Guidance for Creating a Community Benefits Plan for Industrial Decarbonization and Emissions Reduction Demonstration-to-Deployment FOA

March 2023
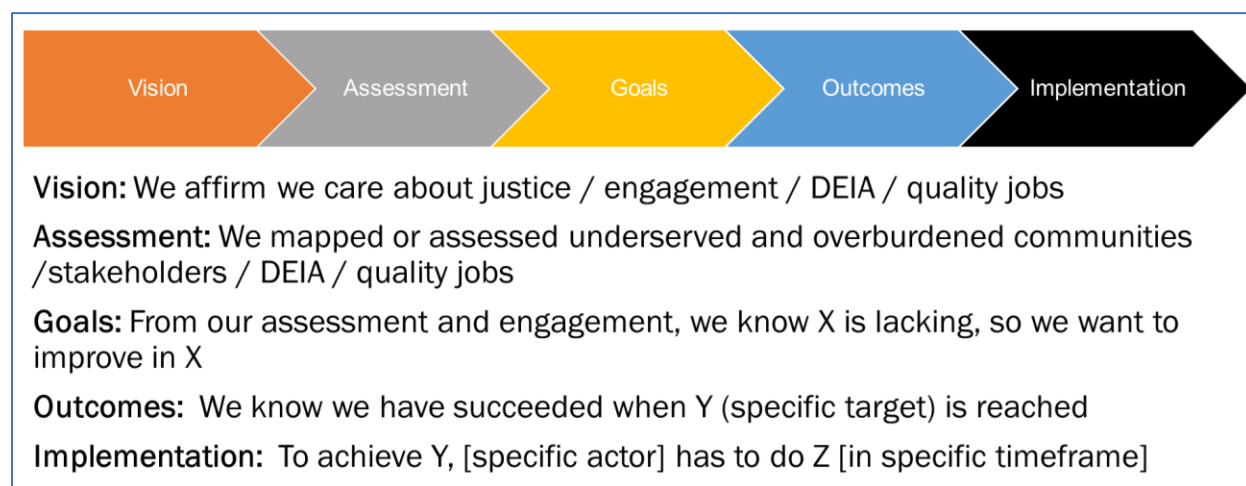
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DISCLAIMER

This Guidance for Creating a Community Benefits Plan for Industrial Decarbonization and Emissions Reduction Demonstration-to-Deployment document ("Guidance") is not a rule or regulation, and the recommendations it contains may not apply to a particular situation based upon the individual facts and circumstances. For brevity, this document will refer to Industrial Decarbonization and Emissions Reduction Demonstration-to-Deployment Funding Opportunity Announcement (FOA) as the Industrial Demonstrations Program (IDP). If there are any inconsistencies between a specific IDP project FOA and the statements in this document, the FOA is the controlling document and applicants should rely on the FOA language.

INTRODUCTION

What is the purpose of this document?

This document is intended to provide supplemental information to assist applicants developing a Community Benefits Plan (CBP) for the Industrial Demonstrations Program (IDP).[1] CBPs are based on a set of core interdependent policy priorities: engaging communities and labor; investing in America's workforce; advancing diversity, equity, inclusion, and accessibility; providing the greatest benefit for the greatest number of people in the vicinity of the facility(ies); and implementing Justice40. These key principles, when incorporated comprehensively into project proposals and executed upon, will help ensure broadly shared prosperity in the clean energy transition. CBP FOA requirements are intentionally flexible to generate the best approaches from applicants and their partners that are responsive to the communities, workers, and groups impacted by their projects. In CBP sections where there is content overlap with other sections of the CBP or the FOA, applicants

Vision: We affirm we care about justice / engagement / DEIA / quality jobs

Assessment: We mapped or assessed underserved and overburdened communities /stakeholders / DEIA / quality jobs

Goals: From our assessment and engagement, we know X is lacking, so we want to improve in X

Outcomes: We know we have succeeded when Y (specific target) is reached

Implementation: To achieve Y, [specific actor] has to do Z [in specific timeframe]

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[1] This guidance is for CBPs prepared in response to the Industrial Decarbonization and Emissions Reduction Demonstration-to-Deployment FOA, FOA Number DE-FOA-0002936, which is authorized by section 41008 of the Bipartisan Infrastructure Law (BIL) and section 50161 of the Inflation Reduction Act (IRA).

should clearly reference those overlapping sections. This lets reviewers know that applicants are thinking about all these pieces holistically. Applicants are encouraged to complete each portion of the CBP to the greatest extent possible, covering every project site proposed. In cases where information is incomplete, applicants should clearly explain the reason for missing information and provide plans to address those gaps during the project. Plans should be specific, actionable, and measurable: the idea is to move beyond vision or assessment into actionable goals, outcomes, and implementation steps as shown above.

