



From the Margins to the Mainstream

*Lessons from the Clean Power Plan
for Alignment, Leadership,
and Environmental Justice*

Ife Kilimanjaro and Antonio Lopez
September 2017



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Welcome to THE CPP FORUM

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Executive Summary

The grassroots work for equity in the Clean Power Plan laid a critical foundation for aligning the environmental movement in an increasingly hostile political landscape.

On October 11-12, 2016 the Building Equity and Alignment for Impact Initiative (BEA), the Southwest Workers Union (SWU), and Texas Environmental Justice Advocacy Services (TEJAS) hosted a Clean Power Plan Forum in Houston, Texas. For two days, grassroots, green NGO, and philanthropic leaders from over 100 organizations focused their discussions on building alignment to meet long-standing environmental justice demands that national climate policy reduce emissions in frontline communities. The forum featured EJ-led trainings and invited tough dialogues on equity, funding disparities, and environmental movement building.


Thinking beyond the Clean Power Plan (CPP), participants also agreed that sustaining principled cross-sector relationships and embracing the power of grassroots communities were key to winning equitable climate policy. One leader in philanthropy who attend the forum explained:

The impact that we're most hoping to support is the building of power at the community level, the building of political power where folks can influence collective decision-making...For us, the ultimate impact is not a campaign victory, it's not a policy victory—those are things that come from building power. So we want to start there: How do we support folks to build power in their communities for what they want to do?

The forum, which culminated more than two years of EJ-led CPP equity advocacy, ended with strong commitments to continue working towards alignment, and an appreciation for the space to share perspectives, debate ideas, and build relationships. For longtime environmental justice leaders, the convening was a striking contrast to the 2009-2010 Waxman-Markey period when cross-sector dialogues on national climate policy were unsuccessful.

Regrettably, the momentum of the Houston CPP Forum was shifted on March

“The impact that we’re most hoping to support is the building of power at the community level...The ultimate impact is not a campaign victory, it’s not a policy victory—those are things that come from building power...How do we support folks to build power in their communities for what they want to do?”

 HOUSTON CPP FORUM
PLENARY: LONG VIEWS ON
ALIGNMENT AND EQUITY

The challenges of the new political landscape should not overshadow the meaningful advancements towards equitable climate policy that were made during the CPP process.

28, 2017, when an Executive Order was signed by Donald Trump that effectively withdrew support for the Clean Power Plan. The nullification of the CPP, the withdrawal of the U.S. from the Paris Agreement, and leadership changes at the EPA certainly require new strategic conversations across the broader environmental movement. Yet, in *From the Margins to the Mainstream*, we argue that the challenges of the new political landscape should not overshadow the meaningful advancements towards equitable climate policy that were made during the CPP process. In fact, as the effort to develop equitable climate policy shifts to states and local scales, we contend that EJ-led efforts to address equity gaps in the CPP offer crucial lessons to consider.

Aimed at environmental funders, green NGO leaders, and EJ organizations working on climate policy, the purpose of *From the Margins to the Mainstream* is to document experiences of EJ-led equity advocacy that together convey a grassroots-led pathway to equitable climate policy. We also present this case study with the purpose of encouraging critical dialogues about the transformative support needed by frontline communities of leaders in other environmental sectors who share environmental justice values and feel the urgency to work together in a different way.

To assist with these critical dialogues on equity in climate policy, readers are provided: (1) a brief historical background of equity and federal climate policy, (2) an examination of the activities of EJ advocates during the CPP rule making process, and (3) a discussion of key factors that contributed to alignment efforts leading to the Houston CPP Forum. A timeline with key events in CPP equity advocacy is also included.

To understand the value of embracing EJ leadership in climate policy development, this case study documents the ways that a core group of EJ policy advocates worked together to ensure that equity was prioritized in the final Clean Power Plan that was released in August of 2015. Through interviews, secondary data, informal conversations, and a close reading of comments submitted to the EPA, we reveal the following:

- Based on long-standing demands of frontline communities, environmental justice policy advocates consistently called for EJ to be incorporated into climate policy and the CPP in a way that would protect EJ communities and guaranty specific benefits.
- The grassroots sector worked to promulgate concrete equity recommendations to the EPA such as an EJ analysis in state compliance plans, mandatory emissions reductions in EJ communities, and a robust community engagement process. Many of

these recommendations were visible in comments submitted by green NGOs to the EPA.

- The grassroots sector waged an impressive—albeit partially successful—effort to engage the EPA. EJ-led equity advocacy resulted in vast improvements to the CPP, and were recognized by green NGOs as significant accomplishments.
- Despite many challenges, including the lack of funding support, EJ leaders organized for better alignment with green NGOs, and utilized important relationships with networks and other supportive institutions.

In addition to highlighting the important role played by policy advocates rooted in EJ communities, *From the Margins to the Mainstream* also identifies the key factors and activities that served as catalysts to improved alignment among EJ organizations and green NGOs. These key alignment factors include:

- Green NGOs Committing to Working Alongside EJ Leaders
- Strategically Building Grassroots-led Networks
- Activating Resources from Academic Institutions
- Building Capacity to Shape Policy in EJ Communities
- Engaging Funders and Investing Long Term
- Cross-Sector Strategy Meetings to Discuss Alignment, Action, and Equitable Climate Policy

Considering the Waxman-Markey period as a low point in movement building for equitable climate policy, this case study documents how the CPP process provided EJ leaders and green NGO colleagues with opportunities to discuss substantive protections for EJ communities as a fundamental priority in climate policy advocacy. Acknowledging that much work remains, we show that with key support, EJ leaders succeeded in utilizing the CPP rulemaking process to move equity from the margins towards the center of climate policy strategy discussions.

Through presenting these findings, *From the Margins to the Mainstream* aims to contribute to ongoing conversations about the current political terrain facing the environmental movement in the United States. Indeed, as climate-related disasters, extreme energy extraction, and ongoing industrial contamination threaten to impact low-income, Indigenous, and communities of color the most, environmental leaders in all sectors must find new ways to coordinate, heal, and work together. 🏡

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Introduction

Grassroots-led organizing strengthened climate policy by incorporating equity and the expertise of frontline communities.


In recent months, incorporating equity into national and state-based climate policy has received greater attention in the U.S. This focus on equitable climate policy is not by chance or simply a reaction to recent assaults on the environmental movement during the Trump administration. Rather, Indigenous and environmental justice communities have consistently advocated that Native and frontline perspectives should deeply inform climate policy. The current focus on incorporating equity into climate policy is a testament to the impact of years of grassroots organizing efforts.

Renewed interest in aligning with frontline communities to develop climate policy is also the direct result of important grassroots-led initiatives carried out during the period in which the Clean Power Plan was under rule development. For over two years, EJ policy advocates studied the highly technical rule, engaged rulemakers with the U.S. Environmental Protection Agency (EPA), and created spaces for critical discussions of equity in the CPP with green NGO colleagues. Many EJ organizations submitted comments to the EPA, and in one case, grassroots leaders organized to write their own state compliance plan. Indeed, the CPP provided grassroots communities significant opportunities to reassert the need to center equity and develop stronger policy mechanisms that protect frontline communities.

The Clean Power Plan was recently vacated by the Trump Administration, nevertheless, this case study argues that the CPP period offers important lessons to those committed to incorporating equity into climate policy. Focused on the efforts of a small cohort of EJ leaders that initially monitored the CPP, *From the Margins to the Mainstream* shows that the final CPP rule released in August of 2015 was improved due primarily to EJ equity advocacy.

Aimed at leaders in environmental philanthropy, green NGO policy staff, and EJ policy advocates, *From the Margins to the Mainstream* identifies the key factors that advanced transformative cross-sector alignment. Readers should consider that transformative alignment: (1) acknowledges the expertise of leaders from environmental justice communities, (2) involves a principled

The current focus on incorporating equity into climate policy is a testament to the impact of years of grassroots organizing efforts.

 CPP PARTICIPANTS IN HOUSTON PROTEST THE EXTRACTIVE ECONOMY, OCTOBER 2016



commitment to organizing and building power in grassroots communities, and (3) is distinct from transactional coalition building practices that often extract and exploit grassroots knowledge, labor, and experiences.

Of particular importance to this case study is the role of grassroots-led networks in opening spaces for discussions of transformative cross-sector alignment to take place. In addition, a section on grassroots alignment funding highlights the importance of investing in long-term alignment initiatives. The Building Equity and Alignment for Impact Initiative and strategic funding support, for example, were key to the organizing of a CPP Forum in Houston, Texas in October 2016, a convening that stands as a vast improvement on previous efforts at holding cross-sector discussions of equitable climate policy.

The authors acknowledge that it is a time of profound adversity for the U.S. environmental and environmental justice movements. We offer this case study as a small contribution to our collective understanding of how to build transformative political relationships that can lead to stronger policies and substantive changes in the most impacted communities. 🏘️



Methodology

An examination of the experiences of grassroots, green NGO, and philanthropy representatives involved in CPP equity work, alongside comments submitted to the EPA on the Clean Power Plan.


From the Margins to the Mainstream is not a technical study of the Clean Power Plan or an EJ analysis of the draft rule and the final legislation. It also does not aim to be a comprehensive social history of CPP equity advocacy. Rather, this case study relies on interviews with key informants to better understand the impact of EJ-led equity advocacy and identify the key factors that facilitated movement alignment during the CPP rulemaking process. We utilize interviews with representatives from the EJ community, individuals from the green NGO sector who were deeply involved in the first wave of CPP equity concerns, and leaders from environmental philanthropy who supported CPP alignment efforts after the initial draft of the rule was announced by the EPA in June of 2014.

It is important to note that during this first phase of equity advocacy, only a handful of EJ leaders worked on the CPP due to the lack of capacity in EJ organizations and the technical skills required to engage EPA rulemakers. Once the final rule was released in August of 2015, several EJ organizations worked on the CPP during a second phase of advocacy that mostly focused on state compliance plans and the Clean Energy Incentive Program (CEIP). While the second phase of equity advocacy is addressed, this case study emphasizes the efforts of a small core group of EJ advocates that engaged the EPA and green NGOs on matters of equity in the initial draft of the CPP.

Those interviewed were identified as key advocates due to their expertise, early presence in rulemaking processes, and participation in alignment meetings led by the Building Equity and Alignment Initiative.¹ EPA rulemakers and leaders were also invited to participate in this study, but were unable to attain permission to be interviewed by their agency supervisors.

Interviews consisted of 10 questions that queried advocates on political perspectives of the CPP, the impact of EJ leadership on the final rule, and challenges to cross-sector alignment. In addition to valuable content and history, our aim in these interviews was to discern significant points of

Interviews consisted of 10 questions that queried advocates on political perspectives of the CPP, the impact of EJ leadership on the final rule, and challenges to cross-sector alignment.

