gomezj@gao.gov](mailto:gomezj@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix VI.

Sincerely yours,

A handwritten signature in black ink that reads "Alfredo Gómez". The signature is written in a cursive style with a large, stylized initial "A" and "G".

J. Alfredo Gómez  
Director, Natural Resources and Environment

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# Appendix I: Summary Results and Analysis of GAO Survey of Justice40 Pilot Programs

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We distributed a survey to 21 pilot programs at nine federal agencies and received responses from 20 pilot programs at eight agencies. One respondent responded on behalf of two programs at the same agency. From January 2023 through March 2023, we collected information on the pilot programs' experience using the Executive Office of the President's (EOP) guidance and tools to develop plans and methodologies for implementing the Justice40 Initiative, including, among other things, (1) the extent to which pilot programs found EOP guidance and tools, information on monitoring and evaluation, or advice and feedback to be useful for modifying their programs to align with the goal of the Justice40 Initiative; (2) the extent to which EOP provided support for programs in implementing the Justice40 Initiative, such as by providing advice and responding to agencies' questions; and (3) opportunities for EOP to improve its guidance and tools, including information on monitoring and evaluation, as well as advice and feedback.

As of the survey period, pilot program officials had access to, and were able to describe their experiences with, the following EOP guidance and tools: Interim Implementation Guidance for the Justice40 Initiative, the beta Climate and Economic Justice Screening Tool, version 1.0 of the screening tool, the Environmental Justice Scorecard, an Office of Management and Budget's (OMB) budget data request, and informal EOP advice. In addition, our survey questions did not include version 1.0 of the screening tool because the tool was not in place when we developed the survey; some survey respondents included information on version 1.0 of the tool in their responses because the tool was released by the time they responded to the survey. Additional guidance documents, such as the addendum to the interim guidance and the screening tool instructions, were not released prior to the survey period and, therefore, are not included in the guidance and tools addressed by the survey or our analysis of the survey responses.

The following tables include summary information of survey responses provided by pilot program respondents. The tables reflect selected responses that elaborate on our report findings. Not every pilot program respondent answered every survey question, as respondents were eligible to respond to different questions based on their responses. In the denominator, we counted the number of respondents that answered each survey question. As a result, the denominators representing pilot program respondents vary from question to question. Where possible, we combined the pilot program responses to similar open-ended questions to maintain a denominator of 19 pilot program respondents.

**Plans and Methodologies**

The following four tables summarize data on pilot program respondents' responses regarding developing plans and methodologies for the Justice40 Initiative using EOP guidance and tools.

**Table 4: Responses Regarding Pilot Program Development of Plans and Methodologies for Justice40 and Use of Executive Office of the President's (EOP) Guidance and Tools for Their Development**

Plans and methodologies	Did the program develop the following plans and methodologies for Justice40?		Did the program use EOP guidance and tools to develop plans and methodologies?		
	Yes	No	Yes	No	Don't know/ no opinion
Implementation plan	19 of 19	0 of 19	19 of 19	0 of 19	0 of 19
Stakeholder engagement plan	18 of 19	1 of 19	17 of 18	1 of 18	0 of 18
Methodology and additional metrics for calculating benefits	18 of 19	1 of 19	17 of 18	0 of 18	1 of 18
Identifying disadvantaged communities	19 of 19	0 of 19	15 of 19	4 of 19	0 of 19

Source: GAO analysis of close-ended survey responses by pilot program respondents. | GAO-24-105869

**Table 5: Responses Regarding the Usefulness of Executive Office of the President's (EOP) Guidance and Tools for Pilot Programs in Developing Plans and Methodologies**

Plans and methodologies	How useful have EOP guidance and tools been in developing and implementing your program's plans and methodologies?			
	Very useful	Moderately useful	Not useful at all	Don't know
Implementation plan	3 of 19	15 of 19	1 of 19	0 of 19
Stakeholder engagement plan	0 of 17	12 of 17	4 of 17	1 of 17
Methodology and additional metrics for calculating benefits	0 of 17	10 of 17	7 of 17	0 of 17
Identifying disadvantaged communities	7 of 15	7 of 15	0 of 15	1 of 15

Source: GAO analysis of close-ended survey responses by pilot program respondents. | GAO-24-105869

**Appendix I: Summary Results and Analysis of  
GAO Survey of Justice40 Pilot Programs**

**Table 6: Responses Regarding Aspects in the Executive Office of the President’s (EOP) Guidance and Tools That Pilot Programs Found Useful in Developing Plans and Methodologies**

In what ways have EOP guidance and tools been useful in developing and implementing your program’s plans and methodologies?	Plans and methodologies			
	Implementation plan	Stakeholder engagement plan	Methodology and additional metrics for calculating benefits	Identifying disadvantaged communities
Allowed for flexibility	5 of 18	2 of 12	1 of 9	1 of 14
Established clear deadlines	7 of 18	4 of 12	1 of 9	0 of 14
Information on specific EOP data requests	0 of 18	0 of 12	0 of 9	0 of 14
Opportunities to modify programs	0 of 18	2 of 12	1 of 9	0 of 14
Provided basis for program guidance/procedures	0 of 18	1 of 12	0 of 9	3 of 14
Provided key information	16 of 18	7 of 12	5 of 9	8 of 14
Other	6 of 18	0 of 12	2 of 9	3 of 14
None/not applicable	0 of 18	0 of 12	0 of 9	1 of 14

Source: GAO analysis of open-ended survey responses by pilot program respondents. | GAO-24-105869

**Table 7: Responses Regarding Aspects That Would Make the Executive Office of the President’s (EOP) Guidance and Tools More Useful for Pilot Programs in Developing Plans and Methodologies**

What information or guidance from EOP would have been, or would be, useful in developing and implementing your program’s plans and methodologies?	Plans and methodologies required by interim implementation guidance			
	Implementation plan	Stakeholder engagement plan	Methodology and additional metrics for calculating benefits	Identifying disadvantaged communities
Actionable guidance/information on implementation activities	8 of 19	2 of 18	9 of 18	2 of 19
Additional or clarifying information on requirements	4 of 19	1 of 18	9 of 18	0 of 19
Adjustment to definition of disadvantaged communities or Climate and Economic Justice Screening Tool	2 of 19	0 of 18	0 of 18	6 of 19
Assistance in educating the public/stakeholders	0 of 19	2 of 18	0 of 18	0 of 19
Best practices, including examples, templates, and models	4 of 19	8 of 18	3 of 18	1 of 19
Clearly defined goals and objectives	4 of 19	1 of 18	1 of 18	0 of 19
Feedback on pilot program efforts	2 of 19	3 of 18	7 of 18	5 of 19
Guidance/information on flexibility	3 of 19	1 of 18	4 of 18	2 of 19
Guidance/information on future timelines	0 of 19	0 of 18	1 of 18	0 of 19

**Appendix I: Summary Results and Analysis of  
GAO Survey of Justice40 Pilot Programs**

What information or guidance from EOP would have been, or would be, useful in developing and implementing your program’s plans and methodologies?	Plans and methodologies required by interim implementation guidance			
	Implementation plan	Stakeholder engagement plan	Methodology and additional metrics for calculating benefits	Identifying disadvantaged communities
Guidance/information on monitoring and evaluation	0 of 19	3 of 18	1 of 18	0 of 19
Information on EOP use of pilot program materials/information	3 of 19	2 of 18	0 of 18	0 of 19
Information on updating submitted materials	1 of 19	1 of 18	0 of 18	1 of 19
Longer deadlines	6 of 19	5 of 18	4 of 18	0 of 19
More timely release of Justice40 guidance and tools	4 of 19	2 of 18	2 of 18	3 of 19
Provide advice to pilot programs	0 of 19	1 of 18	0 of 18	0 of 19
Updated or finalized guidance and tools	6 of 19	1 of 18	1 of 18	2 of 19
Other	1 of 19	1 of 18	1 of 18	2 of 19
None/not applicable	0 of 19	3 of 18	1 of 18	6 of 19

Source: GAO analysis of open-ended survey responses by pilot program respondents. | GAO-24-105869

## Monitoring and Evaluation

The following four tables summarize pilot program respondents’ responses regarding the extent to which any additional information or guidance on EOP plans for monitoring, submission, and evaluation requirements was useful to pilot programs.