For this FOA, the CBP should specifically address localized impacts related to changes in air pollution (including criteria air pollutants and other hazardous pollutants such as nitrogen oxides (NO$_x$), sulfur oxides (SO$_x$), and particulate matter (PM)); water pollution; other waste streams (e.g., hazardous waste generation); and creation or retention of local quality jobs.

Applicants may include other elements in their CBP as well as supporting references.

CBPs are scored at 20 percent of the overall technical merit review of proposals. This Guidance is designed to provide specific information and examples to aid applicants in developing a CBP that showcases their work in a way that is maximally responsive to DOE FOA requirements.

It is anticipated that the initial CBP will be more detailed for Phase 1 of the proposed project, but applicants should also describe in a higher level a summary of goals, outcomes, and implementation strategies the applicant would pursue in Phases 2 – 4.

Will these plans be public?

As appropriate, DOE reserves the right to share non-confidential/non-privileged portions of information contained in CBPs publicly after awards are announced, including any negotiated agreements (Workforce & Community Agreements). However, during project selection and negotiations, the content in CBPs submitted in FOA applications cannot be shared by DOE with the public. Applicants may share details of their CBP with stakeholders and other parties at their own discretion. For example, applicants may create a slide deck, factsheet, or other communication tool to communicate their plans and get feedback.

Where can I find additional information?

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

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[2] https://www.energy.gov/clean-energy-infrastructure/community-benefits-plan-frequently-asked-questions-faqs

COMMUNITY AND LABOR ENGAGEMENT IN IDP

The Community and Labor Engagement section ("Engagement section") should describe the applicant's **plans and actions to engage and partner with stakeholder groups in the community or communities most impacted by and vulnerable to project development**, such as: underserved, overburdened, or disadvantaged communities and members of those communities; surrounding or frontline/fence-line communities; and labor unions representing workers or trades that will be needed for both construction and ongoing operations/production activities associated with the project. This section should also identify any federally recognized Indian Tribes, including Alaska native village or regional or village corporations (hereinafter, "Tribal entities") for whom the proposed project may have implications (in addition to any Tribal project partners). DOE is and remains responsible for government-to-government consultation with any federally recognized Indian Tribes, including Alaska native village or regional or village corporations, about a proposed project. Other groups with which to engage for project success include community-based organizations representing local residents and businesses, economic and workforce development organizations, local and tribal governments, and emergency responders, but such engagement should be in addition to that targeted to tribes, communities and workers most impacted by and vulnerable to project development. By facilitating labor and community input, social buy-in, and accountability, such engagement can substantially reduce or eliminate stalls or slowdowns, and minimize other risks associated with the project. This engagement can lay the groundwork for negotiation of formal and legally enforceable agreements with labor unions and community partners.

Here, "engagement" differs from a plan to hold events or listening sessions (though the plan will likely reference holding these types of events). It also differs from communications, as traditionally understood in terms of a developer simply reaching out and providing information. Community and labor engagement is about relationship building leading toward partnerships, and one way to think about this section is a plan for creating and maintaining a relationship that leads to working partnerships. Engagement is also about building accountability, for example, through the use of Workforce and Community Agreements. Engagement should primarily focus on organizations directly representing a particular group of stakeholders, rather than with individuals representing themselves, although some elements of engagement may include meeting with individuals. This can help ensure traditionally excluded stakeholders and groups are given sufficient representation.

Building relationships and accountability with community, labor, and other stakeholder groups is critical to getting a project constructed (or not) and can hinge on how the Engagement section is approached and implemented. Moreover, the success of these relationship-building efforts bears not just on the relationships between a particular project, its workers, and its surrounding communities; it has the potential to impact the future deployment of industrial decarbonization and emission reduction technologies domestically and globally. Public engagement can make a difference: "Best

Practices: Public Outreach and Education for Geologic Storage Projects*[3] offers some case studies of how public engagement helped align other DOE projects with community priorities, and "Promising Practices for Meaningful Public Involvement in Transportation Decision-Making"[4] offers additional guidance and information. Additional resources for labor engagement include "Solar Power in Your Community"[5] and "High-Road Workforce Guide for City Climate Action."[6]

Process

There is no singular process for generating engagement plans, and successful plans will iterate and evolve throughout project phases and in response to stakeholder input and needs. Some common steps to engage with relevant communities and other groups include:

- **Analyze community history and dynamics.**
- **Identify stakeholders, especially those that are most impacted by project development,** including organizations representing underrepresented or disadvantaged communities and members of those communities.
- **Identify goals** for stakeholder engagement. This is informed by the social characterization analysis and is the first step in creating the Engagement Implementation Strategies, Methods, and Timeline subsection.
- **Choose methods** of stakeholder engagement suited for those goals and **prepare a timeline** for implementing the methods that tracks with project activities. This activity should include an analysis of opportunities for two-way engagement and Workforce and Community Agreements, which will be described in the relevant element of the Engagement section.
- **Specify roles** for who will be responsible for conducting engagement activities and continuing relationship-building with community organizations.
- **Identify feedback and evaluation strategies** that will measure whether engagements are successful, in the eyes of the project team as well as the community members and stakeholders engaged with the team and the project.
- **Specify the resources needed** to carry out the engagement plans**.**