 ONE-ON-ONE
CONVERSATIONS AT THE CPP
FORUM IN HOUSTON

The comments by EJ and green NGOs consulted in this study provide an important opportunity to assess the influence of the former on the latter's consideration of equity and environmental justice in their climate policy advocacy strategy in 2015.

agreement and difference between EJ and green NGO perspectives of CPP equity advocacy. Interviews were conducted through phone calls that were recorded and transcribed with permission, and then reviewed for accuracy by interview participants who were also given the opportunity to make any needed revisions. As the political landscape has intensified, professional relationships are still in development, and movement alignment is ongoing, we have chosen to not disclose names in the narrative.

In addition to drawing on interviews, *From the Margins to the Mainstream* also utilizes secondary sources, informal conversations, participatory observation during CPP forums and meetings, and a close reading of selected comments submitted to the EPA by EJ and green NGOs to assess alignment around equity and environmental justice. The EPA received over four million comments on the Clean Power Plan by various interest groups. The comments by EJ and green NGOs consulted in this study provide an important opportunity to assess the influence of the former on the latter's consideration of equity and environmental justice in their climate policy advocacy strategy in 2015. As most green NGOs and several EJ organizations submitted comments on the CPP, this method of close reading is an effective way to assess the status of movement alignment prior to the initiation of the second phase of equity advocacy.

It is important to acknowledge that Indigenous communities and policy advocates were also highly active in monitoring and engaging the Clean Power Plan as the CPP contained separate sections aimed at Native communities. This research project is limited as it does not analyze the efforts of Indigenous leaders to influence the CPP rulemaking process on behalf of their communities. Instead of speaking for Indigenous experiences of the CPP, we are hopeful that the efforts of Indigenous leaders during the CPP will be the topic of a future research project.

Finally, *From the Margins to the Mainstream* does not pretend to be the definitive CPP study that explains all efforts to advocate for equity and the needs of overburdened communities. At the state and local level where EJ organizations and green NGOs often intersect, there are no doubt varying experiences of equity and alignment during the CPP that deserve to be examined. This case study does aim to capture important experiences of EJ leadership and identify significant lessons of movement alignment that can serve to inform future climate policy processes. 🏠



HONOR
RIO GRANDE TREATY
WITH CARRIZO \ COME CRUDO TRIBE
OF TEXAS

Historical Context

When the Clean Power Plan was released, longtime organizers and advocates in frontline communities were wary of both its market-based solutions and the divisions in the environmental sector caused by the failure of the Waxman-Markey bill.


Indigenous and environmental justice communities have long stood at the forefront of climate change discussions. In EJ communities, strong opposition exists to market-based approaches to federal economic and environmental policy making. EJ leaders have consistently raised concerns about policies and market-based solutions that maintain patterns of environmental racism, ignore co-pollutants, and often violate Indigenous sovereignty. EJ communities in the U.S. have long-standing relationships with Indigenous communities from North America and the Global South, and have had a strong presence at international climate change platforms. Historically, EJ organizations have also consistently advocated for equitable national climate policy and called upon larger green NGOs to align their efforts with frontline communities. Environmental justice leaders were also a part of early calls for a just transition towards an economy that provides economic justice to workers and is free of extreme energy extraction.

In other words, the recent focus on equitable climate policy in the U.S. has surely been impacted by the many years of consistent grassroots organizing rooted in environmental justice principles. The impact of grassroots communities on climate policy is also magnified if one considers that only a few years ago, efforts to develop a comprehensive national climate policy created tensions within the broader environmental movement.

Waxman-Markey

Less than a decade ago, many organizations and agencies worked together on the American Clean Energy and Security Act, which would establish a nationwide greenhouse gas cap-and-trade system to help address climate change and incentivize the development of a clean energy economy. Authored by Democrats Ed Markey of Massachusetts and Henry Waxman of California, the latter state having passed a cap and trade rule under AB32 in 2006, the Waxman-Markey Bill passed a House vote in June of 2009, but failed to make it through the Senate the following year.

The recent focus on equitable climate policy in the U.S. has surely been impacted by the many years of consistent grassroots organizing rooted in environmental justice principles.

 THE CPP FORUM HELD A #NODAPL SOLIDARITY MARCH IN DOWNTOWN HOUSTON, PASSING THE OFFICES OF SHELL, LYONDELLBASELL, NRG ENERGY, AND CHEVRON, AMONG OTHERS

Since the draft rule lacked specific protections for EJ communities and explicitly stated “...the Clean Power Plan does not guarantee emissions reductions by any plant at any particular location within a state,” EJ advocates working on behalf of grassroots communities had good reasons to be deeply concerned.

Early in the process of developing Waxman-Markey, efforts were made by environmental justice leaders and green NGOs to discuss the bill. However, these interactions were ultimately unsuccessful and led to a profound distrust by EJ leaders of their NGO counterparts. One EJ leader interviewed for this case study who was involved in those meetings at the time recalled:

We had a famous meeting, or infamous meeting, with the big green groups...At the EJ Forum, we met with them in May 2008, with us on one side and the big greens on the other side, and we talked about Waxman-Markey. I don't know how you would characterize it—some of it was good, some of it bad, but we did not come to a meeting of the minds there. We put forward the co-pollutants—let's have Waxman-Markey address co-pollutants, and the big greens wouldn't do it.²

The Waxman-Markey bill was advanced without deep grassroots support and was ultimately unsuccessful. Likewise, the focus on a Beltway strategy to move climate policy and the lack of interest in deep grassroots engagement harmed movement alignment as many in the EJ community experienced the Waxman-Markey bill as a low point of cross-sector alignment. One longtime EJ leader described the relationship with green NGOs at the time as feeling like “warfare, and not from us.”

Clean Power Plan Background

Given the failure of Waxman-Markey and the unlikelihood of passing climate legislation at the federal level, the Obama Administration turned to Executive Orders and rulemaking for action. The Clean Power Plan was conceived as an EPA-issued rule designed to limit carbon emissions from fossil fuel plants.³ Early in the process, the EPA held listening sessions with various stakeholders, including green NGOs, key academics, state regulators, and utility companies; all of whom provided input into the CPP. Summarizing the approach of EPA rulemakers at the time, one green NGO leader interviewed for this study explained:

From the first draft itself, the first signal we got was that EPA was looking to be flexible—to take advantage of as many opportunities as they had at their disposal through the Clean Air Act to limit emissions. They were designing a rule that wouldn't be overly prescriptive, a rule that would leave space for a variety of avenues for states to take actions to cut their emissions. But also, it was clear from the initial draft that there would be legal challenges, and that EPA would have to walk that line between leaving the rule flexible, ensuring emission reductions, and yet ensuring that they met the legal standard of the Clean Air Act.⁴



EJ leaders monitoring the emergence of the Clean Power Plan valued the historic aspect of the rule and were supportive of the focus on energy efficiency and renewable energy. As the CPP encouraged states to set up carbon markets as a cost-effective way to reduce carbon emissions, and compelling evidence demonstrates that existing schemes lack accountability to EJ communities,⁵ it is not surprising that EJ leaders responded cautiously to fully supporting the proposed policy.

Since the draft rule lacked specific protections for EJ communities and explicitly stated “...the Clean Power Plan does not guarantee emissions reductions by any plant at any particular location within a state,” EJ advocates working on behalf of grassroots communities had good reasons to be deeply concerned. 🏠



Question: what are the justice CPP?

Procedural justice refers to the *fairness* of decision making. Procedural justice is “based on a democratic fundament in which all affected people have the possibility to be informed, express their opinions and influence decisions.”

- **Distributive justice** hand refers to the benefits and burdens from policy or regulation implementation. equity impact analysis the costs and benefits populations and communities due to the implementation the rule would be

EJ Equity Advocacy for a Just CPP Rule

Concerned with disproportionate impacts on EJ communities, grassroots advocates collaborated and mobilized to improve the CPP.

The release of the draft rule marked the beginning of a deeper involvement by a core of EJ advocates in the CPP rulemaking process. Working on behalf of the grassroots sector, EJ advocates lent their expertise to study the mammoth rule, develop concrete recommendations, provide input through the comment process, and educate grassroots communities about equity gaps in the CPP. One EJ advocate explained:

We were trying to figure out what the CPP was saying, then writing our comments, coming up with recommendations, setting up panel discussions, and after that, getting the recommendations out there. Our target at the time was EPA, not the greens—and anyone else we could get to. Alignment with the greens was not our primary focus, but it became a primary focus in 2016 with the work leading up to the BEA Houston Forum.

Facing formidable political challenges and insufficient resources to strategize together, EJ leaders worked to see environmental justice included in a final rule that would protect EJ communities. In doing so, they were able to lay the basis for later alignment efforts following the release of the final rule.


Concerns and Initial Efforts to Improve the Draft Rule

Of particular concern was the lack of safeguards for communities already disproportionately impacted by emissions. As written, the draft rule missed the opportunity for reductions where they were needed most, and worse, was likely to lead to increased emissions. One EJ advocate explained:

When I read the rule, I was very distressed about the lack of EJ. At one point on the last three pages, the rule even said words to the effect of—there may be local increases, and to the extent they're not addressed by states, these could raise environmental justice concerns. And it didn't even say that states should address those EJ issues.⁶

The National Environmental Justice Advisory Council (NEJAC), at the

“Alignment with the greens was not our primary focus, but it became a primary focus in 2016 with the work leading up to the BEA Houston Forum.”

 PRESENTING THE FRAMEWORK USED TO DISCUSS THE CLEAN POWER PLAN AT THE HOUSTON FORUM

“While this rule may guarantee reductions overall, it doesn't guarantee reductions in EJ communities. You might get them, or you might not.”

urging of a council member and other EJ advocates monitoring the CPP, organized a meeting⁷ so that EJ leaders could speak directly to NEJAC and EPA representatives about the problematic nature of the CPP from an EJ perspective. EPA Director Gina McCarthy was informed that EJ communities were concerned that the CPP did not require states to address equity issues in their compliance plans.⁸ An article published after the NEJAC meeting quoted Dr. Nicky Sheats, a member of the New Jersey Environmental Justice Alliance and a NEJAC member, as stating to Administrator McCarthy, “While this rule may guarantee reductions overall, it doesn't guarantee reductions in EJ communities. You might get them, or you might not.”⁹ At the end of the NEJAC meeting, it was on public record that there were EJ concerns about the CPP draft rule.