**Table 8: Responses Regarding Pilot Programs Receiving Additional Information or Guidance from the Executive Office of the President (EOP) on Plans for Monitoring, Submission, and Evaluation Requirements**

Potential additional information or guidance	Has EOP provided your program with additional information or guidance?	
	Yes	No
Plans to monitor program progress toward implementing and meeting goal of Justice40	5 of 19	14 of 19
Instructions on how to submit Justice40 implementation information to the Office of Management and Budget	9 of 19	10 of 19
Plans to evaluate program progress toward implementing and meeting goal of Justice40	2 of 19	17 of 19

Source: GAO analysis of close-ended survey responses by pilot program respondents. | GAO-24-105869

**Appendix I: Summary Results and Analysis of  
GAO Survey of Justice40 Pilot Programs**

**Table 9: Responses Regarding the Usefulness of the Executive Office of the President’s (EOP) Additional Information or Guidance on Plans for Monitoring, Submission, and Evaluation Requirements for Pilot Programs**

Potential additional information or guidance	How useful has this information or guidance been in modifying your program, as necessary, to align with the goal of the Justice40 Initiative?			
	Very useful	Moderately useful	Not useful at all	Don’t know
Plans to monitor program progress toward implementing and meeting goal of Justice40	1 of 5	2 of 5	0 of 5	2 of 5
Instructions on how to submit Justice40 implementation information to the Office of Management and Budget	1 of 9	7 of 9	1 of 9	0 of 9
Plans to evaluate program progress toward implementing and meeting goal of Justice40	0 of 2	1 of 2	0 of 2	1 of 2

Source: GAO analysis of close-ended survey responses by pilot program respondents. | GAO-24-105869

**Table 10: Responses Regarding Aspects in the Executive Office of the President’s (EOP) Additional Information or Guidance on Plans for Monitoring, Submission, and Evaluation Pilot Programs Found Useful in Implementing Justice40**

In what ways has this information been useful in modifying your program, as necessary, to align with the goal of the Justice40 Initiative?	Additional information or guidance		
	Plans to monitor program progress toward implementing and meeting goal of Justice40	Instructions on how to submit Justice40 implementation information to the Office of Management and Budget	Plans to evaluate program progress toward implementing and meeting goal of Justice40
Allowed for flexibility	0 of 3	0 of 8	0 of 1
Established clear deadlines	0 of 3	3 of 8	0 of 1
Information on specific EOP data requests	0 of 3	3 of 8	0 of 1
Opportunities to modify programs	1 of 3	0 of 8	0 of 1
Provided basis for program guidance/procedures	0 of 3	0 of 8	0 of 1
Provided key information	2 of 3	6 of 8	0 of 1
Other	2 of 3	1 of 8	0 of 1
None/not applicable	0 of 3	1 of 8	1 of 1

Source: GAO analysis of open-ended survey responses by pilot program respondents. | GAO-24-105869

**Appendix I: Summary Results and Analysis of  
GAO Survey of Justice40 Pilot Programs**

**Table 11: Responses Regarding Aspects That Would Make the Executive Office of the President’s (EOP) Additional Information or Guidance on Monitoring, Submission, and Evaluation Useful for Pilot Programs Implementing Justice40**

What information or guidance regarding EOP’s plans for monitoring, submission, and evaluation requirements would have been more useful, or would be useful, in modifying your program, as necessary, to align with the goal of the Justice40 Initiative?	Additional information or guidance		
	Plans to monitor program progress toward implementing and meeting goal of Justice40	Instructions on how to submit Justice40 implementation information to the Office of Management and Budget	Plans to evaluate program progress toward implementing and meeting goal of Justice40
Actionable guidance/information on implementation activities	2 of 19	1 of 19	1 of 19
Additional or clarifying information on requirements	1 of 19	3 of 19	1 of 19
Adjustment to definition of disadvantaged communities or Climate and Economic Justice Screening Tool	0 of 19	0 of 19	0 of 19
Assistance in educating the public/stakeholders	0 of 19	0 of 19	0 of 19
Best practices, including examples, templates, and models	4 of 19	3 of 19	3 of 19
Clearly defined goals and objectives	0 of 19	0 of 19	0 of 19
Feedback on pilot program efforts	6 of 19	4 of 19	3 of 19
Guidance/information on flexibility	0 of 19	0 of 19	1 of 19
Guidance/information on future timelines	3 of 19	3 of 19	1 of 19
Guidance/information on monitoring and evaluation	12 of 19	5 of 19	11 of 19
Information on EOP use of pilot program materials/information	2 of 19	2 of 19	0 of 19
Information on updating submitted materials	0 of 19	1 of 19	0 of 19
Longer deadlines	0 of 19	1 of 19	0 of 19
More timely release of Justice40 guidance and tools	0 of 19	0 of 19	0 of 19
Provide advice to pilot programs	0 of 19	2 of 19	2 of 19
Updated or finalized guidance and tools	0 of 19	1 of 19	3 of 19
Other	0 of 19	2 of 19	3 of 19
None/not applicable	3 of 19	3 of 19	2 of 19

Source: GAO analysis of open-ended survey responses by pilot program respondents. | GAO-24-105869

## Communication Activities

The following six tables summarize responses from pilot program respondents regarding whether pilot programs received advice and feedback from EOP on their plans and methodologies and the extent to which that advice and feedback was useful.

**Appendix I: Summary Results and Analysis of  
GAO Survey of Justice40 Pilot Programs**

**Table 12: Responses Regarding the Executive Office of the President’s (EOP) Methods for Providing Advice to Pilot Programs on Developing Plans and Methodologies and Implementing Justice40**

<b>EOP methods for providing advice to pilot programs</b>	<b>Did EOP provide advice to your program about developing plans and methodologies and implementing Justice40?</b>		
	<b>Yes</b>	<b>No</b>	<b>Don’t know</b>
Answering clarifying questions regarding the interim guidance and expectations for plans and methodologies and implementation of Justice40	10 of 19	4 of 19	5 of 19
Provided verbal or written feedback or comments on plans and methodologies or implementation of Justice40	6 of 19	11 of 19	2 of 19
Provided materials in addition to the interim guidance (such as additional guidance, examples, or best practices) to guide the development of plans and methodologies or implementation of Justice40	3 of 19	11 of 19	5 of 19
Other <sup>a</sup>	1 of 19	3 of 19	8 of 19

Source: GAO analysis of close-ended survey responses by pilot program respondents. | GAO-24-105869

<sup>a</sup>One respondent reported that their agency provided their pilot program with guidance for the plans and methodologies for implementing the Justice40 Initiative.

**Table 13: Responses Regarding Pilot Programs Receiving Advice from the Executive Office of the President (EOP) during Stages of Justice40 Development and Implementation**

<b>Stages of development and implementation where EOP provided advice to pilot programs</b>	<b>Did EOP provide advice to your program about its efforts to develop plans and methodologies and implementing Justice40 during the following stages?</b>		
	<b>Yes</b>	<b>No</b>	<b>Don’t know</b>
Designing plans and methodologies	5 of 11	5 of 11	1 of 11
Modifying programs, as necessary, to maximize benefits to disadvantaged communities in alignment with the goal of Justice40	2 of 11	7 of 11	2 of 11
Monitoring program progress in implementing Justice40 and related program outcomes	2 of 11	7 of 11	2 of 11
Evaluating the extent programs maximized benefits to disadvantaged communities in alignment with the goal of Justice40	1 of 11	7 of 11	3 of 11

Source: GAO analysis of close-ended survey responses by pilot program respondents. | GAO-24-105869

Appendix I: Summary Results and Analysis of  
GAO Survey of Justice40 Pilot Programs

**Table 14: Responses Regarding Pilot Programs Receiving Advice from the Executive Office of the President (EOP) and Information on Expectations or Standards for Developing Plans and Methodologies and Implementing Justice40**