How to engage with workforce organizations including labor unions

The process for engaging workforce organizations including labor unions can be different than other communities or groups. The first step to engage with workforce organizations including labor unions is to identify the project's potential employment impacts. While the employment impacts of IDP projects will vary widely, all projects will have some level of need for, and impact on, workers; project teams are encouraged to look holistically at these impacts. This includes identifying which labor classifications will be needed across every project phase, as well as the labor unions that represent

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[3] https://netl.doe.gov/node/5828
[4] https://www.transportation.gov/sites/dot.gov/files/2022-10/Promising_Practices_for_Meaningful_Public_Involvement-in-Transportation_Decision-making.pdf
[5] https://www.energy.gov/sites/default/files/2022-06/Solar%20Power%20in%20Your%20Community%20Guidebook.pdf
[6] https://www.usdn.org/uploads/cms/documents/workforce-guide_4.12.21_form.pdf

them. It includes not only identifying workers who are involved in construction and project operation, but also those supporting off-site activities, including those working in transportation and along the supply chain. It also requires identifying workers, and the unions that represent those workers, whose livelihoods will be impacted by the project, including those whose jobs may be lost or displaced.

Finding the relevant unions and the appropriate union contacts may take time and research. There could be several different unions with overlapping trade jurisdictions in a geographic area; be aware that contact with only one union for a certain trade may not be best practice. Working with local Building and Construction Trade Councils, Central Labor Councils, and State Labor Federations—which often exist at the local and/or county level and which may comprise many local unions involved in infrastructure work—can offer a good starting point for identifying and connecting with local union groups. However, not all relevant unions will be members of these councils. Additionally, some unions have national and local branches; working with national chapters may help project teams identify and connect with local affiliates.

Every union has its own mission, priorities, and concerns, and taking the time to understand each union can help support effective engagement. Unions often maintain websites to outline their mission and priorities, share news about their latest actions and public statements, and provide resources for members. Their statements or actions may also be recorded in public records and news sources. In addition to reviewing these resources, the High-Road Workforce Guide for City Climate Action[7] suggests initiating introductory, brief, and informal conversations with identified labor unions, both to introduce the project and its goals, and to understand the concerns, priorities, and initiatives of each union. The DOE's Solar Power in Your Community guide[8] offers additional guidance on union engagement.

Below are some examples of workforce organizations with which project teams may engage:
- **Labor Unions**: It is advantageous to engage with labor unions who already represent workers in relevant industries and facilities.
    - *Construction Unions*: Most large projects will involve many different unions, as they all represent trades with different skill sets. For construction activity, reaching out to the national, state, or local headquarters office of a building trades council can be an effective first step. Building trades councils are comprised of construction unions and have experience working with contractors and project owners on project labor agreements.
    - *Manufacturing, Production, and Other Unions*: For ongoing operations and production activities, reaching out to the national headquarters office of a relevant industrial union can be an effective first step to connect with their local affiliates.

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[7] https://www.usdn.org/uploads/cms/documents/workforce-guide_4.12.21_form.pdf
[8] https://www.energy.gov/sites/default/files/2022-06/Solar%20Power%20in%20Your%20Community%20Guidebook.pdf

- **State and Local Workforce Development Boards**: Workforce Development Boards (WDB) direct federal, state, and local funding to workforce development programs.[9] They also oversee the American Job Centers, where job seekers can get employment information, find out about career development training opportunities, and connect to various programs in their area.

- **American Job Centers**: American Job Centers (AJCs) provide free help to job seekers for a variety of career and employment-related needs.[10] Nearly 2,400 AJCs, funded by the U.S. Department of Labor's Employment and Training Administration, are located throughout the United States.

- **Pre-Apprenticeship Programs**: Pre-Apprenticeship is a program or set of strategies that is designed to prepare individuals to enter and succeed in a Registered Apprenticeship Program (RAP). Quality pre-apprenticeship programs[11] can play a valuable role in providing work-based learning to help people prepare for an entry-level RAP. While Pre-Apprenticeship programs have varied designs and approaches, the Department of Labor has outlined the elements of a quality pre-apprenticeship program that can place an individual on the potential career pathway to employability through a RAP.[12]

- **Registered Apprenticeship Programs**: Registered Apprenticeship is an industry-driven, high-quality career pathway where employers can develop and prepare their future workforce, and individuals can obtain paid work experience, receive progressive wage increases, classroom instruction, and a portable, nationally recognized credential.[13] Registered Apprenticeships are industry-vetted and approved and validated by the U.S. Department of Labor or a State Apprenticeship Agency. RAPs enable and energize more employers to participate and provide them access to larger talent pools that have been trained for entry-level to management positions, thereby meeting industry demands and reducing unemployment rates across the country.