Another concern raised in response to the draft rule was that it did not require states to perform an EJ impact analysis and lacked a strong community engagement process. According to one EJ advocate:

...knowing the complexity of the Clean Air Act and EPA's authority in the energy system, what we saw as the challenge was that there was zero or very minimal engagement with EJ communities around the CPP. When you compare the level of engagement that happened with the utility-based sector, with state regulators who were supportive of some sort of federal initiative, and various utility-based sector interests, the level of engagement with those organizations and institutions was really substantial...For EJ orgs, there were basically some listening sessions and a presentation to the NEJAC. I think it was clear that—or there was a perception that—EJ communities would be supportive of any kind of climate regulation because of the kind of impacts that climate change has on frontline communities.¹⁰

It is important to note that the EJ advocates interviewed for this case study were not opposed to the Clean Power Plan, and by extension, climate regulation. They did, however, express wanting to see safeguards put into place that would protect EJ communities and guarantee them benefits. As one EJ advocate put it, “...one of our points was that while we favored a fundamentally different climate policy, the policy they were insisting on could be changed to protect and benefit our communities.”¹¹

EJ advocates did not only voice concerns about equity gaps in the CPP, they also offered concrete ways to incorporate EJ into the final draft of the CPP. They called for an EJ analysis, mandatory emissions reductions in EJ communities, the prioritization of energy efficiency and renewable energy utilization in EJ communities, and a robust community engagement process. Each of these recommendations derived from the EJ movement and resonated



with frontline communities across the country. In one interview, an EJ advocate reflected upon the collective efforts to present EJ recommendations to the EPA and other stakeholders. They explained:

While we didn't have all the data, the analysis, or the pretty report to say, "Here, this is exactly what you need to write in the rule," we were at least able to offer specific suggestions. For example, asking states to conduct an EJ analysis for whatever option they chose—how it was going to really impact their communities with unintentional consequences. So, offering those concrete specific asks, along with having some examples of what that might look like, was really helpful.¹²


The development of recommendations also served as a basis to engage EJ communities across the country about the potential impact of the Clean Power Plan, and to meet with broader climate policy audiences. Working with the resources available, a small core of EJ advocates worked tirelessly to influence the draft rule and to ensure that frontline perspectives of the CPP were heard with regularity.

Equity Advocacy to Improve the Draft Rule

In the months following the announcement of the original draft rule, EJ leaders monitoring the CPP led a series of meetings, webinars, and conference calls to alert the EPA, EJ communities, and the broader public that the CPP would be harmful to overburdened communities.

One of the first opportunities that EJ advocates initiated was a webinar hosted by WE ACT for Environmental Justice the month following the release of the initial draft rule of the CPP. Entitled *What's at Stake: Environmental Justice and the EPA's Clean Power Plan*, this webinar brought together a core group of EJ advocates to discuss the lack of environmental justice in the draft rule. Alarmed at the sheer lack of mentions of environmental justice, in addition to the emphasis on carbon trading, webinar participants alerted the broader EJ community that the CPP was problematic and needed to be

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 SMALL GROUP DISCUSSIONS
AT THE HOUSTON CPP FORUM



closely monitored. An EJ leader interviewed for this project who participated in the webinar recalled:

...the failure to recognize EJ intentionally, the importance of EJ, the importance of equity and how it was going to be played out in the requirements of the state, was a huge gap. That was major—kind of like, “Dang! Something was missing.” It was quite obvious. I remember reading it and sending a note out to the EJ Forum on Climate Change saying, okay this is something we need to pounce on or do something about because this is totally unacceptable.¹³

In addition to raising awareness about the equity gaps in the CPP, this webinar was followed by an initial round of activities aimed at the EPA and Beltway decision makers. Recalling the advantage of being based in Washington, DC at the time, one EJ advocate explained the efforts to reach out to elected officials on the Hill. They explained:

We hosted things on Capitol Hill to build awareness among our legislators and their staff. I had many meetings with folks on the Hill—especially with the environmental staff for many of the caucuses, the minority caucuses, particularly within the some of the environmental caucuses, the Congressional Black Caucus, Congressional Hispanic Caucus, the Stationary Energy and Environment Caucus (SEEC), and a couple of the key environmental leaders like Representative Grijalva, Representative Conyers’ office, and a couple others. So there were various ways, venues and opportunities that we got this message out that the CPP, as written in draft form, was unacceptable.¹⁴

In October 2014, the EPA opened its comment period and hosted public hearings on the Clean Power Plan. The opportunity for the public to provide feedback was recognized as a good standard by those interviewed for this case study.

Yet, both EJ and mainstream environmental advocates were in agreement

that more public engagement was needed. One green NGO staff member observed:

We thought there should be more public hearings. I think there were three, maybe five—not nearly enough. The comment process is always very difficult because it is inherently a technical process and you’re going to cut out groups that don’t have technical expertise to engage.¹⁵

Reflecting on the work of EJ advocates during the comment period, one of the EJ advocates interviewed explained that they were actively engaged, but also clearly understood the limitations of the process. They revealed:

Once the draft rule was proposed, there was an opportunity to participate in the public comment sessions which were in person at various venues across the country, or to submit public comment in written form. But other than that, technically there is no other way to actually try and influence the rule. We did organize some calls with some of the folks who were working on the rule in the EPA to try and help inform EJ folks about what was in the rule, because technically and legally, they couldn’t do anything more than that. We tried to organize, we tried to educate, and we tried to get folks to comment on and discuss the CPP rule as much as possible, so that there would be at least an understanding from the EPA and mainstream organizations that this was not suitable from an EJ perspective.¹⁶

If advocates from both sectors recognized the limitations of the comments process, this quote also highlights that the comment period was an important moment when EJ leaders constructively engaged green NGOs on their EJ and equity positions.

As with other moments during this first phase of CPP equity advocacy, EJ leaders collaborated with one another—to the extent possible with limited time and resources—and creatively utilized relationships, networks, and resources to strategically discuss the importance of requiring and including guidelines that protect EJ communities from more harm and ensure they benefit from measures taken to reduce emissions. They also began to engage in more conversations with green NGOs. Indeed, EJ advocates organized several formal and informal meetings aimed at encouraging green NGOs that were receptive to incorporate their recommendations and a fuller equity perspective in their comments to the EPA. Through comparing the comments submitted by EJ organizations and mainstream organizations, one can assess the impact of these efforts and the extent of movement alignment that existed prior to the release of the final CPP rule. ■

EJ leaders collaborated with one another...and creatively utilized relationships, networks, and resources to strategically discuss the importance of...guidelines that protect EJ communities from more harm and ensure they benefit from measures taken to reduce emissions.



take timelines, projects from communities
more than the same people always
moving these issues forward
building stronger peer group
invest in the process, not just the
outcomes and continue to do so
GR groups continue to let funders & greens
know our principles and ask for resources
challenge to make other injustices, not just
acknowledge

Equity and Justice in Public Comments

A cross-sectoral comparison on the similarities and differences in CPP public comments from EJ organizations and green NGOs.

To gauge the extent of alignment around equity and justice between EJ and green NGOs prior to the release of the final rule, we examined and compared submissions on the Clean Power Plan during the public comment period by several green NGOs¹⁷ and environmental justice organizations.¹⁸ In general, we found that during this first phase of equity advocacy—e.g., the sum of efforts leading up to submission of comments—while there was some agreement on the value of the CPP as a whole, organizations were not aligned around environmental justice or equity. In addition, the following observations are important to consider:

Points of Agreement

First and foremost, between the submitted comments and interviews, all noted the importance of the Clean Power Plan, as it represented an important step toward reducing the United State’s contribution of carbon emissions to global climate change. At the very least, the creation of a rule at the federal level was a significant step in the right direction, even with all of its flaws. There was also agreement on several points of environmental justice issues, such as the EPA’s non-compliance with its own earlier commitments. Additional similarities in the comments reflected both critiques of the Environmental Protection Agency and the proposed rule, as well as recommendations that environmental justice be more strongly represented in the final rule.

Non-Compliance with EO 12898

In general, both green NGOs and EJ advocates agreed that the EPA failed to comply with President Clinton’s Executive Order 12898, which “...directs federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law.”¹⁹ Further, the EPA failed to adhere to its own plan, Plan EJ 2014, for integrating environmental justice into its own programs, policies and

Both green NGOs and EJ advocates agreed that the EPA failed to comply with President Clinton’s Executive Order 12898, which “...directs federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations...”

DOCUMENTING THE DIALOG
AT A CPP FORUM BREAK OUT
GROUP IN HOUSTON

activities.²⁰ According to the Center for Earth Energy and Democracy, the EPA “...has not performed the analysis required by Section 1-101 and 3-302 of Executive Order 12898 and the agency’s Plan EJ 2014.”²¹ Comments prepared by Sierra Club and Earthjustice offer the same critique. They also challenged the EPA’s assertion that it is not feasible to determine whether there would be disproportionately high or adverse human health or environmental impacts on Indigenous, people of color or low-income communities by pointing to two ways the proposed rules may lead to increased emissions in their communities.²²

Omission of Environmental Justice Concerns

Related to the failure of the EPA to adhere to existing guidelines in the drafting of the rule (see aforementioned critique), EJ advocates and green NGOs alike noted the omission of environmental justice, including failure to acknowledge disproportionate or disparate impacts of the CPP on Indigenous, people of color and economically disadvantaged communities. Both sectors recommended that the final rule not only include this type of analysis, but in addition require states to conduct EJ assessments as part of the Statewide Implementation Plans (SIPs). The EJ Leadership Forum, for example, clearly articulated both the critique and recommendation:

Our demand is that the federal EPA include language in the final rule and the subsequent guidance that recognizes and considers potential disparate impacts the rule may have on environmental justice communities, and explicitly direct states to identify environmental justice communities and where there are potential disparate impacts, and take steps to avoid or mitigate those disparate impacts.²³

The Natural Resources Defense Council echoed similar sentiments when it urged the EPA to provide guidance to states on designing plans in ways that ensure that “...pollution will be reduced in communities currently bearing a disproportionate share of ambient air pollution burdens.”²⁴

Several organizations urged the EPA to require states to also consider impacts on workers and build support for just economic transitions into the SIPs.²⁵ The Union of Concerned Scientists, for example, noted similar concerns and made recommendations to address impacts on workers and communities in coal-dominated regions, require states to conduct EJ analyses of compliance plans, and provide guidance on assessing changes that result from compliance plans.

Strengthen and Incentivize Renewables

Finally, all comments examined for this study articulated the need for a

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stronger emphasis of energy efficiency and renewable energy in the final rule. A small handful called on the EPA to require states to prioritize EJ communities for energy efficiency incentives and investments in renewables.

Points of Difference

Though both sectors shared concerns and made similar recommendations around the issues described above, as we delved more deeply into the comments, we found fundamental differences between these sectors that continues to inform the behaviors of respective organizations and feed tensions.

Market-based Mechanisms

As our comparison of comments submitted by environmental justice and green NGOs demonstrate, both sectors held different positions with regard to market-based mechanisms. EJ advocates overwhelmingly opposed the creation of carbon markets that were promoted as solutions in the proposed Clean Power Plan. They and others went further in their analysis to explain their critique of cap and trade, providing evidence or referring to studies that demonstrated the deleterious impacts of this market mechanism on EJ communities. WEACT for Environmental Justice sums up this cap and trade concern here:

 SUPPORT FOR RENEWABLE ENERGY AND ENERGY JUSTICE AT THE CPP FORUM IN HOUSTON



“[Cap and trade] gives [Electricity Generating Units] the ability to pay their way out of compliance through unfettered allowance/permit allocation, which allows the oldest and dirtiest facilities to avoid reducing emissions. This poses a problem in...that communities of color and low-income communities are disproportionately affected by...products of fossil fuel combustion.”