EOP advice and information on expectations or standards on plans and methodologies and implementing Justice40	Did EOP provide advice or communicate the expectations for, or the standards it used to evaluate, your program plans and methodologies?	
	Yes	No/Don't know
EOP advice for developing plans and methodologies and implementing Justice40	11 of 19	8 of 19
EOP expectations for, or standards it used to evaluate, program plans and methodologies	2 of 19	17 of 19

Source: GAO analysis of close-ended survey responses by pilot program respondents. | GAO-24-105869

**Table 15: Responses Regarding the Usefulness of the Executive Office of the President's (EOP) Advice, Expectations or Standards on Pilot Programs' Plans and Methodologies and Implementing Justice40**

EOP advice and information on expectations or standards on plans and methodologies and implementing Justice40	How useful has EOP's advice or information on expectations or standards been for evaluating programs developing plans and methodologies and implementing Justice40?			
	Very useful	Moderately useful	Not useful at all	Don't know
EOP advice for developing plans and methodologies and implementing Justice40	0 of 11	5 of 11	4 of 11	2 of 11
EOP's expectations for programs implementing Justice40 or standards for evaluating program plans and methodologies	1 of 2	0 of 2	1 of 2	0 of 2

Source: GAO analysis of close-ended survey responses by pilot program respondents. | GAO-24-105869

**Table 16: Responses Regarding Aspects in the Executive Office of the President's (EOP) Advice That Pilot Programs Found Useful for Implementing Justice40**

In what ways has EOP's advice been useful in developing your program's plans and methodologies and implementing Justice40?	EOP advice on plans and methodologies and implementing Justice40
Allowed for flexibility	0 of 5
Established clear deadlines	0 of 5
Information on specific EOP data requests	0 of 5
Opportunities to modify programs	0 of 5
Provided basis for program guidance/procedures	1 of 5
Provided key information	0 of 5
Other	2 of 5
None/not applicable	2 of 5

Source: GAO analysis of open-ended survey responses by pilot program respondents. | GAO-24-105869

**Appendix I: Summary Results and Analysis of  
GAO Survey of Justice40 Pilot Programs**

**Table 17: Responses Regarding Aspects That Would Make the Executive Office of the President’s (EOP) Advice, Expectations or Standards Useful for Pilot Programs Implementing Justice40**

What EOP advice, expectations on or standards for evaluation from EOP would have been more useful, or would be useful, in developing program plans and methodologies and implementing Justice40?	EOP advice on plans and methodologies and communication of expectations or standards for evaluation	
	EOP advice	EOP expectations or standards
Actionable guidance/information on implementation activities	0 of 13	1 of 19
Additional or clarifying information on requirements	1 of 13	1 of 19
Adjustment to definition of disadvantaged communities or Climate and Economic Justice Screening Tool	0 of 13	0 of 19
Assistance in educating the public/stakeholders	0 of 13	0 of 19
Best practices, including examples, templates, and models	2 of 13	3 of 19
Clearly defined goals and objectives	0 of 13	1 of 19
Feedback on pilot program efforts	6 of 13	6 of 19
Guidance/information on flexibility	0 of 13	0 of 19
Guidance/information on future timelines	0 of 13	2 of 19
Guidance/information on monitoring and evaluation	3 of 13	8 of 19
Information on EOP use of pilot program materials/information	1 of 13	0 of 19
Information on updating submitted materials	0 of 13	0 of 19
Longer deadlines	1 of 13	0 of 19
More timely release of Justice40 guidance and tools	0 of 13	0 of 19
Provide advice to pilot programs	3 of 13	1 of 19
Updated or finalized guidance and tools	0 of 13	1 of 19
Other	2 of 13	2 of 19
None/not applicable	3 of 13	3 of 19

Source: GAO analysis of open-ended survey responses by pilot program respondents. | GAO-24-105869

## Additional Information

The following three tables summarize pilot program responses regarding challenges that programs face and additional support that EOP could provide programs continuing forward, as well as final thoughts on EOP’s efforts in implementing the Justice40 Initiative.

**Table 18: Responses Regarding Challenges with the Executive Office of the President’s (EOP) Guidance and Tools That Pilot Programs Continue to Face**

As you continue to implement the Justice40 Initiative, what challenges, if any, related to EOP guidance and tools, does your program face?	Number of pilot program respondents
Actionable guidance/information on implementation activities	2 of 19
Assistance in educating the public/stakeholders	2 of 19
Feedback on pilot program efforts	5 of 19

**Appendix I: Summary Results and Analysis of  
GAO Survey of Justice40 Pilot Programs**

<b>As you continue to implement the Justice40 Initiative, what challenges, if any, related to EOP guidance and tools, does your program face?</b>	<b>Number of pilot program respondents</b>
Provide advice to pilot programs	1 of 19
Updated or finalized guidance and tools	4 of 19
Other	
Additional resources to support outreach and unique needs of disadvantaged communities	1 of 19
Aligning Justice40 priorities with required statutory priorities	1 of 19
Effectively tracking metrics for programs launched prior to Justice40	1 of 19
Guidance/information on applying Justice40 to work not associated with communities, including research and development	1 of 19
Justice40 aligned with program goals	1 of 19
Make reporting tool easier	1 of 19
Measuring Justice40 progress will take multiple years	2 of 19
Pathways for addressing barriers to access for disadvantaged communities	1 of 19
Potential updates could be costly and time-consuming	1 of 19
Updates to internal program protocols	1 of 19
None/not applicable	1 of 19

Source: GAO analysis of open-ended survey responses by pilot program respondents. | GAO-24-105869

**Table 19: Responses Regarding Additional Support from the Executive Office of the President (EOP) That Would Be Useful for Pilot Programs**

<b>As you continue to implement the Justice40 Initiative for your program, what additional support, if any, could EOP provide that would be useful?</b>	<b>Number of pilot program respondents</b>
Actionable guidance/information on implementation activities	3 of 19
Additional or clarifying information on requirements	1 of 19
Adjustment to definition of disadvantaged communities or Climate and Economic Justice Screening Tool	1 of 19
Assistance in educating the public/stakeholders	2 of 19
Best practices, including examples, templates, and models	4 of 19
Clearly defined goals and objectives	2 of 19
Feedback on pilot program efforts	7 of 19
Guidance/information on monitoring and evaluation	3 of 19
Provide advice to pilot programs	2 of 19
Updated or finalized guidance and tools	5 of 19
Other	

**Appendix I: Summary Results and Analysis of  
GAO Survey of Justice40 Pilot Programs**

<b>As you continue to implement the Justice40 Initiative for your program, what additional support, if any, could EOP provide that would be useful?</b>	<b>Number of pilot program respondents</b>
Provide space for collaboration	1 of 19
Reduce burden of the Environmental Justice Scorecard	1 of 19
None/not applicable	2 of 19

Source: GAO analysis of open-ended survey responses by pilot program respondents. | GAO-24-105869

**Table 20: Responses Regarding Pilot Programs' Additional Thoughts on the Executive Office of the President's (EOP) Efforts to Implement Justice40**

<b>Please use the following space to share with us any additional thoughts you have on EOP's efforts to implement the Justice40 Initiative.</b>	<b>Number of pilot program respondents</b>
<i>Factors respondents reported to be useful</i>	
Provided key information	1 of 19
Opportunities to modify programs	2 of 19
Other	
Aligned with program goals	1 of 19
Appreciated the speed of the initiative	1 of 19
EOP coordination occurs at the agency level	1 of 19
Office of Management and Budget was responsive to program questions	1 of 19
<i>Factors respondents reported that could be useful</i>	
Actionable guidance/information on implementation activities	3 of 19
Additional or clarifying information on requirements	1 of 19
Assistance in educating the public/stakeholders	3 of 19
Feedback on pilot program efforts	1 of 19
Guidance/information on monitoring and evaluation	3 of 19
Information on EOP use of pilot program materials/information	1 of 19
Updated or finalized guidance and tools	3 of 19
None/not applicable	5 of 19

Source: GAO analysis of open-ended survey responses by pilot program respondents. | GAO-24-105869

**Examples of Challenges**

According to our analysis of survey responses, the following are examples of early challenges that pilot programs experienced when developing plans and methodologies for implementing the Justice40 Initiative prior to EOP issuing the interim guidance addendum and the Council on Environmental Quality (CEQ) releasing version 1.0 of the screening tool and screening tool instructions.