How should tribal engagement be approached?

If awarded and in conjunction with DOE, awardees will also identify to DOE any federally recognized Indian Tribes (who are not project partners), which include Alaska Native Regional Corporations and Village Corporations, for whom the proposed project may have implications. The awardee will provide information to support DOE's development of a Tribal engagement plan that acknowledges each Tribe's consultation policies, traditions, and expectations, and adheres to DOE Order 144.1 on

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[9] Find your state and local Workforce Development Board at:
https://www.careeronestop.org/LocalHelp/WorkforceDevelopment/find-workforce-development-boards.aspx
[10] Find an American Job Center here:
https://www.careeronestop.org/LocalHelp/AmericanJobCenters/american-job-centers.aspx
[11] Find and connect with a local pre-apprenticeship program here:
https://www.apprenticeship.gov/apprenticeship-job-finder
[12] https://www.apprenticeship.gov/employers/explore-pre-apprenticeship
[13] Find and connect with a Registered Apprenticeship program here:
https://www.apprenticeship.gov/apprenticeship-job-finder

Tribal consultation. Appropriate mitigation will be identified through government-to-government consultation to off-set any such potentially adverse implications. DOE is and remains responsible for government-to-government consultation with any federally recognized Indian Tribes, which include Alaska Native Regional Corporations and Village Corporations about the proposed project.

The federal government has affirmed its commitment to tribal engagement through federal law, agency policy, and Executive Orders and Memoranda.[14] This commitment was reaffirmed in the "Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships":

> American Indian and Alaska Native Tribal Nations are sovereign governments recognized under the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. It is a priority of my Administration to make respect for Tribal sovereignty and self-governance, commitment to fulfilling Federal trust and treaty responsibilities to Tribal Nations, and regular, meaningful, and robust consultation with Tribal Nations cornerstones of Federal Indian policy. The United States has made solemn promises to Tribal Nations for more than two centuries. Honoring those commitments is particularly vital now, as our Nation faces crises related to health, the economy, racial justice, and climate change — all of which disproportionately harm Native Americans. History demonstrates that we best serve Native American people when Tribal governments are empowered to lead their communities, and when Federal officials speak with and listen to Tribal leaders in formulating Federal policy that affects Tribal Nations.[15]

How do we know if our Engagement section is well developed?

An inadequate plan will have vaguely defined aims or reiterate the existing landscape and social characterization without specifying strategies for implementing the plan.

A good plan will define the scope, schedule, personnel, and budget to enact the plan, as well as identify key community and labor partners. A good plan will specify organizations and entities representing traditionally excluded stakeholders and those most vulnerable to project impacts, including frontline communities and labor union(s) representing affected workers, and implement strategy to meaningfully engage them. A good plan will also evidence being two-way, meaning that project developers respond to community concerns and make decisions based upon them, and will discuss any plans for Workforce and Community Agreements. A good plan will demonstrate that team members have prior experience with or skills that can be applied to meaningful engagement, including prior experience negotiating and executing on Workforce & Community Agreements, and/or demonstrate how that expertise will be acquired and developed to a sufficient level to carry out the proposed engagement.

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[14] See, e.g., Executive Order 13175, available at: https://www.energy.gov/nepa/downloads/eo-13175-consultation-and-coordination-indian-tribal-governments-2000
[15] https://www.federalregister.gov/documents/2021/01/29/2021-02075/tribal-consultation-and-strengthening-nation-to--nation-relationships

Elements

This section should include the elements listed below. Please use headers to delineate elements. Engagement Implementation Strategies, Methods, and Timeline; Two-Way Engagement Statements; and plans for Workforce and Community Agreements are the core of the Engagement section and DOE recommends these should comprise most of the information provided.

Background and Experience

The Background and Experience provides a brief narrative description of prior and ongoing efforts by members of the applicant's team to engage communities, labor, and other stakeholder groups relevant to the proposed project with a focus on those most impacted by project development. Project teams may have multiple impacted groups with different histories requiring different plans. Applicants should engage with all relevant groups. For example, applicants should engage with both frontline communities *and* labor rather than frontline communities *or* labor. The Background and Experience element could answer some of the following questions:

- Which labor unions, environmental justice organizations, and organizations representing underrepresented, overburdened, or disadvantaged communities and members of those communities have been engaged, and what was the nature of the interaction? What is this project team's history of engagement, if any, with other organizations and groups? Were these local, state, or national groups? On what scales has engagement happened?
- What methods have been used in engagement?
- What has the timeline of engagement been?
- Would engagements be characterized as one-way (e.g., communication of materials or information) or two-way (e.g., listening to ideas, creating a dialogue)?
- What are some key learnings that will shape your approach to engagement going forward?
- What were the results of the engagement?
- Were agreements reached detailing commitments and responsibilities? If so, how were those agreements documented? Did the engaged parties sign these agreements?
- If there has not been any engagement to date, note this here with a brief explanation.