There are inherent problems with C&T²⁶ Programs as it has the potential to exacerbate the substandard environmental quality in EJ communities. C&T gives EGUs²⁷ the ability to pay their way out of compliance through unfettered allowance/permit allocation, which allows the oldest and dirtiest facilities to avoid reducing emissions. This poses a problem in an EJ context in that communities of color and low-income communities are disproportionately affected by concentrations of co-pollutants, which are products of fossil fuel combustion.²⁸

In their comments, a group of EJ advocates supported by the Center for Earth, Energy and Democracy pointed out that claims on behalf of compliance mechanisms such as carbon capture and sequestration (CCS), biomass and waste-to-energy, and emissions trading programs were unsupported. They argued that at worst, these schemes are harmful to the environment, human health and the economy, and that further analysis is necessary before they are identified as model strategies for addressing climate change.

Green NGOs, on the other hand, overwhelmingly supported cap and trade in their comments, and argued that environmental justice be considered in the design of market-based programs and that mechanisms be put into place to reduce or mitigate the negative impacts of these programs on EJ communities. The Sierra Club and Earthjustice, for instance, wrote that “relevant statutes or regulations creating the cap and trade program must provide for environmental justice protections, which will enable the design of an allowance trading program that addresses these communities’ concerns.”

THE MARCH AT THE HOUSTON CPP FORUM ALSO DEMONSTRATED AGAINST THE TRANS-PECOS PIPELINE (TPPL)



The Legality Of It All



- Could EPA have forced states to mandate emissions reductions for EJ communities;
- Is there authority for mandating emissions reductions for EJ communities under current version of CPP?

Improving the Final Clean Power Plan

Despite the flaws of the final rule, grassroots advocates succeeded in influencing the CPP and bringing equity to the forefront of public discussions.

On August 3, 2015, in the East Room of the White House, the final version of the Clean Power Plan was announced to the public by President Barack Obama. Exclaiming that “no challenge poses a greater threat to our future and future generations than a changing climate,” President Obama summarized the new rule and congratulated the EPA on advancing the Clean Power Plan amidst a difficult political climate rampant with critics and cynics. He explained:


I want to thank, again, Gina [McCarthy] and her team for doing it the right way. Over the longest engagement process in EPA history, they fielded more than 4 million public comments; they worked with states, they worked with power companies, and environmental groups, and faith groups, and people across our country to make sure that what we were doing was realistic and achievable, but still ambitious.²⁹

Though EJ leaders and mainstream environmental advocates interviewed for this study agreed with President Obama that the CPP was “the single most important step America has ever taken in the fight against global climate change,” they all acknowledged that the final rule remained flawed on environmental justice. In an interview one EJ leader stated:

At least the final rule says states should address any disproportionate impacts, emissions increases—states should find a way to address that. They don’t make it a requirement though. There are no required substantive protections for EJ communities. But there are some procedural ones in the final rule, and there’s the voluntary Community Energy Investment Program. And after we went to NEJAC, they put on community trainings where they invited us to talk again to raise our concerns. But again in the final rule, there were no substantive protections for EJ communities...³⁰

Green NGO leaders interviewed for this study recognized the efforts of EJ leaders to shape the final rule, but also understood the disappointment in the

“At least the final rule says states should address any disproportionate impacts...They don’t make it a requirement though. There are no required substantive protections for EJ communities.”

 INTRODUCING EQUITY
ISSUES AT THE HOUSTON CPP
FORUM

EJ community. Recalling the moment when the final rule was released, one national representative remembered, “It was a hard time for the EJ movement. In many ways, they were feeling sidelined and steamrolled in the broader conversation.”³¹

EJ leaders were certainly disappointed, but there were still significant accomplishments by equity advocates that moved environmental justice recommendations from the margins more to the center of national climate policy conversations. These accomplishments included preparing grassroots communities to influence climate policy and building transformative dialogues with green NGOs for future climate policy processes beyond the CPP.

“The major outcome was the conversations around environmental justice tripled or quadrupled—or probably more—the presence of EJ in the final plan.”

EJ Impacts: Increased Trainings, Tools and Resources

One month prior to the release of the final rule, EPA made available EJSCREEN as a data and mapping tool that states could use to understand the impact of their compliance plans on EJ communities. Though states were not required to include an EJ analysis in their compliance plans, the development and release of EJSCREEN prior to the final rule was certainly influenced by EJ leaders who consistently called for more data and requirements for an EJ analysis. In addition, the final rule included more language on environmental justice communities than the original draft rule. According to another EJ leader:

The major outcome was the conversations around environmental justice tripled or quadrupled—or probably more—the presence of EJ in the final plan. The fact that they had an entire final section on environmental justice and the requirements of states to include some type of community engagement was huge. That was a section that was totally not there at first. Putting together the supplemental EJ analysis was something that definitely wasn’t there, but there was an attempt to meet our concerns. So that was major.

They—again not perfect—added training sessions with the rule writers extending beyond the typical one, or one regional meeting to talk about the CPP and that’s it, we fulfilled our NEPA requirement. They actually added a couple of conversations and in-person meetings and webinars to allow the opportunity for community folks to ask questions. So again, this is something that might not seem major, but it wouldn’t have happened. Just getting them to change their status quo and how they normally function when going through the rulemaking process was a huge gain from my perception.³²

The impact of EJ-led equity advocacy on the final CPP rule was not lost on



colleagues from green NGOs who at the time were more invested in the improvement of other areas of the CPP. One person from a national green group, for example, explained in their interview that much was accomplished by EJ leaders, but that state compliance plans had become the focal point of equity advocacy. They explained:

The extent that equity was named in the final rule has everything to do with what EJ groups were able to do. Mainstream groups can take little credit for that. All credit to EJ groups in a situation where they were clearly under-resourced and their issue was getting sort of sidelined—they made a very effective case. That said, there is a compromise because a lot of the “teeth” in terms of implementation now gets deferred to state action and state compliance plans. EPA felt that within its legal authority it couldn’t require some things. It could provide guidance, it could provide some things and not others...Equity was integrated into the final rule in a number of aspects, but the implementation is now going to come down to how states do it.³³ 🇺🇸

“The extent that equity was named in the final rule has everything to do with what EJ groups were able to do...All credit to EJ groups in a situation where they were clearly under-resourced and their issue was getting sort of sidelined—they made a very effective case.”

🏠 THE MARCH AT THE CPP FORUM IN HOUSTON WAS LED BY GRASSROOTS GROUPS



Inroads to Building Alignment

Leadership from the grassroots, along with six key factors, was crucial in centering equity in the CPP. These factors helped to shape alignment and can provide a pathway to equitable climate policy today.

Though it was evident in the release of the final rule that the efforts of EJ advocates were only partially successful, their work—including conversations with green allies, trainings for multi-sector audiences, and related efforts—laid the basis for deeper relationships to form, and for opportunities to build transformative alignment after the rule was announced. Indeed, over time, key alignment factors contributed to a significant improvement in cross-sector dialogues about equitable climate policy.

One of the most important revelations from interviews for this study was general agreement that leading up to the release of the final rule, cross-sector relationships were tentative and cautious. As a result, a comprehensive CPP equity campaign and efforts by EJ advocates to build alignment around equity, disproportionate impacts, and environmental justice were ultimately not very impactful. One Green NGO advocate explained, “From a specific policy perspective, I actually don’t know that we were terribly effective in building out the CPP, especially in the final form that captured and acknowledged the concerns of frontline communities.”³⁴

Another green NGO leader explained:

I don’t want to be too negative, but I doubt that [cross-sector collaboration] had as much of an impact as we would have liked. We needed to go beyond the comments and begin to think about some joint meetings with EPA at different levels and really zeroing in on some of the equity components. It had to go beyond what we put on paper and it had to be a real partnership and all the other things you do on campaigns. We need to have press coverage of the demands and stories that illustrate why the demand is so important. There is a whole campaign that could have been done, but I’m not sure there was the time, and I don’t know that the partnerships were mature enough to do that at that particular time.³⁵

From the EJ perspective, one leader agreed that cross-sector relationships

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were initially weak and that alignment efforts were inconsistent. They stated, “It was kind of haphazard. There were several phone conversations. We started to get some of the ideas out there to the big greens. Some of it was reflected in their comments, but not in what I felt was the most impactful way.”³⁶

Finally, a representative of a green NGO revealed, “There weren’t enough powerful voices continuing to highlight and emphasize why equity should not just be an afterthought.”³⁷

Though trust and relationships were under-developed, and numerous obstacles prevented a comprehensive equity campaign from taking place, the release of the final CPP rule did set the stage for a renewed effort to educate EJ communities and strengthen movement alignment. In addition to the committed leadership of policy advocates with deep roots in EJ communities, these efforts to build alignment and move frontline concerns and equity further to the forefront of climate policy conversations were shaped by a few key factors.

Factor 1: Green NGOs Committing to Working Alongside EJ Leaders

During the second phase of equity advocacy that roughly followed the end of the EPA comment period, the full integration of equity moved closer to the forefront of renewed efforts to build transformative alignment with green NGOs. Given the potential impact of the CPP on frontline communities, EJ advocates increasingly recognized the need to engage colleagues in green NGOs to fully embrace their EJ recommendations. Speaking about their efforts to influence colleagues at one green NGO, an EJ advocate explained that part of their strategy was to take time to talk with policy, data and other colleagues in green NGOs to help them understand “...why we had heartburn over the initial draft of the CPP.” They went on to say:

I hoped that would trigger an understanding of why environmental justice is often left out, an understanding where they could possibly think about these considerations that we’re sharing, and how they could infuse that into their thinking about how they are going to message around the CPP. Or, is there something they could do with their resources to help promote what we’re talking about? I’ve always tried to not just preach to the choir, but to the folks that could be in the choir if pulled in the right way. So that was the mainstream environmental organization strategy. And I did that in a lot of different ways.³⁸

Others also recalled in their interview that prior to the release of the final




CPP rule, working to build alignment with green NGOs became an important strategy, but included major hurdles. According to another EJ advocate:

We used our networks and folks who are in key positions. We used folks who were on federal advisory committees to try and push forward, or at least alert EPA that this was not acceptable...We also tried to engage mainstream environmental organizations as best we could. But the thing to remember is that the mainstream environmental organizations are very large and have a great deal of capacity and a great number of staff. And often what happens is rather than dealing with the content—with the people who work on the content, people actually working on the legal analysis or economic analysis of the CPP—these large mainstream orgs tend to have EJ people work on the issue.