- **Reconciling interim guidance directives with unique program characteristics.** Some pilot programs wrote in narrative responses and an agency official we interviewed described how the interim guidance did not provide guidance for how to account for unique program characteristics. According to one Interagency Council officer, some agencies faced complex statutory constraints that made implementing the Justice40 Initiative challenging. Also, three respondents commented in their narrative responses that the interim guidance did not clarify how programs should address discrepancies between statutory definitions and Justice40 guidance. For example, one respondent stated that their program did not have the statutory authority to make or require changes to the program’s methodology and metrics for calculating benefits for the Justice40 Initiative. As a result, according to our analysis of survey responses, some pilot programs wrote that they used their own statutory required definitions for disadvantaged communities and authorities for methodologies for calculating overall program benefits.<sup>1</sup>

Additionally, according to our analysis of survey responses, some covered programs serving specific populations experienced limitations with implementing the Justice40 Initiative. For example, one pilot program reported that the beta screening tool did not identify the federally recognized Tribes directly affected by the program’s work to develop benefits in those communities. As a result, according to the respondent, the program’s method for identifying disadvantaged communities differed from the beta screening tool because it was not sufficient for the program’s purposes to better capture these populations at the onset of the initiative.

- **Ambitious timelines to complete plans and methodologies.** Some pilot program respondents (six of 19) reported in narrative responses that it was challenging to develop and implement plans and methodologies under the interim guidance’s timelines for pilot programs, and CEQ and OMB staff told us they also considered the timelines ambitious. For example, four respondents explained that it would have been useful to have more than 30 days to meaningfully work with stakeholders about the programs’ stakeholder engagement plans. Another respondent said new outreach would have required a time-consuming Paperwork Reduction Act review, so instead their

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<sup>1</sup>The interim guidance directs covered programs to consider guidelines for program modifications to maximize benefits for the Justice40 Initiative to the extent consistent with statutory and constitutional requirements. Office of Management and Budget, Council on Environmental Quality, and Climate Policy Office, *Interim Implementation Guidance for the Justice40 Initiative*, M-21-28 (Washington, D.C.: July 20, 2021).

program relied on existing stakeholder outreach that they conducted in fiscal year 2020 that focused on identifying their program successes and opportunities for improvement.<sup>2</sup>

- **Developing program plans and methodologies simultaneously with EOP’s development of guidance and tools.** Because of the timelines in E.O. 14008 and the interim guidance, pilot and other covered programs had to develop and implement plans and methodologies while EOP was continuing to develop guidance and tools on how to do so. According to CEQ and OMB staff, EOP needed more time than the timeline set forth in E.O. 14008 to have effective public input, deliberation, and interagency coordination to inform the development of guidance and tools. As a result, EOP released some key guidance and tools after the pilot and other covered programs had to submit their plans and methodologies to OMB, with the latest being December 2021 for a methodology for calculating benefits accruing to disadvantaged communities.<sup>3</sup>

According to an Interagency Council officer, some agencies with covered programs delayed planning Justice40 implementation for their programs until EOP released updated or new guidance and tools. In addition, seven of 19 respondents reported in narrative responses that a timelier release of the beta screening tool, which occurred after the interim guidance’s deadlines for pilot programs, would have been useful as they developed implementation plans, stakeholder engagement plans, or methodologies and metrics for calculating benefits. One respondent reported that it is critical to have finalized guidance about what programs will be required to report because, under the Paperwork Reduction Act, the program must seek OMB approval before substantially altering the data and metrics it requests from grantees.

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<sup>2</sup>Pub. L. No.96-511, 94 Stat. 2812 (1980) (codified as amended at 44 U.S.C. §§ 3501-3521). Under the Paperwork Reduction Act, federal agencies generally must provide public notice, solicit comments, and request OMB approval before collecting information from 10 or more nonfederal entities. According to the General Services Administration and OMB guidance, most agencies estimate 6 to 9 months for Paperwork Reduction Act clearance.

<sup>3</sup>For example, in February 2022, CEQ released the beta screening tool as a draft version for soliciting feedback from agencies, federally recognized Tribes, state and local governments, the White House Environmental Justice Advisory Council, and the public. This was the first tool EOP released since publishing the interim guidance 7 months prior.

According to our analysis of survey responses, the following is an example of an ongoing challenge that pilot programs experienced that they reported to EOP.

- **Communication between EOP and pilot programs.** Most respondents (13 of 19) answered that EOP did not communicate any expectations or standards for how it would evaluate the plans and methodology that the programs were to submit to OMB. In addition, most respondents (13 of 19) answered that EOP did not provide feedback to program staff on their plans once submitted. For instance, one respondent wrote that the program's staff worked very hard on developing its implementation and stakeholder engagement plans but that the absence of feedback from EOP made it unclear if they were on the right track, missing the mark, or putting too much effort into the tasks.

According to our analysis of survey responses, the following are additional examples of ongoing challenges that pilot programs experienced that were not reported to EOP, including limited ability to aggregate data to track benefits and difficulty adapting indirect activities to the Justice40 Initiative.

- **Limited ability to aggregate data to track benefits.** According to one pilot program respondent, screening tool instructions as of the survey period did not address program challenges with aggregating data to track benefits in areas larger than census tracts. The respondent reported that the screening tool's structure assumed that programs could identify the location(s) where their benefits would accrue, such as a street address. Standards on aggregating data for tracking benefits would help programs measure their ability to target and benefit disadvantaged communities, according to the respondent.<sup>4</sup>
- **Difficulty adapting indirect activities to the Justice40 Initiative.** One pilot program reported that the interim guidance was difficult to adapt for programs with a significant focus on research and development activities and no prior history of providing direct support to disadvantaged communities. The respondent explained that the interim guidance did not exclude research and development programs but did not specify how to implement the Justice40 Initiative in the context of such programs. According to the respondent, qualifying

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<sup>4</sup>The screening tool instructions issued in January 2023 do include a section on translating between census tracts and other geographic units.

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**Appendix I: Summary Results and Analysis of  
GAO Survey of Justice40 Pilot Programs**

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certain investments and providing more specific examples and exclusions, given the programs' direct aims, in future guidance and tools would be useful.

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# Appendix II: Objectives, Scope, and Methodology

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This report examines the extent to which (1) the Executive Office of the President (EOP) collaborated with federal and nonfederal entities to develop guidance and tools for implementing the Justice40 Initiative, (2) pilot programs implementing the Justice40 Initiative found EOP's guidance and tools useful, and (3) EOP established a process for assessing the federal government's efforts to achieve the goal of the Justice40 Initiative.<sup>1</sup>

To examine the extent to which EOP collaborated with federal and nonfederal entities to develop guidance and tools for implementing the Justice40 Initiative, we reviewed relevant provisions of Executive Orders (E.O.) 14008 and 14096 and EOP documents, such as the Interim Implementation Guidance for the Justice40 Initiative, *Federal Register* notices, press releases, the Environmental Justice Scorecard, and the Climate and Economic Justice Screening Tool and supporting documentation for the tool.<sup>2</sup> We also reviewed documents from the White House Environmental Justice Advisory Council (WHEJAC), including recommendation reports and summaries of WHEJAC public meetings.<sup>3</sup>

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<sup>1</sup>The Justice40 Initiative, as established by Executive Order (E.O.) 14008, is led by three EOP offices: the Council on Environmental Quality (CEQ), the Office of Management and Budget (OMB), and the White House Office of Domestic Climate Policy (Climate Policy Office, or CPO). In this report, we use the term EOP to refer collectively to CEQ, OMB, and CPO. Because other EOP offices, such as the National Security Council and Office of Science and Technology Policy, do not have a leadership role in the Justice40 Initiative delineated under E.O. 14008, we did not include them in the scope of our report or our use of the term EOP. For the purposes of this report, unless otherwise noted, "guidance and tools" refers to materials EOP developed, is developing, or plans to develop to support implementation of the Justice40 Initiative, including implementation guidance, screening tool and related instructions, Environmental Justice Scorecard, OMB budget data requests related to the Justice40 Initiative, and common metrics for measuring program benefits, as well as informal advice that EOP provides to agencies to assist in their use of EOP's guidance and tools.