Community History and Dynamics

The Community History and Dynamics element provides a brief summary of the current and historical social, cultural, economic, labor, and environmental landscape, decision-making structures, and other relevant information about the project's affected areas and groups.

Identifying and describing community history and dynamics is a first step of "getting to know the area" that should be completed before conducting a more structured stakeholder identification. These efforts allow project teams to specify sources of influence and conflicts and establish a foundation for proactive engagement around major projects. While stakeholder analysis or stakeholder identification can produce lists of top-of-mind stakeholder groups with whom applicants are already familiar, it can leave out historically excluded stakeholders. Assessing community history and dynamics provides a means of looking more deeply at the context of the

area(s) to inform later stakeholder analysis.[16] Not only will this lead to more inclusive engagement, but it will also allow applicants to consider the different levels of influence and power different stakeholders have, as well as how prior development and decision-making processes may impact future plans.

An assessment of community history and dynamics can use a variety of methods (e.g., desk research, stakeholder interviews, media analyses, and surveys) to provide social context for the project's affected area(s) and to identify the influence of private interests (e.g., property owners, industry); the history of labor and workforce in the area(s); the economic history and current economic structures of the community or communities; the history of trust/distrust among or between community(ies), government, and industry; experience with disasters; how the area is/areas are planning for climate change; and the strength of local media.

A good assessment will consider the project's entire affected areas, geographic and dispersed. Consider not just the project site but necessary inputs for the project (e.g., water), utilized infrastructure (e.g., transportation routes), local and regional workforces and commuting areas, and supply chains. By recognizing a broader geographical and dispersed affected area during the assessment of community and history dynamics, applicants can more readily identify typically excluded or overlooked stakeholders, and those most vulnerable to project impacts.

Below is a non-exhaustive list of recommended resources and activities that can help applicants carry out this assessment. This may be a good place to reference the Justice40 Initiative and Investing in the American Workforce sections of the CBP.

- Conducting a literature review of similar projects, outcomes, challenges, and opportunities using academic, public or private (e.g., government agencies or non-governmental organizations (NGOs)), and popular sources.
- Reviewing local and regional media outlets (e.g., newspapers, radio, television), municipal and county archives (e.g., websites, meeting notes), and industry and advocacy sources (e.g., websites, blogs, press releases, and recorded presentations) for information related to energy and environmental justice, economic development and impacts, and climate change topics, broadly defined.
- Conducting preliminary interviews with existing contacts and identified stakeholders to discuss the social aspects of the project landscape.
- Conducting public opinion surveys that are representative of the community/communities as a whole and oversample populations that are historically underrepresented.
- Contacting stakeholders of similarly situated projects to discuss their engagement strategies and challenges they faced in the planning process.

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[16] For examples relevant to other types of projects, look at World Resources Institute's (WRI) report Guidelines for Community Engagement in CCS Projects (https://www.wri.org/research/guidelines-community-engagement-carbon-dioxide-capture-transport-and-storage-projects) and NETL's Best Practices: Public Outreach and Education for Geologic Storage Projects, section 2.5. (https://netl.doe.gov/node/5828).

- Using the US Census Data Dashboard[17] to examine the demographic and socioeconomic characteristics of the affected area(s) (e.g., race and ethnicity composition, median income, poverty rate, educational attainment, unemployment rate, and employment by industry).

Below is a non-exhaustive list of potential ways to present this information:

- Maps and/or other geospatial analyses showing the distribution of various social, economic, and environmental variables and how they may vary over time.
- Tables that illustrate the demographic and socioeconomic characterization of the affected area.
- Tables that compare the positions and/or viewpoints of disadvantaged communities, industry, and decision-makers on various project-related issues, highlighting points of agreement and contention.
- Diagram showing the linkages and relationships between various stakeholder groups, (i.e., network analysis).
- Timeline of key social, economic, and environmental developments that have impacted the affected area and allows the applicant to speak to cumulative effects.

Stakeholder Analysis

The Stakeholder Analysis element describes how stakeholder analysis was done and provides description of stakeholders.

Whereas an assessment of community history and dynamics provides a foundation to understand the project impacted area(s)' history, culture, decision-making structures, and more, the stakeholder analysis element should identify specific stakeholder groups relevant to the project. Groups specifically recommended for analysis include those most impacted by project development, such as underserved, overburdened, or disadvantaged communities and members of those communities; surrounding communities; impacted tribal communities; and labor unions representing workers or trades that will be needed for the project. The stakeholder analysis summary may also include industry and technical experts; federal, Tribal, state, and local decision-making bodies; representatives of local communities and Tribal entities; private sector actors; environmental non-governmental organizations; entities focused on education, public health and safety, and/or community planning; and concerned members of the public.

It is recommended that the identification of key stakeholder groups considers potential groups that could be directly and indirectly impacted by the project – including those impacted by project inputs and outputs (e.g., energy inputs, workforce needs, waste streams, and transportation). For demonstrations impacting multiple communities, this analysis should cover all impacted communities.