That's good, but it is very insufficient because what ends up happening is that the real policy positions get developed by their content professional staff and there is no way of influencing or engaging that. We did the best we could: We organized, we tried to identify the most significant questions. What were some of the legal questions and technical questions that needed to be addressed in terms of equity? We then tried to engage people that we knew who worked on this, people who did know the Clean Air Act and the law, as well as some energy folks, and see how we could at least push forward some alternative ideas that would include equity.³⁹

As the reflections of these two interviewees indicate, during the months leading up to the release of the final rule, EJ advocates focused on movement alignment as a key strategy to amplify their recommendations to EPA rulemakers. Although the size and organizational structures of green NGOs were challenging, EJ advocates recognized that these organizations maintained influence and had technical resources that could be leveraged on behalf of EJ communities. In other words, EJ advocates committed to doing the delicate work of building relationships with green NGOs.

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 PANEL DISCUSSION AT THE HOUSTON CPP FORUM



“I think working together, the goal was to both continue to highlight the positive, but still keep insisting that we could do better: We can get more emissions reductions, we can make sure equity is a more central component, we can make sure renewables play a stronger role.”

Green NGO leaders who were committed to prioritizing equity in the CPP also contributed significantly to shifting the CPP dialogue within their organizations to, as one green NGO leader put it, “make the rule not just fair, but more effective and more in line with what will serve the broader interests of communities.” These green NGO leaders recognized that working together with EJ advocates was required to make a real impact. One green NGO staff member noted:

Speaking for our organization, we have a lot of expertise in renewable energy and were very assertive [to EPA] in emphasizing the opportunities around renewables, as well as the risks of an overreliance on natural gas. We certainly worked together to emphasize the equity piece as well, alongside folks from the EJ community.

...The challenge there was that [equity] was a clear missing ingredient in the draft rule. The draft rule was a sprawling rule with many, many aspects to it. Different groups took on different pieces as a way to make sure that the whole rule in the end would be stronger. I think working together, the goal was to both continue to highlight the positive, but still keep insisting that we could do better: We can get more emissions reductions, we can make sure equity is a more central component, we can make sure renewables play a stronger role.⁴⁰

Another green leader reflected, “Just because you’re trying to find alignment doesn’t mean you’re there yet. We ran into problems because we were at different stages of understanding what we were trying to do together. But I still think it was worth it, and overall it was a positive experience. Let’s keep trying to get it right.”⁴¹ As these remarks show, many challenges existed during the CPP rulemaking process, yet the commitment of green NGO and EJ policy advocates to meet and work with one another was indispensable to alignment efforts.

Factor 2: Strategically Building Grassroots-led Networks

Following the announcement of the final CPP rule, environmental justice and climate justice coalitions and networks played an increasingly important role in fostering movement alignment and a greater awareness of equity in climate policy. National grassroots networks comprised mainly of EJ organizations focused on preparing grassroots organizations to participate in processes, share concerns, and influence their state compliance plans. Despite the indication by many states that they would resist compliance for political reasons, national networks engaged EJ organizations across the country on the impact of market mechanisms and the opportunities to advocate for equity, particularly within the Clean Energy Incentive Program (CEIP).⁴² One EJ leader recalled that greater involvement in the CPP was clearly evident and pointed to the development of coordinated calls, shared comment letters, crafted statements, and joint press releases. They reflected, “I thought that was really beautiful. More voices equals more power.”⁴³

Through webinars and trainings, environmental justice and climate justice networks mobilized EJ communities to engage state regulators, develop comments on the CEIP, and participate in policy hearings in Washington D.C. Whereas during the first phase of equity advocacy few grassroots organizations had the capacity to focus on the CPP, in the months following the release of the final rule, many voiced their frontline perspectives, including concerns about market-based solutions to climate change.

For example, rooted in long-standing EJ recommendations and building upon the first phase of equity advocacy, the Climate Justice Alliance delivered presentations on an *Our Power Plan* report during actions and hearings at EPA regional offices during a national day of action on January 19, 2016. Other networks, including the EJ Leadership Forum on Climate Change, Extreme Energy Extraction Collaborative, Coming Clean, Inc., and the Environmental Justice Health Alliance for Chemical Policy Reform engaged their members in trainings, workshops and other gatherings designed to raise awareness and inspire action at the state level to ensure more equitable and just implementation plans.

All those interviewed highlighted the role of the Building Equity and Alignment for Impact Initiative in providing important spaces to discuss the Clean Power Plan and the need for stronger environmental movement alignment. Focused on cross-sector alignment led by grassroots organizations, the BEA was active in creating opportunities for cross-sector discussions of equity in the CPP going back to a participant meeting in New Mexico in December of 2014. One green NGO leader recalled finding great value in early BEA meetings on the CPP. In their interview they explained:

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I was also quite sensitive to the concerns that I heard from one of the BEA meetings in Santa Fe that we were entering a historic moment in regulating carbon and climate change and we were about to make the same mistakes we've made in terms of not considering equity at the front end of that process.⁴⁴

Another green NGO leader similarly recalled that meetings convened by BEA for Impact were pivotal to moving equity to the center of their organization's focus. They explained:

"...We were entering a historic moment in regulating carbon and climate change and we were about to make the same mistakes we've made in terms of not considering equity at the front end of that process."

I can't say with any certainty that it shifted our strategy, but I do know that part of my efforts were ensuring that in any decision we were making regarding CPP, we were actually taking into consideration the equity implications. It didn't really start to steamroll and make a dent until the BEA process around the CPP Forum emerged. But what became clear was a lot of big green groups were making assumptions about the nature of EJ advocacy—what environmental justice advocates were advocating for without actually engaging in a conversation about what they were advocating for, so it was all based on assumptions.⁴⁵

As an initiative committed to opening lines of communication and building stronger cross-sectoral alignment, the BEA forum and subsequent meetings convened by the BEA addressed many of the obstacles and the underdevelopment of cross-sector relationships that prevented a comprehensive equity campaign from emerging prior to the release of the final rule.

EJ leaders interviewed for this study also credit the BEA with facilitating key meetings with green NGO policy departments to dialogue about equity and climate policy. Though it was startling for EJ advocates to see the disparities in staff and capacity of green NGOs working on the CPP versus EJ capacity, these meetings witnessed productive conversations on equity, market-based solutions, and technical aspects of the CPP. Recalling their experiences working on climate policy, EJ leaders explained that face-to-face meetings of this nature had never occurred before and went a long way in dispelling entrenched perceptions about EJ perspectives.

Moreover, the BEA provided needed opportunities for environmental justice, green NGO, and allied philanthropic leaders to openly communicate during difficult moments for maintaining movement alignment. For example, in early 2016 when green NGOs filed an amicus brief on behalf of the CPP without much support from the environmental justice movement, the BEA provided an important space for EJ concerns to be raised and where principles of



equity and alignment could be discussed and better understood. Similarly, after the Supreme Court of the United States issued a stay on the CPP in February of 2016, the BEA remained an important nexus for conversations of equity in climate policy and the principles of alignment that could shape the CPP and any future climate policy processes.

Factor 3: Activating Resources from Academic Institutions

For those EJ leaders who initially monitored the CPP, it was a great challenge to study the lengthy and technical rule and also find resources to educate the broader public on the equity gaps of the CPP. Furthermore, the lack of resources made it difficult for EJ advocates to travel and get together to share what they understood about the CPP, discuss and clarify issues and questions, and collaborate with one another. According to one EJ advocate:


You can count on one hand the number of people on the EJ side who were really deeply trying to read through the hundreds and hundreds of pages of the rule, and also all the technical documents that are associated with it to understand the complexity, and unravel where and how there might be some potential avenues for equity.

...At this stage there was zero funding for EJ organizations and groups to engage in the CPP. And you have mainstream enviros who have 35 or 50 staff a piece being able to work on it, and EJ orgs that have no resources to work on it. So collaboration was really us just scrambling, working to get answers to certain questions among folks in the EJ community that were working on it, and just trying to push forward.⁴⁶

Limited resources also meant that EJ advocates, for the most part, had to add CPP-related work to their existing workloads, which meant that other work either had to be shelved or they had to cut into personal and family time.

For these reasons, the support of institutional leaders that provided resources and opportunities for meetings and educational trainings was vital to alignment efforts. For example, Michelle DePasse, Dean of the Milano School of International Affairs at the New School in New York City was an important ally during the CPP process, as the New School offered space for a BEA

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 GRASSROOTS
REPRESENTATIVES SPEAKING
ABOUT THE CPP AT THE NEW
SCHOOL

network forum and educational panels.

With support from the New School, EJ leaders could travel to meet, and they hosted two webinars, and published important white papers that fleshed out their equity concerns in detail.⁴⁷ The resources and encouragement from administrative leadership at the New School was key to maintaining momentum and attention on EJ perspectives of the CPP.

Factor 4: Building Capacity to Shape Policy in EJ Communities

As a national climate policy, the Clean Power Plan was of interest to EJ communities across the country. Yet, severely under-resourced EJ organizations often lacked the funding to travel to conferences or EPA meetings. In order to ensure that EJ leaders could grasp the implications of the highly technical rule for their communities, provide input to the EPA, and contribute to alignment conversations on climate policy, EJ policy advocates partnered with local EJ groups to arrange regional grassroots trainings.

Beginning in the summer of 2016, EJ policy advocates carried out a series of regional trainings for grassroots organizations in New Mexico, South Carolina, Delaware, and Texas. Utilizing these regional platforms, EJ policy advocates explained the CPP, fielded questions, and presented their recommendations for incorporating equity. One EJ leader interviewed explained that at the trainings, participants “talked about the rule itself and nuts and bolts of the rule, and about suggestions we were making.”⁴⁸

Supported by the Center for Earth, Energy, and Democracy (CEED) and grassroots networks, these trainings were educational opportunities that also verified that equitable climate policy continued to resonate with EJ communities. The knowledgeable feedback and genuine interests from community members on the impact of climate policy also helped to refine alignment conversations that centered on respecting frontline perspectives. The importance of getting direct feedback from grassroots participants was not lost on one EJ leader. They explained:

Those trainings where we went out and talked to members of the EJ community were helpful to me, because a lot of people from the EJ community came to those trainings and gave some good feedback. It was also good to see how people felt about the rule, what we were saying, and the recommendations, because most of the feedback until then was from where I work and talk to my folks. We also got some feedback from the Leadership Forum, but nothing like the all-day trainings we were doing with people over the past year.⁴⁹

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Factor 5: Engaging Funders and Investing Long Term

As mentioned above, relationships between green NGOs and grassroots leaders were tentative leading up to the passage of the rule. In spite of this, leading policy advocates engaged in the CPP process held a deep understanding and conviction that working together and acknowledging differences was critical to advancing long term aims—whether such efforts would impact the CPP or serve as a foundation for future work.

Certain foundation leaders also played a crucial role in advancing alignment efforts. Extremely concerned about the lack of equity in climate policy and concerted action, and understanding that people working together could have a greater impact than working alone, these philanthropic leaders began investing in alignment relationships. Explaining their perspective, one funder explained, “I don’t think we will get national policy without alignment.”