<sup>2</sup>Exec. Order No. 14,008, 86 Fed. Reg. 7619 (Feb. 1, 2021); Exec. Order No. 14,096, 88 Fed. Reg. 25,251 (Apr. 26, 2023); Office of Management and Budget, Council on Environmental Quality, and Climate Policy Office, *Interim Implementation Guidance for the Justice40 Initiative, M-21-28* (Washington, D.C.: July 20, 2021); Office of Management and Budget, Council on Environmental Quality, and U.S. Digital Service, *Environmental Justice Scorecard*, accessed Oct. 18, 2023, <https://ejscorecard.geoplatform.gov/scorecard/>; and Council on Environmental Quality, *Climate and Economic Justice Screening Tool*, accessed Oct. 17, 2023, <https://screeningtool.geoplatform.gov/en>.

<sup>3</sup>E.O. 14008 established WHEJAC to, among other things, provide recommendations on how to increase the federal government's efforts to address current and historic environmental injustice. WHEJAC comprises representatives from environmental and community-based organizations, scholars, citizens of federally recognized Tribes, and a state official.

We identified these documents by reviewing the websites of EOP, the screening tool, the Phase One Scorecard, the *Federal Register*, regulations.gov. and the Environmental Protection Agency (EPA), which provides administrative support to WHEJAC under E.O. 14008.

In addition, we interviewed staff from the Council on Environmental Quality (CEQ) and Office of Management and Budget (OMB) to learn how they developed the guidance and tools for the Justice40 Initiative.<sup>4</sup> We also interviewed officers in the White House Environmental Justice Interagency Council, as well as WHEJAC members and administrative officials, to obtain their views of EOP's efforts to develop guidance and tools.<sup>5</sup> We spoke with Interagency Council officers in the Justice40 subcommittee, as well as with WHEJAC members in WHEJAC workgroups related to the Justice40 Initiative, screening tool, or scorecard. We spoke with Interagency Council officers in the Justice40 subcommittee who agreed to speak with us. We spoke with all co-chairs of WHEJAC workgroups on the Justice40 Initiative, screening tool, or the scorecard who agreed to speak with us. The views of the Interagency Council officers and WHEJAC members we interviewed are illustrative and not generalizable to all Interagency Council officers or members of WHEJAC.

We also obtained information from a survey we sent to all 21 pilot programs identified by EOP's interim guidance.<sup>6</sup> We distributed a single web survey to each of the pilot programs across nine federal agencies. To ensure that we obtained survey responses that reflected the opinions of pilot program officials, we included instructions for survey points of contact to collaborate with colleagues, as needed, and indicated that we only wanted one consolidated survey response from each pilot program. Our final population of surveyed entities was 21 pilot programs, of which 20 responded to our survey, with one respondent submitting responses

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<sup>4</sup>CEQ and OMB staff stated that they consulted with CPO staff, as appropriate, when responding to our requests for information.

<sup>5</sup>E.O. 14008 established the Interagency Council to, among other things, develop a strategy to address current and historic environmental injustice. The Interagency Council is composed of the Chair of CEQ, who serves as the Interagency Council chair, and 25 additional members.

<sup>6</sup>Not all questions were applicable to all respondents; therefore, not all respondents answered all questions.

for two pilot programs at the same agency.<sup>7</sup> To reduce nonresponse, we sent multiple emails throughout the survey administration period to encourage participation among those who had not yet responded. We also contacted nonrespondents by telephone calls to encourage participation in the survey.

In our survey, we collected information via closed- and open-ended questions on pilot programs' experiences with EOP guidance and tools for implementing the Justice40 Initiative, including, among other things, (1) the extent to which pilot programs found EOP guidance and tools, information on monitoring and evaluation, or advice and feedback to be useful for modifying their programs to align with the goal of the Justice40 Initiative; (2) the extent to which EOP provided support for programs in implementing the Justice40 Initiative, such as by providing advice and responding to agencies' questions; and (3) opportunities for EOP to improve its guidance and tools, including information on monitoring and evaluation, as well as advice and feedback.

As of the survey period, pilot program officials had access to, and were able to describe their experiences with, the following EOP guidance and tools: interim guidance, the beta and version 1.0 of the screening tool, the Environmental Justice Scorecard, an OMB budget data request, and informal EOP advice. In addition, our survey questions did not include version 1.0 of the screening tool because the tool was not in place when we developed the survey. Some survey respondents included information on version 1.0 of the screening tool in their responses because the tool was released by the time they responded to the survey. Additional guidance documents, such as the addendum to the interim guidance and the screening tool instructions, were not released prior to the survey period and, therefore, are not included in the guidance and tools addressed by the survey or our analysis of the survey responses.

To ensure that our survey questions were appropriate and that respondents could answer them in a reliable and meaningful way, we conducted survey pretests with two pilot program officials from the study population; had the survey reviewed by an independent survey methodologist within GAO; and revised the survey questions, as appropriate, based on the results of these pretests. Our survey field

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<sup>7</sup>Two pilot programs identified the same official to submit responses regarding the programs' experiences with EOP guidance and tools. The respondent submitted one survey to represent both programs. As a result, we counted this survey submission as one response and reported the total number of surveyed respondents as 19.

period ran from January 6, 2023, through March 3, 2023. We distributed the survey electronically through email. By March 3, 2023, we had received 19 survey responses.<sup>8</sup>

Surveys may be subject to error in analyzing data. We implemented quality control procedures in our data entry by verifying the accuracy of the process. We noted any missing, irregular, or incorrect responses by the respondent and corrected the errors we found. We examined open-ended survey responses for recurring themes. Two analysts independently reviewed and coded each survey response, then compared the results of their analyses and met to resolve any disagreements. We analyzed survey responses from pilot program officials to understand how they collaborated with EOP as it developed guidance and tools.

We compared this information with E.O. 14008 and leading practices for enhancing collaboration.<sup>9</sup> We developed and updated the leading practices for collaboration between 2006 and 2023 to provide insight and guidance to improve collaboration between agencies, or within components of the same agency.<sup>10</sup> In addition to federal agencies, collaborative efforts can also include other relevant participants, such as state and local entities, and organizations from the private and nonprofit sectors.<sup>11</sup> This work identifies “collaboration” broadly as any joint activity that is intended to produce more public value than could be produced when agencies act alone.

For the purposes of reviewing collaborative actions taken by EOP to develop guidance and tools for the Justice40 Initiative, relevant leading practices are (1) including relevant participants, (2) clarifying roles and

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<sup>8</sup>Three pilot program respondents at the same agency worked together to coordinate and provide similar responses to the survey questions. For the purposes of this report, we counted their responses individually to incorporate dissimilarities in responses.

<sup>9</sup>Exec. Order No. 14,008, 86 Fed. Reg. 7619 (Feb. 1, 2021); and GAO, *Government Performance Management: Leading Practices to Enhance Interagency Collaboration and Address Crosscutting Challenges*, [GAO-23-105520](#) (Washington, D.C.: May 24, 2023).

<sup>10</sup>GAO, *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration among Federal Agencies*, [GAO-06-15](#) (Washington, D.C.: Oct. 21, 2005); *Managing for Results: Key Considerations for Implementing Interagency Collaborative Mechanisms*, [GAO-12-1022](#) (Washington, D.C.: Sept. 27, 2012); *Managing for Results: Implementation Approaches Used to Enhance Collaboration in Interagency Groups*, [GAO-14-220](#) (Washington, D.C.: Feb. 14, 2014); and [GAO-23-105520](#).

<sup>11</sup>[GAO-12-1022](#).

responsibilities, (3) bridging organizational cultures, (4) leveraging resources and information, (5) identifying and sustaining leadership, (6) developing and updating written guidance and agreements, and (7) ensuring accountability. We did not include one leading practice identified in our prior work, defining common outcomes, in our analysis because E.O. 14008 defined the primary outcomes of the collaborative effort—recommendations for implementing the Justice40 Initiative, the screening tool, and the scorecard.