Below is a non-exhaustive list of ways to identify potential stakeholders. This section can also reference the Justice40 Initiative and Investing in the American Workforce sections of the CBP.

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[17] https://data.census.gov/cedsci/

- Overlaying the project affected area(s) with datasets that represent various indicators and communities, for example, DOE's Disadvantaged Communities dataset,[18] the Environmental Protection Agency's (EPA) Brownfield Properties dataset,[19] the Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization priority energy community dataset,[20] and/or the Department of the Interior's Bureau of Indian Affairs' Indian Lands dataset.[21]
- Identifying fence-line communities (communities adjacent to industrial sites) based on the location of the project. Once identified, applicants can engage directly with members of those communities, or can search for organizations or events that represent various community interests.
- Mapping project inputs (like water for cooling), then identifying the people and communities that rely on those inputs.
- Using county assessor records to identify some of the area's largest property owners.
- Using state and local government websites to identify offices that work in the affected area(s) (e.g., municipal planning and development, county public health).
- Using city and county meeting minutes to identify organizations that routinely attend meetings and speak about related issues.
- Conducting website and media outlet searches for individuals and groups that work in or around the affected area(s) or work on the topic of interest, broadly defined.
- Consult the teaming list posted on OCED eXCHANGE.

How to include traditionally excluded stakeholders

The first step is to gather information on which stakeholder groups are traditionally excluded and why. This may include reaching out to key individuals one-on-one to learn about potential barriers and opportunities for involvement in the project. Some of these may be logistical (e.g., meetings in places without public transport or at inconvenient times, no access to information about meetings, or information only in English), and it should be relatively clear how to address these (e.g., select different locations and/or hold hybrid meetings, provide childcare, offer information and facilitation in multiple languages, and provide food). However, other disincentives to engage might arise from power dynamics or the content and structure of previous meetings, and these may require further discussions with traditionally excluded stakeholders to identify and address. Such discussions may also be held with organizations representing groups of traditionally excluded stakeholders, which could help set the groundwork for Workforce and Community Agreements.

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[18] https://energyjustice.egs.anl.gov/
[19] https://www.epa.gov/brownfields/brownfields-and-land-revitalization-activities-near-you
[20] https://energycommunities.gov/priority-energy-communities/
[21] https://biamaps.doi.gov/indianlands/

Do we need a stakeholder analysis matrix?

While not required, applicants may take steps to categorize stakeholders. For example, stakeholders can be grouped into sectoral and geographic categories.

Existing Community and Labor Support

Applicants should describe any **existing** support and/or concerns expressed by labor, impacted Tribal entities, and surrounding community/communities for the project and/or the facility where the project would be implemented. This element should include a description of the steps taken to gather this information.

Some steps applicants may take to identify and communicate to DOE existing support or concerns include:

- Describing any community stake or ownership for the facility, or existing workforce and community agreements (if already existing, these may be separate from future planned agreements for the proposal);
- Reviewing records of any communications from community members expressing concerns or support;
- Reviewing public records from relevant local government agencies (e.g., agencies focused on environmental protection, labor, public health, economic development) to find expressions of support or concern;
- Reviewing minutes from public meetings where the facility or proposed project were discussed;
- Reviewing local media for op-eds about the facility and/or decarbonization and emission reduction efforts;
- Identifying community-based or workforce organizations, including labor unions, with a topical or geographic connection to the facility and reviewing public statements from these organizations; and
- Submitting information related to relevant lawsuits or protests by labor or community groups.

Applicants may reference the "Community and Labor Partnership Documentation" if appropriate.

Engagement Implementation Strategies, Methods, and Timeline

The Engagement Implementation Strategies, Methods, and Timeline element is an engagement plan that describes the objectives for engagement with communities, labor, and other stakeholders, as well as methods (how) and timelines (when) for engaging with stakeholders. This element may be presented in a manner that fits the applicant's project, e.g., Gantt charts, tables, or more descriptive matrices. Applicants should demonstrate how engagement will explicitly address topics related to changes in air pollution, water pollution and use, other waste streams, and quality job retention or creation.

Applicants should describe the specific methods they will use for engagement, e.g., listening sessions, town halls, open houses, mediated discussions. Methods should be matched to both

project phases and goals (setting engagement goals is described below). For projects impacting multiple communities, applicants are encouraged to select methods that reflect the different characteristics or needs of each community. For example, during the project development phase, the team may set engagement goals of eliciting project design feedback from frontline communities and local labor unions relevant to project. The corresponding method could be to hold listening sessions at local community centers and at labor union meetings in every impacted community.