Sharing these sentiments, another funder went further: “I still think that alignment, as much as possible, is essential. If we’re working against one another, we are slowing the process down and we need to be more unified than ever.”⁵⁰ To both foundation leaders interviewed for this case study, relationships are considered essential to making the kind of change necessary to advance equitable policy, benefit impacted communities, and slow climate change.

Investing in grassroots-led alignment processes didn’t come overnight; rather it was born from trial and error, making and learning from mistakes, checking privilege and stepping back. Reflecting upon their participation in the cross-sector vision of the BEA, one funder shared, “We created a new program...It wasn’t perfect, but was methodical and inclusive. We had a process. We paid people—expenses and honoraria. We respected them by paying them.”

In as much as they understood the centrality of relationships and unity, they also soberly acknowledged the challenges that EJ and green organizations face in working together. Building relationships “...is time consuming. But if you are really looking at the true opportunity costs, it is the larger cost to not devote the time. In the long run, we are going slow to go fast,”⁵¹ revealed one funder.

“...Alignment, as much as possible, is essential. If we’re working against one another, we are slowing the process down and we need to be more unified than ever.”



“We learned about letting others lead and develop projects, and not feeling the need to control how the grassroots spends the money...We all have a lot of learning to do, and we still need to think about things differently.”

And within the context of the CPP, conferences were expensive, hard to manage, and fraught with challenges, but according to another funder, “it is easy to make a transactional change, but harder to make a transformational change. We are on the way to transformational change...” When asked about the major lessons they learned as a funder during the CPP process, this person added:


We learned about letting others lead and develop projects, and not feeling the need to control how the grassroots spends the money...Changing the hearts, minds and practices, changing philanthropy was also harder than I thought. Mainstream ones are wedded to their ways. We all have a lot of learning to do, and we still need to think about things differently. I don’t have the answers.”⁵²

The CPP process also presented important opportunities for environmental funders to discuss equitable climate policy, and including equity in grantmaking practices with colleagues in philanthropy. The funders interviewed for this report expressed a commitment to moving resources toward efforts that center equity and transformative relationships that can lead toward greater change, even where there are uncertain outcomes.

Factor 6: Cross-Sector Strategy Meetings to Discuss Alignment, Action, and Equitable Climate Policy

Whereas during the Waxman-Markey phase when few productive cross-sector meetings took place, the CPP process witnessed several important dialogues between EJ and green NGO leaders on equitable climate policy.

Following the release of the final CPP, EJ leaders utilized the unique approach of the BEA to host a CPP forum at the New School in New York City in October of 2015. At this forum, EJ leaders and mainstream environmental leaders from the Sierra Club, NRDC, and Earthjustice identified a set of alignment principles on equity that could structure future interactions on climate policy and address fundraising disparities. One EJ advocate recalled:

 A GRASSROOTS AND GREENS
CPP EQUITY AND ALIGNMENT
MEETING IN WASHINGTON, DC,
SEPTEMBER 2016

We had an EJ team that went to talk with mainstream groups. We talked to UCS, Earthjustice, Sierra Club, and NRDC. We had three separate meetings with them. I think we met with Earthjustice and UCS together. We went down to Washington and had day-long meetings with these groups, and we put forward these recommendations prior to the CPP Forum. And we said look, we really want you to back these recommendations—not just in the CPP, but in any climate mitigation policy.⁵³

The fruits of this labor were clearly noticeable when the BEA convened a second Clean Power Plan Forum on October 11-13, 2016 in Houston, Texas. Co-hosted with local grassroots EJ organizations TEJAS and SWU, this second forum brought together over 140 leaders from grassroots, national environmental and philanthropic sectors to share perspectives and develop a political platform rooted in principles of equity and frontline leadership. Building upon the efforts over the past two years to voice EJ concerns and achieve movement alignment, forum participants worked together to develop a platform entitled *Six Environmental Justice Points of Alignment for National Allies*. The preamble read:

Communities of color and working poor communities are the most burdened by the negative impacts of fossil fuel and combustion-based electricity generation across the U.S. Under the current guidance outlined in the U.S. Environmental Protection Agency’s Clean Power Plan, these communities stand the most to gain, and also stand the most to lose from the implementation of the plan. In order to ensure a just and equitable implementation of the plan, alignment amongst environmental justice and grassroots groups, and national green groups is critical.⁵⁴

The platform and six points of alignment address the needs in climate policy beyond the CPP, such as the need to address funding disparities, and the need for improved communication and principled relationships across sectors. In addition, the Houston CPP Forum represented a significant moment of solidarity among EJ, green NGO, philanthropic, and other environmental sectors; a cautiously welcomed outcome given that the era of the Waxman-Markey bill was a low point of movement alignment. The forum also highlighted that EJ leaders finally succeeded in moving equity and environmental justice from the margins of the climate policy realm to the center of policy circles. Though work certainly remains, this was a major accomplishment. 🏡

...The Houston CPP Forum represented a significant moment of solidarity among EJ, green NGO, philanthropic, and other environmental sectors; a cautiously welcomed outcome given that the era of the Waxman-Markey bill was a low point of movement alignment.

1. Hosting a NATIONAL # CPP FORUM

dialogue that examines
the Clean Power PLAN
from the perspective
of frontline communities

2. DEVELOPING A SHARED
UNDERSTANDING OF WHAT
BETTER ALIGNMENT
w/ these communities
COULD LOOK LIKE

GOALS for CPP FORUM

3. EXPLORING IDEAS for
STRATEGIC COLLABORATION
Between 4 movement

Sectors:

- grassroots
- national greens
- philanthropy
- socio-economic justice allies

4. The ULTIMATE GOAL
is to ensure that
equity and justice
form the bedrock of an
effective CPP as well as
other federal + state climate
initiatives, and to plant
seeds for lasting
partnerships - beyond CPP,
across movement sectors

The Road Ahead

The successes and challenges of incorporating equity into the CPP provide lessons and insight on how fostering greater alignment between sectors of the environmental movement can strengthen and advance future work.

Even while acknowledging that the Houston forum was a significant moment, EJ leaders interviewed for this study also recognized the difficulty of movement alignment and voiced the need for vigilance and commitment to advancing equity in climate policy. One EJ leader explained that while much progress was achieved over the past two years, in the bigger picture, frontline communities continue to face difficult challenges. They explained:

The impact has been that it brought into very sharp focus for the EJ community the continued reality about how disconnected environmental policy and climate policy is from the needs of EJ communities. That was definitely something that came out of it. It helped to coalesce and bring together the EJ community, and build capacity in the EJ community about exactly what the CPP is and what it isn't, what it promises and what it doesn't promise. The EJ community and organizations are much more informed about that in a way that they wouldn't be if the work hadn't been done. That's a first step, but only a baby step to the real issue that equity continues to be a very marginal piece in climate regulation and energy policy. And the marginality of that is directly tied to the fact that EJ organizations are not supported to do that work.⁵⁵

Another EJ leader agreed that due to the CPP, frontline communities are now better prepared to wage grassroots campaigns to impact future environmental and climate policies. They noted:

Within the EJ community, we're more in position to have grassroots organizing around those proposals. More people in the EJ community have thought about the proposals we made, about climate mitigation policy in general, and are on board with them. They understand the connection to other areas, not just climate policy, but the other ways our communities can benefit. In that way, we're in a better position to organize around those policies and climate mitigation policies.⁵⁶

“...It brought into very sharp focus for the EJ community the continued reality about how disconnected environmental policy and climate policy is from the needs of EJ communities...It helped to coalesce and bring together the EJ community and build capacity...Organizations are much more informed about that in a way that they wouldn't be if the work hadn't been done.”

 SHARED GOALS FOR THE HOUSTON CPP FORUM

Though EJ organizations remain severely under-resourced as funders continue to mainly support green NGOs and market-based solutions to climate change, the increased potential for grassroots-led equity advocacy is an impressive accomplishment that took place as a result of the CPP.

Notably, green NGO leaders interviewed for this study also expressed a cautious optimism that future climate policy processes can embrace grassroots leadership and witness improved movement alignment. One advocate voiced a deep appreciation for the ways EJ leaders changed their organizational perspective. They reflected:

“...Organizationally, we learned a lot about what it means to be a good partner...We really appreciated the folks helping us to understand where we made mistakes and coming up with clear rules of engagement to make sure we didn’t repeat those mistakes.”

Organizationally, we learned a lot about what it means to be a good partner...We really appreciated the folks helping us to understand where we made mistakes and coming up with clear rules of engagement to make sure we didn’t repeat those mistakes. We are now looking for opportunities to engage on a more regular basis around policy design. The other piece that will be really useful is that we need to formalize our consultation process so that it’s not so left to chance, and do more initial consultation rather than on the back end.⁵⁷

Another green NGO advocate similarly felt that major breakthroughs took place during the CPP process and they now better understood EJ perspectives. They stated:

We found people very generous with their time in terms of explaining why—not just like, here’s our position and this is why we’re going to take this position—but some of the history behind why they were taking certain positions. Personally, I felt that I learned a lot and I know that it was coming from people who were very resource-strapped, so it was not their job to educate me. I appreciated that folks spent the time and are continuing through the BEA process to share openly what some of the histories have been.⁵⁸

Yet, for one green NGO leader, the political behavior of mainstream organizations during the beginning of the CPP process remained problematic and requires deeper reflection. Breakthroughs aside, they explained that green groups ultimately face a bigger political dilemma:

The fascinating aspect of this, just from looking back in history, is in 2009 a very similar thing happened with the Waxman-Markey effort, and that flopped. Hundreds of millions of dollars were invested in that advocacy and EJ considerations were not included in any systematic way. There was no real community-based ground game. And I look at the CPP and it’s like wow, this is exactly the same story. For whatever



reason, I think somehow big greens once again did not consider EJ considerations even after the Waxman-Markey blowup...I think the big greens have shown twice that you cannot advocate for national climate policy without the leadership of communities of color.⁵⁹

Clearly, the lessons of alignment from Waxman-Markey and the Clean Power Plan should continue to inform efforts to develop equitable climate policy at the state and local level. The need to embrace the expertise of EJ leaders and policy advocates should also not be understated.

As stalwarts in the EJ community, the collective efforts of EJ policy advocates to monitor the development of the CPP, educate communities, and build movement alignment for over two years resulted in profound shifts in green NGO attitudes toward the EJ community, and laid the foundations for continued conversations around alignment and equity for future policy fights. As one EJ leader summarized, “The work that we did really put us light years ahead on climate mitigation policy. What we have going on now with the green groups and forming these work groups around the proposals is unprecedented in my time in the EJ movement. We’ll see where that leads.”⁶⁰ 🇺🇸

“The work that we did really put us light years ahead on climate mitigation policy...We’ll see where that leads.”