Specifically, two GAO analysts assessed the degree to which agencies' actions reflected the various elements of the leading practices. For example, for bridging organizational cultures, we assessed EOP's actions to determine the extent to which they reflected elements of this leading practice as described in our prior work, such as fostering open lines of communication and developing compatible procedures. We determined that EOP's actions reflected a leading practice if documentation or interviewees described actions that EOP took that reflected elements of the practice to a large or full extent. We determined that EOP's actions partially reflected a leading practice if documentation or interviewees described actions that EOP took that reflected some, but not all, of the elements of the practice or that did not reflect each element of the practice to a large or full extent. We determined that EOP's actions did not reflect a leading practice if documentation or interviewees showed that EOP's actions did not reflect any elements of the leading practice.

To examine the extent to which pilot programs implementing the Justice40 Initiative found EOP's guidance and tools useful, we analyzed the data obtained to determine key factors of pilot programs' experiences using EOP guidance and tools for implementing the Justice40 Initiative. This included the extent to which they found EOP guidance, tools, and advice useful for pilot programs and how EOP could improve its guidance and tools for implementing the Justice40 Initiative. We compared the results with leading practices for enhancing collaboration and pilot program design.<sup>12</sup>

To examine the extent to which EOP established a process for assessing the federal government's efforts to achieve the goal of the Justice40 Initiative, we reviewed relevant provisions of E.O. 14008 and EOP documents, guidance, and tools, such as EOP's Justice40 interim

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<sup>12</sup>GAO-23-105520; and *Data Act: Section 5 Pilot Design Issues Need to Be Addressed to Meet Goal of Reducing Recipient Reporting Burden*, GAO-16-438 (Washington, D.C.: Apr. 19, 2016).

guidance and the Phase One Scorecard.<sup>13</sup> We identified these documents by reviewing the websites as described above.

In addition, we also interviewed CEQ and OMB staff to learn about any actions they have taken to establish a process for assessing progress toward achieving the goal of the Justice40 Initiative. To obtain their views on actions that EOP took to establish a process, we interviewed Interagency Council officers and WHEJAC members and administrative officials. We identified these members as described previously. We also analyzed survey responses from pilot program officials regarding EOP's plans for assessing progress toward achieving the Justice40 goal to understand pilot program officials' views on any steps that EOP has taken to develop these plans.

We compared the information we gathered with leading practices for enhancing collaboration and key practices for evidence-building and performance-management activities.<sup>14</sup> We reported in July 2023 on the key practices to help federal leaders and employees develop and use evidence to effectively manage and assess the results of federal efforts. The key practices were distilled from hundreds of actions identified in GAO's past work as effective for implementing federal evidence-building and performance-management activities.

We conducted this performance audit from March 2022 to January 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>13</sup>Exec. Order No. 14,008, 86 Fed. Reg. 7619 (Feb. 1, 2021); Exec. Order No. 14,096, 88 Fed. Reg. 25,251 (Apr. 26, 2023); Office of Management and Budget, Council on Environmental Quality, and Climate Policy Office, *Interim Implementation Guidance for the Justice40 Initiative*, M-21-28; and Office of Management and Budget, Council on Environmental Quality, and the U.S. Digital Service, *Environmental Justice Scorecard*.

<sup>14</sup>[GAO-23-105520](#); and *Evidence-Based Policymaking: Practices to Help Manage and Assess the Results of Federal Efforts*, [GAO-23-105460](#) (Washington, D.C.: July 12, 2023).

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# Appendix III: White House Environmental Justice Advisory Council Recommendations

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Executive Order (E.O.) 14008 established the White House Environmental Justice Advisory Council (WHEJAC) and charged it with advising the White House Environmental Justice Interagency Council and the Council on Environmental Quality (CEQ), as well as with providing recommendations to the Interagency Council on how to increase the federal government's efforts to address current and historic environmental injustice.<sup>1</sup> Responding to specific requests for recommendations from CEQ, WHEJAC issued a series of reports between May 2021 and August 2022 that included, among other things, recommendations for CEQ, the Interagency Council, Congress, and federal agencies on developing guidance and tools for implementing the Justice40 Initiative. The members of WHEJAC are listed in each report.

- *Final Recommendations: Justice40, Climate and Economic Justice Screening Tool and Executive Order 12898 Revisions* (May 21, 2021).
- *Phase One Scorecard Recommendations Report* (Mar. 8, 2022).
- *Recommendations on the Climate and Economic Justice Screening Tool* (Aug. 16, 2022).
- *Recommendations on Justice40 Implementation* (Aug. 17, 2022).

According to the WHEJAC charter, WHEJAC operates under the provisions of the Federal Advisory Committee Act (FACA).<sup>2</sup> Under FACA, within 1 year after an advisory committee submits a public report to the President, the President or the President's delegate is to submit a report to Congress detailing the disposition of the advisory committee's recommendations.<sup>3</sup> Between May 2022 and August 2023, CEQ or the Environmental Protection Agency, which provides administrative support to WHEJAC under E.O. 14008, submitted the following reports to Congress. The reports include CEQ's responses to WHEJAC's recommendations to the Executive Office of the President and federal agencies, including those on Justice40 guidance and tools:

- *Response by the White House Council on Environmental Quality to the White House Environmental Justice Advisory Council's Final*

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<sup>1</sup>Exec. Order No. 14,008, *Tackling the Climate Crisis at Home and Abroad*, 86 Fed. Reg. 7619 (Feb. 1, 2021).

<sup>2</sup>Environmental Protection Agency, *United States Environmental Protection Agency Charter: White House Environmental Justice Advisory Council (WHEJAC)*, (Washington, D.C.: Mar. 15, 2021).

<sup>3</sup>See 5 U.S.C. § 1005(b); 41 C.F.R. § 102-3.175(a).

*Recommendations: Justice40, Climate and Economic Justice Screening Tool, and Executive Order 12898 Revisions That Were Submitted on May 21, 2021: Report Submitted to the U.S. Congress Pursuant to the Federal Advisory Committee Act (Washington, D.C.: May 20, 2022).*

- *Response to the White House Environmental Justice Advisory Council's (WHEJAC) Phase One Scorecard Recommendations Report (Scorecard Report) (Washington, D.C.: Mar. 8, 2023).*
- *Report to Congress on the White House Environmental Justice Advisory Council's Recommendations for the Justice40 Initiative Phase One Implementation, the Climate and Economic Justice Screening Tool, and Air Pollution Emissions Limits for Incinerators (Washington, D.C.: Aug. 16, 2023).*

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# Appendix IV: Executive Office of the President Collaboration with Federal and Nonfederal Entities

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The Executive Office of the President (EOP) collaborated with a variety of entities, including the White House Environmental Justice Advisory Council (WHEJAC), the White House Environmental Justice Interagency Council, and other federal and nonfederal entities, to develop guidance and tools for implementing the Justice40 Initiative.<sup>1</sup> These guidance and tools include the Interim Implementation Guidance for the Justice40 Initiative, Climate and Economic Justice Screening Tool and related instructions, Environmental Justice Scorecard, Office of Management and Budget (OMB) budget data requests related to the Justice40 Initiative, and common metrics for measuring Justice40 covered programs benefits. Specifically, EOP worked with the following entities.

**WHEJAC and Interagency Council.** According to EOP documents and Council on Environmental Quality (CEQ) and OMB staff, EOP relied on WHEJAC's recommendations when developing the interim guidance and the scorecard, as did CEQ when developing the beta screening tool and version 1.0.<sup>2</sup> In particular, according to a CEQ press release, EOP incorporated some of WHEJAC's suggestions on potential program benefits into the interim guidance, and CEQ added new indicators to version 1.0 of the screening tool, such as data on areas with historic underinvestment. In addition, according to EOP documents and an Interagency Council officer, EOP consulted with the Interagency Council on the development of the interim guidance, received input from the Interagency Council on the creation of the screening tool and scorecard.