Applicants should specifically describe how these methods will be extended to include traditionally excluded stakeholder groups (e.g., disadvantaged communities, frontline/fence line communities, labor unions, and tribes). Workforce and Community Agreements can be one way to provide an avenue to meaningfully include traditionally excluded stakeholders and provide real benefits; applicants can reference the Two-way Engagement Statement below as applicable. Applicants are encouraged to describe how they will ensure that stakeholders and communities will not be unduly burdened by demands for engagement. This can involve talking to people about how they would like to be engaged (e.g., mediums, locations, and timing) to design engagement that is less burdensome.[22] Finally, these engagement methods should be designed and advanced with consideration to a larger process leading to partnership with communities, including through recognized representatives or intermediaries.

Setting engagement goals
Setting internal goals for engagement is important, as is identifying the goals stakeholders and communities have for the engagement process.

In this element, applicants can describe time allotted for internal discussions of goals, including who from the organization needs to participate in these discussions, as well as external discussion of goals with the identified stakeholders and communities. The latter can be done as "pre-engagement" conversations and/or folded into the agendas of initial engagement activities.

Guiding questions for a discussion of engagement goals include:
- What parts of this project (e.g., location, technical characteristics, implementation) could be changed according to community and labor input?
- Where in the project timeline/workplan are the opportunities for community and labor organization input to shape what happens in the project?
- How can community members participate in collecting and/or monitoring data related to the project?

Goals will vary based on project stage, but might include:
- Listening to concerns regarding cumulative impacts and siting to better understand specific concerns *and* collaborate on how to address those concerns.

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[22] To learn more about participant fatigue in community-based research, see: https://www.montana.edu/energycommunities/ResearchFatigueCourse/unit_5/Unit5HowToLimitResearchFatigue.html.

- Identifying how communities want to access or participate in creating data about the project and its impacts.
- Understanding what communities and workers identify as potential benefits and determining strategies to achieve those benefits, including through Workforce and Community Agreements.
- Determining any project enhancements to maximize community benefits and support.
- Understanding pathways for formal partnership with communities, including through recognized representatives or intermediaries.

When planning engagement, it can be helpful to consider that social acceptance of a project is rarely the best goal for engagement. Typically, there is no one entity that can grant acceptance; some communities within a geographic area might support the proposed project while others do not. Additionally, social acceptance, even if granted, can fluctuate and be revoked. A strength of Workforce and Community Agreements is that they can help settle disputes ahead of project deployment, strengthen civic participation, increase worker empowerment, secure the required workforce, and equitably align the resources and needs of local workers and communities with the benefits and opportunities of new projects.

Choosing methods of engagement and building a timeline

At this point, applicants should have an analysis of stakeholder groups that, at a minimum, includes traditionally excluded stakeholders; an assessment of the historical context and power dynamics; and a description of existing support and/or concerns expressed by impacted communities and labor groups. This analysis, along with the applicant's planned project schedule, will enable applicants to build an engagement timeline that matches particular methods to both project phases (understanding the potential for these to change, including based on engagement activities) and engagement goals.

Establishing a match between project phase and engagement method is important for cost-effective and timely execution of the project, as well as making sure engagement covers the full project life cycle (design and permitting; construction; operation; and disposition, decommission, and/or demolition). Building relationships with stakeholders takes time and transparency. Thus, an effective Engagement section should allocate sufficient time for relationship building, incorporating or responding to input, sharing the results of engagement with the community/communities and labor groups, and any plans for negotiating formal agreements with labor and community partners.

Different methods of engagement correspond to different project phases and objectives. Each method will require different investments of time and funding. Applicants should clearly identify when in the project timeline engagement is expected to occur and what type of engagement is planned. For example, early in the planning process, applicants might be focusing on community outreach, education, and information gathering. The method of engagement could be information sharing on a project website or social media account, or participation by the project team at community events (e.g., setting up a booth at a community health fair or grocery store).

As the project develops and stakeholder identification matures, the project team can carry out more targeted engagement activities like focus groups with specific sectors and/or participatory mapping exercises[23,24] with communities. As engagement activities become more involved, it is important for project teams to have a plan to receive, analyze, and incorporate or respond to stakeholder input.

It is increasingly the standard to offer a mix of virtual and in-person engagements; bear in mind that each may be more or less accessible to different groups. Some methods of engagement, here abridged and adapted from WRI's "Guidelines for Community Engagement in Carbon Dioxide Capture, Transport, and Storage Projects,"[25] include:

- **Public hearings:** Formal public hearings are often required by regulation. They can involve logging questions from members of the public, or a time allotment for people to comment.
- **Town hall meetings:** More of an open forum than a formal public hearing; can be convened by the developer, government, or regulator.
- **Open house:** Often includes information or education about a project; may be done before town hall meetings and public hearings.
- **Informal, targeted chats:** These involve short presentations to targeted audiences (e.g., local business, environmental NGOs), followed by open discussion.
- **Focus groups:** A way to learn about reactions and ideas from a select group. On one hand, these can be very valuable in early stages when developing more concrete Engagement sections; on the other hand, if only select people are invited (which may be inevitable because of the small size), they can be viewed as exclusionary.
- **One-on-one meetings:** These can be valuable for developing relationships, but best practice is to conduct them transparently because perceptions of a developer secretly meeting with people can undermine trust.
- **Facilitated discussions:** These involve facilitation by a (typically trained) third-party.
- **Virtual workshops:** These can combine aspects of the above formats (open houses, informal chats, town hall meetings).