 DISCUSSION GROUP AT THE
CPP FORUM IN HOUSTON, TEXAS

CPP Development Timeline

2006

September

California Assembly Bill 32 passes. It requires California to reduce its GHG emissions to 1990 levels by 2020—a reduction of approximately 15 percent below emissions expected under a “business as usual” scenario.

2008

EJ Meeting on the Waxman-Markey Bill.

2009

July

Failure of the Waxman-Markey Bill.

2011

February

EPA Listening Sessions with electric industry representatives, environmental and environmental justice organization representatives, state and tribal representatives, and coalition group representatives.¹

March

EPA Listening Session with petroleum refinery industry representatives.

September

EPA releases Plan EJ 2014, which lays a foundation for integrating environmental justice in EPA programs, policies, and activities by developing a comprehensive suite of guidance, policies, and tools.²

2013

September

EPA announces proposed Clean Power Plan to limit carbon pollution from new power plants.

2014

February

The 20-year anniversary of Executive Order 12898 on Environmental Justice.

May

The 120-day comment period on standards for new power plants ends (approximately two million comments received).



2014

June

EPA announces proposed Clean Power Plan plan to limit carbon pollution from existing power plants.

July

WE ACT for Environmental Justice hosts webinar on the Clean Power Plan entitled: *What's at Stake: Environmental Justice and the EPA's Clean Power Plan*.³

September

Congressional briefing by EJ advocates entitled: *The EPA's Clean Power Plan: Assuring Justice and Health for All*.⁴

The People's Climate March, which demonstrated widespread concern about climate change and called for U.S. leadership to take measures to reduce global impacts.

Climate Action Week at the New School.⁵

October

The 120-day comment period on carbon pollution standards for modified and reconstructed power plants.

NEJAC meeting on the Clean Power Plan.

November

BEA for Impact meeting at Bishop's Lodge in Santa Fe, NM, during which participants called for the creation of spaces in which difficult issues could be addressed and alignment, if possible, could be reached. This laid the basis for what would become the first CPP forum.

December

The 165-day comment period on Clean Power Plan for existing power plants ends (more than two million public comments received).

2015

June

EPA releases EJSCREEN, an environmental justice screening and mapping tool.

August

Final CPP released.

September

EJ Forum Policy Briefing, Washington D.C.



2015

October

Federal Implementation Plan of the CPP announced.⁶

The New School's Visiting Scholar's Clean Power panel to explore environmental justice dimensions of the Clean Power Plan.

First BEA for Impact CPP Forum, held in New York at the New School.

November

A total of four public hearings were held to accept oral comments. They took place in Pittsburgh, Pennsylvania; Denver, Colorado; Washington, DC; and Atlanta, Georgia.

December

Clean Energy Incentive Program public comment deadline.

Amicus briefs and filings made in courts both in support of the Clean Power Plan and to dispute statutory challenges by industry lawyers.⁷

2016

January

Deadline for submitting public comments on the proposed CPP Federal Plan and Model Rules (including the CEIP in the context of federal and model rules) comments.

Climate Justice Alliance National Day of Action. Delivery of *Our Power Plan* report to EPA.

February

U.S. Supreme Court issued an order staying the Clean Power Plan while litigation proceeds on the legal merits of the rule.

July

New School White Papers on environmental justice implications of U.S. EPA's Clean Power Plan released.⁸

Webinar entitled: *Environmental Justice Implications of the Clean Power Plan*, co-sponsored by Environmental Grantmakers Association, the Consultative Group on Biological Diversity, and the EDGE Funders Alliance, on behalf of the Tishman Environment & Design Center (TEDC) at The New School and the Building Equity & Alignment for Impact Initiative.⁹



2016

Training in Wilmington, Delaware on EPA's Clean Power and the Regional Greenhouse Gas Initiative through the lens of environmental justice. Organized by the Coming Clean, Inc., the Environmental Justice Health Alliance for Chemical Policy Reform, and the Building Equity and Alignment for Impact initiative.

September

CPP mandated deadline for each state to submit an implementation plan to the EPA (not legally enforceable given the Supreme Court's stay).

Day-long cross-sector meeting with grassroots and green NGOs on equity and alignment.

October

CPP Forum hosted by the Building Equity and Alignment for Impact initiative in Houston, Texas. This gathering was hosted by Texas Environmental Justice Advocacy Services (T.E.J.A.S.) and Southwest Workers Union.

The EPA releases¹⁰ EJ 2020 Action Agenda, which further integrates environmental justice considerations in all of the Agency's programs, strengthens EPA's collaboration with partners, and demonstrates progress on significant national challenges facing minority and low-income communities.

Day-long cross-sector meeting with grassroots and green NGOs on equity and alignment.

2017

March

Trump signs an Executive Order on Energy Independence, directing the EPA to begin withdrawing the Clean Power Plan.

April

More than 300,000 people in Washington, DC and across the U.S. demonstrate for climate justice at the People's Climate March, held on the 100th day of the Trump presidency.

June

Trump announces the U.S. is withdrawing from the Paris Climate Agreement.

Mayors of 372 U.S. cities sign on to uphold the Paris Climate Agreement goals.

Worldwide, 7,477 cities committed to the Global Covenant of Mayors for Climate and Energy to stop climate change and move to a low emission, resilient society.

6

Environmental Justice Points of Alignment for National Allies

These Points of Alignment were developed at the New York CPP Forum and discussed at the Houston CPP Forum.

Communities of color and working poor communities are the most burdened by the negative impacts of fossil fuel and combustion-based electricity-generation across the U.S. Under the current guidance outlined in the U.S. Environmental Protection Agency's Clean Power Plan, these communities stand the most to gain, and also stand the most to lose from the implementation of the Plan.

In order to ensure a just and equitable implementation of the plan, alignment amongst environmental justice and grassroots groups, and national green groups is critical. In light of these overarching concerns, the BEA Initiative recommends that national green groups and other allies:

1

Centering EJ and equity

Support environmental justice (EJ) and grassroots organizing sector (GRO) initiatives to make the CPP more inclusive of and committed to EJ & Equity priorities—taking leadership from grassroots groups on how local and national political strategies, messaging, and the resourcing of campaigns can be aligned with community priorities accordingly.

2

Prioritizing emissions reduction

Support EJ and grassroots efforts/campaigns to ensure that the CPP and other federal and state climate actions prioritize emissions reductions in EJ communities (hot-spots), starting with communities most overburdened by air pollution, as well as closing any loopholes that incentivize other harmful energy industries such as biomass/waste to energy incineration, natural gas power, nuclear power and large-scale hydro power.

3

**Shifting
to a just
transition**

Prioritize a multi-issue, multi-sector and systems-wide study and approach to addressing emissions reductions and localized just transition strategies led by communities and workers. While multiple industries in energy, transportation, housing, waste, agriculture and manufacturing contribute to greenhouse gas pollution, and the cumulative impact of all of these sectors on communities is considerable, shifting away from these towards locally-led alternatives would provide the best opportunity for reducing pollution and creating long-term local jobs.

4

**Building
clarity and
respect**

Proactively engage EJ and GRO sector leadership on defining/clarifying [intentionally] vague definitions and recommendations within and about the CPP, in principled ways, according to the Jemez principles, as well as other protocols that respect conditions under which EJ & GRO groups work.

5

**Bridging
resource
disparities**

Recognize the resource disparities that exist across the movement and work to bridge these gaps, where possible. Provide communications and other types of resource support in a manner that is coordinated and consistently carried out between the national, state and local offices/affiliates of national organizations, as well as in any state or national coalitions these groups are engaged in (i.e. the Climate Action Campaign).

6

**Committing
to alignment**

Jointly develop MOUs with EJ and frontline community organizations and other representatives of the GRO sector that codify how we work together in the present, and for the long haul.

Endnotes

1 Other national EJ networks such as the EJ Leadership Forum on Climate Change, Climate Justice Alliance, and the Extreme Energy Extraction Collaborative, among others, were also active in the CPP, particularly during a second phase of equity advocacy. The BEA, however, became a central hub of CPP leadership due to its focus on building grassroots capacity and cross-sector movement alignment.

2 Grassroots Sector Leader A, interview by authors. Phone interview, Chicago, IL, September 14, 2016.

3 For EPA's summary of the Clean Power Plan see, *Fact Sheet: Overview of the Clean Power Plan: Cutting Carbon Pollution From Power Plants*, available at <https://www.epa.gov/cleanpowerplan/fact-sheet-overview-clean-power-plan>.

4 Grassroots Sector Leader A, interview by authors. Phone interview, Chicago, IL, September 14, 2016.

5 For a recent discussion of emissions reductions see, Nicky Sheats, *Achieving Emissions Reductions for Environmental Justice Communities Through Climate Change Mitigation Policy*, 41 Wm. & Mary Env'tl. L. & Pol'y Rev. 377 (2017), <http://scholarship.law.wm.edu/wmelpr/vol41/iss2/3>.

6 Grassroots Sector Leader A, interview by authors. Phone interview, Chicago, IL, September 14, 2016.

7 This meeting was held October 2014 in

Arlington, VA.

8 Lee Logan, *McCarthy Rejects Advocates' Call For Equity Review Of Climate Rule*, Inside EPA/Climate (October 01, 2014), available online: <https://insideepaclimate.com/climate-daily-news/mccarthy-rejects-advocates-call-equity-review-climate-rule>.

9 Ibid.

10 Grassroots Sector Leader C, interview by authors. Phone interview, Chicago, IL, January 12, 2017.

11 Ibid.

12 Grassroots Sector Leader B, interview by authors. Phone interview, Chicago, IL, September 8, 2016.

13 Ibid.

14 Ibid.

15 Green NGO Leader C, interview by authors. Phone interview, Chicago, IL, October 5, 2016.

16 Grassroots Sector Leader C, interview by authors. Phone interview, Chicago, IL, January 12, 2017.

17 National Resources Defense Council (NRDC), Sierra Club/Earthjustice (submitted together), and Union of Concerned Scientists (UCS)

18 Center for Earth, Energy and Democracy (CEED), Environmental Justice Leadership Forum on Climate Change (EJLF), Global Alliance for Incinerator Alternatives (GAIA), Kentuckians for the Commonwealth (KFTC), and WE Act for Environmental Justice.



19 Summary of EO 12898 available online:
<https://www.epa.gov/laws-regulations/summary-executive-order-12898-federal-actions-address-environmental-justice>.

20 Background information and links to documents available online:
<https://www.epa.gov/environmentaljustice/plan-ej-2014>.

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<http://ceed.org/document/clean-power-plan-comments/>.

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[http://content.sierraclub.org/environmentallaw/sites/content.sierraclub.org.environmentallaw/files/Sierra%20Club%20and%20Earthjustice-%20Final%20111\(d\)%20Comments.pdf](http://content.sierraclub.org/environmentallaw/sites/content.sierraclub.org.environmentallaw/files/Sierra%20Club%20and%20Earthjustice-%20Final%20111(d)%20Comments.pdf).