**Federal and state officials, representatives of federally recognized Tribes and others.** EOP also consulted with agency heads, federal and state officials, environmental justice experts, and Tribal Nations when developing guidance and tools, according to CEQ documents and CEQ and OMB staff. For example, according to CEQ and OMB staff, EOP

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<sup>1</sup>In this report, we use the term EOP to refer collectively to the Council on Environmental Quality (CEQ), Office of Management and Budget (OMB), and Climate Policy Office (CPO). Executive Order (E.O.) 14008, which established the Justice40 Initiative, refers to the National Climate Advisor, which leads the CPO, as the third entity with responsibilities under the Justice40 Initiative. For the purposes of this report, we refer to the office rather than the National Climate Advisor. Because other EOP offices, such as the National Security Council and Office of Science and Technology Policy, do not have a leadership role in the Justice40 Initiative delineated under E.O. 14008, we did not include them in the scope of our report or our use of the term EOP.

<sup>2</sup>Council on Environmental Quality, *Response by the White House Council on Environmental Quality to the White House Environmental Justice Advisory Council's Final Recommendations: Justice40, Climate and Economic Justice Screening Tool, and Executive Order 12898 Revisions that were submitted on May 21, 2021* (Washington, D.C.: May 20, 2022).

consulted with individual federal agencies to ensure that the interim guidance addressed topics helpful to federal agencies and received feedback on improving the beta screening tool from agencies. In addition, CEQ reported that it chose the datasets for the beta screening tool after considering numerous datasets and ideas for datasets suggested by federal agencies, environmental justice experts, and WHEJAC. When developing the screening tool, EOP also reviewed similar state initiatives and tools and met with state and local officials, including officials from New York, New Mexico, and the National Black Caucus of State Legislators, according to CEQ and OMB staff. Further, CEQ reported that it made changes to the definition of disadvantaged communities in version 1.0 of the screening tool based on two tribal consultation sessions.

**The public.** CEQ also solicited public input on the beta screening tool and scorecard. To inform updates to the beta screening tool, CEQ requested public comment on the tool, including input, information, and recommendations, and received approximately 2,600 comments in response.<sup>3</sup> CEQ also requested public comment on the vision, framework and outcomes of the scorecard.<sup>4</sup> According to the *Federal Register* notice requesting feedback on the scorecard, CEQ requested public comment to provide transparency about the government's vision, goals, and process, so that the public would be better able to monitor the government's progress and hold the government accountable for delivering results. CEQ received 57 comments with recommendations on the scorecard. Through the public comment process, a range of stakeholders provided input to CEQ on the screening tool and the scorecard, including nongovernmental organizations, federal agencies, advocacy groups, trade associations, state offices, and federally recognized Tribes, among others. CEQ also held four public listening sessions on the beta screening tool and provided links within the tool for users to provide feedback via a survey or email.

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<sup>3</sup>CEQ issued a request for information to solicit feedback on the beta screening tool in the *Federal Register* on February 23, 2022, and set a deadline for comments by April 25, 2022. 87 Fed. Reg. 10,176 (Feb. 23, 2022). In April 2022, CEQ extended the deadline to May 25, 2022. 87 Fed. Reg. 24,284 (Apr. 25, 2022).

<sup>4</sup>CEQ issued a request for information to solicit feedback on the vision, framework, and outcomes of the scorecard in the *Federal Register* in August 2022 and set a deadline for comments by October 3, 2022. 87 Fed. Reg. 47,397 (Aug. 3, 2022). In October, CEQ extended the deadline to November 3, 2022. 87 Fed. Reg. 60,137 (Oct. 4, 2022).

Further, starting in 2022, following the issuance of the interim guidance, EOP met with community organizations, in part, to listen to and learn from the public on the Justice40 Initiative, according to CEQ and OMB staff. For example, CEQ organized events with communities such as agriculture workers, youth involved in social and environmental justice, and community members working to increase access to safe and affordable drinking water, according to CEQ and OMB staff.

**Disadvantaged communities.** According to CEQ and OMB staff we interviewed, as directed by E.O. 14008, EOP also consulted with disadvantaged communities when developing recommendations for implementing the Justice40 Initiative. CEQ and OMB staff told us that they received input directly from these communities in the listening sessions and public comment processes. CEQ and OMB staff stated that they also received input from disadvantaged communities through WHEJAC's members that are from organizations that are based in, and work with, such communities. In addition, according to CEQ and OMB staff, some of the community organizations that EOP staff met with virtually and in person, as described previously, included representatives from these communities.

According to CEQ and OMB staff, EOP also received input indirectly from disadvantaged communities through WHEJAC and the Interagency Council because the two councils have direct engagement with communities with environmental justice concerns, including affected disadvantaged communities. For instance, as appropriate, WHEJAC incorporated feedback solicited from communities in public meetings into WHEJAC's recommendations to EOP, according to WHEJAC members and documents. In addition, CEQ and OMB sought advice from federal agencies that had consulted with these communities about the Justice40 Initiative, according to CEQ and OMB staff.

# Appendix V: Comments from the Council on Environmental Quality



EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
WASHINGTON, D.C. 20503

December 20, 2023

The Honorable Gene L. Dodaro  
Comptroller General of the United States  
U.S. Government Accountability Office  
Washington, DC 20548

Dear Comptroller General:

Thank you for the opportunity to comment on GAO's report, which reviews the Executive Office of the President's implementation of the Justice40 Initiative. The report underscores the importance of President Biden's [Justice40 Initiative](#), which, for the first time in our nation's history, set the goal to deliver 40 percent of the overall benefits of climate, clean energy, affordable and sustainable housing, clean water, and other federal investments to disadvantaged communities that are marginalized by underinvestment and overburdened by pollution. Through the Justice40 Initiative, federal agencies are working to ensure the benefits of the President's Investing in America agenda – including cleaner air, good-paying jobs, and affordable clean energy – are reaching communities right now.

Since day one, achieving environmental justice has been a top priority for the Biden-Harris Administration, and the Justice40 Initiative is a signature component of the President's environmental justice agenda. The task of delivering the benefits of hundreds of federal programs to disadvantaged communities requires fundamental and sweeping reforms to the ways in which the federal government as a whole operates – a process that takes time and coordination.

The Justice40 Initiative is already reshaping how the federal government ensures communities that have been left behind and faced underinvestment see the benefits of the President's historic investments in America. Across the Executive Office of the President, we are working every day to support federal agencies as they deliver on the President's vision for the Justice40 Initiative. We appreciate GAO's analysis of ways to enhance our ongoing efforts to implement the Initiative, and we are considering ways to further implement the leading practices that the report highlights. Attached is an Appendix that identifies example areas of the report that we believe merit further clarification.

We are already taking steps that have been informed by GAO's recommendations. For example, last month, the Executive Office of the President [released](#) an updated list of programs working to advance the Justice40 Initiative. The list of Justice40 covered programs now includes [518 programs](#) across 19 federal agencies, including 74 grant, rebate, loan, and other funding programs from the Inflation Reduction Act that leverage over \$118 billion in federal funding. By expanding the Justice40 Initiative to include these programs, the Biden-Harris Administration is helping ensure disadvantaged communities can access the benefits of the largest investment in clean energy and climate action in history.

In addition, we recently [published](#) a template for the Environmental Justice Strategic Plans that federal agencies will create pursuant to Executive Order 14096 of April 21, 2023 (*Revitalizing Our Nation's Commitment to Environmental Justice for All*), called [Strategic Planning to Advance Environmental Justice](#). This template serves as a playbook for federal agencies to develop their environmental justice strategic plans, and will promote a new era of transparency, consistency, and accountability for environmental justice by providing concrete recommendations for meeting President Biden's charge to advance environmental justice across our nation. The template makes particular reference to GAO's

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**Appendix V: Comments from the Council on  
Environmental Quality**

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report on *Government Performance Management: Leading Practices to Enhance Interagency Collaboration and Address Crosscutting Challenges*, GAO-23-105520 (May 24, 2023), and GAO's report on *Evidence-Based Policymaking: Practices to Help Manage and Assess the Results of Federal Efforts*, GAO-23-105460 (July 12, 2023).

For nearly three years, federal agencies have been advancing and implementing the Justice40 Initiative to deliver a cleaner, healthier future for communities across our country. While we still have more work to do, we are proud of the progress that has been made, and we would like to convey our thanks to GAO for its efforts to identify ways to further deepen the positive impact of this historic initiative. We anticipate taking further steps to implement GAO's recommendations on leading practices in the coming months, in coordination with the [White House Environmental Justice Interagency Council](#), and through ongoing consideration of the valuable recommendations from the [White House Environmental Justice Advisory Council](#).

Sincerely,



Brenda Mallory  
Chair of the Council on Environmental Quality

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**Appendix V: Comments from the Council on Environmental Quality**

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**Appendix to Letter from the Council on Environmental Quality**

The Council on Environmental Quality (CEQ) below identifies several examples of areas of the GAO report (as reviewed in draft form) that merit further clarification or correction. CEQ offers these clarifications with the understanding that the Justice40 Initiative – as a new, historic initiative that the whole of Government is implementing for the first time – has continued to evolve during the time in which GAO has conducted its review.

**1. The White House Environmental Justice Advisory Council (WHEJAC)**

The report recommends that CEQ, the Climate Policy Office, and the Office of Management and Budget “assess WHEJAC’s communication needs, and then, as appropriate, develop methods for meeting those needs.” GAO takes an expansive view of the Executive Office of the President’s (EOP) direct coordination with and responsibility over the management and administration of the WHEJAC. However, Executive Order 14008 of January 27, 2021 (*Executive Order on Tackling the Climate Crisis at Home and Abroad*) created the WHEJAC as a federal advisory committee within the U.S. Environmental Protection Agency (EPA).

Although the WHEJAC renders advice to the Chair of CEQ and the White House Environmental Justice Interagency Council, EPA is the agency charged with the administration and management of the WHEJAC under the Federal Advisory Committee Act.<sup>1</sup> CEQ greatly appreciates both the WHEJAC’s valuable recommendations and EPA’s important efforts in administering this federal advisory committee.

**2. Clarifying the review timeframe and scope**

In the report, GAO states that it conducted its performance audit between March 2022 and December 2023, and surveyed officials working on Justice40 pilot programs between January 2023 through March 2023. The survey, however, was limited to staff who worked on preexisting federal programs that served as pilots for the Justice40 Initiative in the fall of 2021, which today represent a fraction of the hundreds of programs that the Justice40 Initiative covers.

In addition, the Executive Office of the President (EOP) developed new documents and took new actions to advance the Justice40 Initiative in 2022 and early 2023, for which the GAO process does not fully account. For example, the survey questions did not specifically ask about tools and guidance relevant to the Justice40 Initiative that were available at the time that GAO was conducting the survey, including version 1.0 of the [Climate and Economic Justice Screening Tool](#) (CEJST), the [CEJST Instructions](#), and the guidance in [Memorandum M-23-09](#). Thus, the survey responses did not reflect EOP’s latest actions or its adoption of leading practices that have supported agencies as they implement and operationalize their Justice40 covered programs.

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<sup>1</sup> This is similar to other advisory committees that provide advice to a White House component, but are administered by a federal agency. See, e.g., Executive Order 14109 of September 29, 2023 (*Executive Order on Continuation of Certain Federal Advisory Committees and Amendments to Other Executive Orders*); Executive Order 14048 of September 30, 2021 (*Executive Order on Continuation or Reestablishment of Certain Federal Advisory Committees and Amendments to Other Executive Orders*). The designated agencies are those that develop any necessary methods or processes for the federal advisory committees they administer.

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## Appendix V: Comments from the Council on Environmental Quality

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Although the timeframe for the performance audit is through December 2023, the report does not fully capture or discuss the impact of more recent Biden-Harris Administration actions on environmental justice, such as releasing the [Environmental Justice Scorecard](#), signing [Executive Order 14096 on Revitalizing Our Nation's Commitment to Environmental Justice for All](#), and publishing a catalogue of [Inflation Reduction Act programs](#) advancing the Justice40 Initiative. The GAO report also relies on interviews conducted with federal agency staff members, but does not always specify when the comments were made or recognize that EOP actions have since occurred to help address input from agency staff.

Regardless, CEQ appreciates GAO's efforts to review the Justice40 Initiative while its implementation is underway and to identify valuable leading practices that can help advance environmental justice for all.

### 3. Understanding the importance of Executive Order 14096

Although the GAO report briefly acknowledges that President Biden signed Executive Order 14096 of April 21, 2023 (*Executive Order on Revitalizing Our Nation's Commitment to Environmental Justice for All*), the report does not fully reflect the importance of this Executive Order for federal environmental justice efforts, including the Justice40 Initiative. For example, the report, as reviewed by CEQ, incorrectly states that the White House Environmental Justice Interagency Council (IAC) had no agreed-upon mission. Not only was the mission of the IAC originally set forth in Executive Order 14008, but Executive Order 14096 expanded on and enhanced its mission.

In addition, Executive Order 14096 created the White House Office of Environmental Justice within CEQ. The sustained leadership of the Federal Chief Environmental Justice Officer, who originally began work as the Senior Director for Environmental Justice and leads this office, has strengthened the Justice40 Initiative. Furthermore, CEQ has been using leading practices to advance environmental justice across the government, which is illustrated by the reference to previous GAO reports in the [Strategic Planning to Advance Environmental Justice playbook](#) that CEQ issued pursuant to Executive Order 14096.

### 4. Additional factual clarifications

The following are a few additional examples of specific factual statements in the draft GAO report that are inaccurate or incomplete, and that would strengthen the report if updated.

1. The draft report contained a timeline (Figure 1) of the EOP's development of Justice40 guidance and tools. That timeline is incomplete; it does not contain the November 2023 publication of a list of 74 Inflation Reduction Act programs working to advance the President's Justice40 Initiative. The Justice40 Initiative currently covers 518 federal programs at 19 federal agencies (not 450 programs at 18 agencies, as the draft report had stated).<sup>2</sup>
2. The draft report stated that Executive Order 14096 provided additional direction to the EOP in coordinating environmental justice efforts across the federal government, including those outlined in Executive Order 14008, such as the Justice40 Initiative. Actually, Executive Order 14096 does not specifically direct the EOP components discussed in this report to coordinate environmental justice activities nor does it mention the Justice40 Initiative.

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<sup>2</sup> [Biden-Harris Administration Continues to Accelerate Environmental Justice in Disadvantaged Communities through the President's Investing in America Agenda | CEQ | The White House.](#)

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**Appendix V: Comments from the Council on  
Environmental Quality**

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Instead, it would be accurate to state that Executive Order 14096 expanded the IAC and provided additional direction, including related to supporting and facilitating interagency collaboration on programs and activities related to environmental justice.<sup>3</sup>

3. The draft report referred to “requests for information from CEQ” to the WHEJAC. CEQ has not issued any requests for information to the WHEJAC. Consistent with EPA’s procedures, CEQ has issued charges to the WHEJAC to seek formal recommendations. EPA, as administrator of the WHEJAC, then transmits these charges to workgroups created by the WHEJAC to provide recommendations to the full WHEJAC for review and approval.<sup>4</sup>
4. The draft report stated that EOP did not follow up with any feedback on the WHEJAC recommendations. To the contrary, CEQ and EPA have provided responses in writing through reports to Congress as directed by the FACA, and continue to work to provide such responses by the 1-year FACA timeframe for more recent recommendations.<sup>5</sup>

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<sup>3</sup> Exec. Order No. 14,096, 88 Fed. Reg. 25,251 (Apr. 26, 2023).

<sup>4</sup> [WHITE HOUSE ENVIRONMENTAL JUSTICE ADVISORY COUNCIL \(WHEJAC\) WORKGROUPS February 2023.pdf \(epa.gov\)](#).

<sup>5</sup> [White House Environmental Justice Advisory Council | US EPA](#).

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# Appendix VI: GAO Contact and Staff Acknowledgments

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## GAO Contact

J. Alfredo Gómez at (202) 512-3841 or [gomezj@gao.gov](mailto:gomezj@gao.gov).

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## Staff Acknowledgments

In addition to the contact named above, Chad M. Gorman (Assistant Director), Krista Mantsch (Analyst in Charge), Kala Amos, Mark Braza, John Delicath, Gina Hoover, Natalie Hurd, Patricia Moye, Terell Lasane, Benjamin T. Licht, Dan C. Royer, and Sarah Veale made key contributions to this report.

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