23 See page 2 of ELJF comments submitted December 1, 2014, available online at
http://www.ejleadershipforum.org/wp-content/uploads/2015/07/Env-Just-Leadership-Forum-on-Climate-Change-_Docket-ID-No.-EPA-HQ-OAR-2013-0602_final.pdf.

24 See page E-8 of NRDC comments submitted December 1, 2014, available online at
https://www.nrdc.org/sites/default/files/air_1412_0101b.pdf.

25 See for example, comments by KFTC, available online at
<https://www.kftc.org/sites/default/files/docs/resources/kftccommentsonfipfinal.pdf>.

26 Cap and Trade

27 Electricity Generating Units

28 See page 3-4 in WEACTION's comments, available online:
<http://www.ejleadershipforum.org/wp-content/uploads/2015/07/Comment-81.pdf>.

29 Remarks by President Obama in announcing the Clean Power Plan, Aug. 3, 2015, available online:
<https://obamawhitehouse.archives.gov/the-press-office/2015/08/03/remarks-president-announcing-clean-power-plan>.

30 Grassroots Sector Leader A, interview by authors. Phone interview, Chicago, IL, September 14, 2016.

31 Ibid.

32 Grassroots Sector Leader B, interview by authors. Phone interview, Chicago, IL, September 8, 2016.

33 Green NGO Leader B, interview by authors. Phone interview, September 14, 2016.

34 Green NGO Leader A, interview by authors. Phone interview, September 14, 2016.

35 Green NGO Leader C, interview by authors. Phone interview, October 5, 2016.

36 Grassroots Sector Leader A, interview by authors. Phone interview, Chicago, IL, September 14, 2016.

37 Green NGO Leader B, interview by authors. Phone interview, January 5, 2017.

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39 Grassroots Sector Leader C, interview by authors. Phone interview, Chicago, IL, January 12, 2017.

40 Green NGO Leader A, interview by authors. Phone interview, January 5, 2017.

41 Green NGO Leader C, interview by authors. Phone interview, October 5, 2016.

42 It's important to note that the release of the CEIP also included opportunities for comments.

43 Grassroots Sector Leader B, interview by authors. Phone interview, Chicago, IL, September 8, 2016.

44 Green NGO Leader C, interview by authors. Phone interview, Chicago, IL, October 5, 2016.

45 Green NGO Leader A, interview by authors. Phone interview, September 14, 2016.

46 Grassroots Sector Leader C, interview by authors. Phone interview, Chicago, IL, January 12, 2017.

47 White papers include:

Ana Isabel Baptista and Kumar Kartik Amarnath, *Garbage, Power, and Environmental Justice: The Clean Power Plan Rule*, 41 Wm. & Mary Envtl. L. & Pol'y Rev. 403 (2017), <http://scholarship.law.wm.edu/wmelpr/vol41/iss2/4>
 Nicky Sheats, *Achieving Emissions Reductions for Environmental Justice Communities Through Climate Change Mitigation Policy*, 41 Wm. & Mary Envtl. L. & Pol'y Rev. 377 (2017), <http://scholarship.law.wm.edu/wmelpr/vol41/iss2/3>
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52 Ibid.

53 Grassroots Sector Leader A, interview by authors. Phone interview, Chicago, IL, September 14, 2016.

54 BEA, Six Environmental Justice Points of Alignment for National Allies.

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57 Green NGO Leader C, interview by authors. Phone interview, Chicago, IL, October 5, 2016.

58 Green NGO Leader A, interview by authors. Phone interview, September 14, 2016.

59 Green NGO Leader B, interview by authors. Phone interview, January 5, 2017.

60 Grassroots Sector Leader A, interview by authors. Phone interview, Chicago, IL, September 14, 2016.

Timeline Endnotes

1 <https://www.epa.gov/cleanpowerplan/past-listening-sessions>

2 Reference and more information:
<https://www.epa.gov/environmentaljustice/plan-ej-2014>

3 [http://weact.nyc/ejcleanair/downloads/resources/webinar/what's%20at%20stake%20-%20environmental%20justice%20and%20the%20epa's%20clean%20power%20plan%20\(2014-07-21\)/Agenda.pdf](http://weact.nyc/ejcleanair/downloads/resources/webinar/what's%20at%20stake%20-%20environmental%20justice%20and%20the%20epa's%20clean%20power%20plan%20(2014-07-21)/Agenda.pdf)

4 [http://weact.nyc/ejcleanair/downloads/resources/congressional%20briefing/assuring%20justice%20and%20health%20for%20all%20\(2014-09-10\)/EJ%20Briefing%20Agenda.pdf](http://weact.nyc/ejcleanair/downloads/resources/congressional%20briefing/assuring%20justice%20and%20health%20for%20all%20(2014-09-10)/EJ%20Briefing%20Agenda.pdf)

5 Reference: http://events.newschool.edu/event/climate_action_week_at_the_new_school

6 <https://www.federalregister.gov/documents/2015/10/23/2015-22848/federal-plan-requirements-for-greenhouse-gas-emissions-from-electric-utility-generating-units>

7 Clean Power Plan case resources can be found here: <https://www.edf.org/climate/clean-power-plan-case-resources> and for a list of supporters of the CPP in court look here: https://www.edf.org/sites/default/files/content/list_of_supporters_of_the_clean_power_plan_in_court.pdf

8 http://blogs.newschool.edu/tedc/2016/07/11/cpp_ej/

9 http://www.hefn.org/connect/event/environmental_justice_implications_of_the_clean_power_plan

10 Reference: <https://www.epa.gov/newsreleases/epa-releases-ej-2020-action-agenda-agencys-environmental-justice-strategic-plan-2016>

Photos

COVER, FROM LEFT: PRESENTING CPP EQUITY ISSUES AT THE HOUSTON FORUM SUPPORTING A JUST TRANSITION TO RENEWABLES AT THE HOUSTON CPP FORUM PARTICIPANTS AT THE CLOSING PLENARY OF THE HOUSTON CPP FORUM *OUR POWER PLAN* DAY OF ACTION IN ATLANTA, JANUARY 2016. PHOTO COURTESY THE CLIMATE JUSTICE ALLIANCE

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PAGE 53: CPP FORUM PARTICIPANTS AT THE CLOSING PLENARY IN HOUSTON **PAGE 57:** GROUP DISCUSSION AT THE HOUSTON CPP FORUM **PAGE 58:** BANNERS AT THE PEOPLE'S CLIMATE MARCH IN 2014. PHOTO COURTESY THE CLIMATE JUSTICE ALLIANCE



Acknowledgements

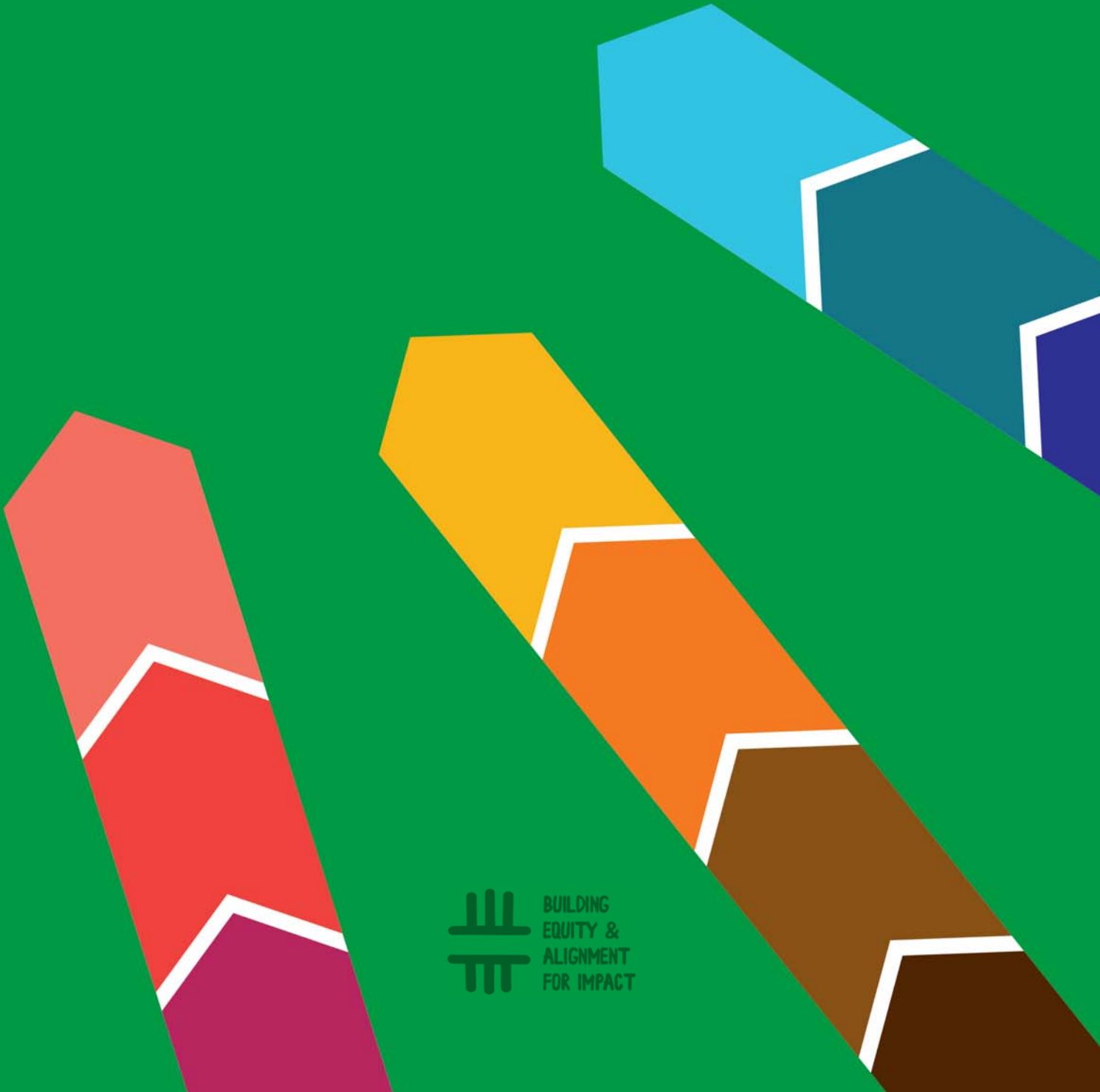
In this report, co-authors provide summary and analysis of the works of many who worked tirelessly to contribute to the development and shaping of a rule that would at best center equity and benefit EJ communities, and at worst would cause no further harm to them. Regardless of the outcome, we are grateful to all of those who submitted comments to the U.S. EPA calling for equity and community benefits in the final rule. We also want to acknowledge the organizations and people who sought to educate community members around the country about the CPP and stimulate conversations, planning, and coordination around state-level implementation plans.

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BUILDING
EQUITY &
ALIGNMENT
FOR IMPACT