Further advice on methods and execution:
- Do not use a formal process (e.g., a formal public hearing required by regulation) for early or first engagements. This can build trust, enable collaboration on issues or challenges earlier in the project, and lead to better outcomes and project success.
- Use a combination of methods and do so with transparency. Ensure that one-on-one meetings are disclosed and that entities are given equal chances to participate.
- Respond to questions and designate a person to follow up on those questions in a timely manner if the questions are not answered on the spot. Summarize the discussion and disseminate the information for clarity and transparency.

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[23] https://nicholasinstitute.duke.edu/sites/default/files/gems/protocols/equity-participatory-mapping-overview.pdf

[24] https://www.legacy.civicwell.org/resource/mapping_exercise/

[25] https://www.wri.org/research/guidelines-community-engagement-carbon-dioxide-capture-transport-and-storage-projects

- Consider involving third parties who can weigh in on the robustness and validity of the information provided during engagements.

Establishing roles and responsibilities

Defining roles in the Engagement section will be highly specific to the project team and the project. Applicants may describe designated personnel to serve as representative(s) to liaise with the community or communities, and may also hire an outside person to conduct relationship-building. Things to consider when assigning roles and responsibilities include: preserving institutional knowledge (it is hard to maintain a relationship if the person responsible keeps changing), decision-making authority, expertise and training of individuals, integration with other project activities, and interpersonal skills. If contracting with external parties for stakeholder engagement support, consider that different consultancies may have different strengths with different types of stakeholders.

To ensure all necessary roles and responsibilities are identified, it is important to specify roles and responsibilities related to any planned partnerships with labor unions, Tribal entities; community organizations, institutions, nonprofits, and local businesses.

Crafting milestones

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

Example milestones that could be a part of an Engagement section

Your company is scoping a five-year plan to build a new industrial facility supported by clean energy technology in a community where the company has not previously operated. Prior to your application, you have already done an assessment of community history and dynamics and a stakeholder analysis as well as significant community and labor engagement, including smaller targeted meetings and community town-halls. From these engagements, you have learned that the surrounding community is identified as a disadvantaged community with an unemployment rate of 36%. The recent closure of a nearby manufacturing plant has resulted in job losses for many skilled local workers who may have an interest in working at your facility. Additionally, the surrounding community has rates of asthma, cancer, and chronic respiratory issues that are above the state average.

Throughout your engagements to-date, you have documented the priorities, opportunities, and concerns and identified. And while the surrounding community is largely supportive of the project, they are concerned about increases in pollution and lack of follow-through on local-

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hiring (among other topics) and have expressed interest in negotiating a Community Benefits Agreement (CBA).

Below are examples of Phase 1 milestones that could be a part of an Engagement Implementation Strategies, Methods, and Timeline element to negotiate a CBA. The milestones below would build on activities begun prior to and during the application phase and would inform Phases 2-4. Note that while engagement with Tribal entities may involve similar steps, tribal engagement and consultation should be coordinated through DOE, as described above (under section heading *How should Tribal engagement be approached?*).

- By month one: On the company website, publish an overview of the proposed project, a summary of the information you've learned so far through your engagement, and a summary of the CBP including an intention to pursue negotiation of a CBA.
- By month two: Conduct digital, phone, and in-person surveys in languages appropriate for the community to gather additional feedback on the proposed project and community benefits plan summary, with the goal of receiving 200 responses, especially from those workers and community members most impacted by and vulnerable to the project. Consult three to five community and labor stakeholders you have already developed a relationship with to find the best outreach mechanisms to gather feedback from traditionally excluded stakeholders.
- By month three: Analyze and summarize the feedback gathered in a format that is accessible and digestible for both members of your company and the public. Hold internal brainstorming sessions to begin identifying how your team could design your project to incorporate the priorities and address the concerns you've heard.
- By month four: Begin holding weekly calls with community leaders, community-based organizations, local workforce organizations, and local officials to identify groups and individuals who can represent the community and workforce and are interested in negotiating a CBA. Identify topics of community priority and concern from month one surveys and identify at least two groups or individuals who specialize in each area (e.g., health, housing, job quality, workforce development,).
- By month five: Identify the resources needed to support the negotiation and actualization of a CBA, including staff and budget. This may include hiring a third-party contractor specializing in community and labor agreements (see DEIA section for more on contractor hiring). Obtain the resources necessary.
- By month six: In collaboration with the groups and individuals who are interested in negotiating a CBA, publicly announce your plans. This could include identifying and publicizing a proposed timeline for negotiation, creating channels for additional public comment, communicating which community groups/leaders will help facilitate the negotiation process, sharing information about third-party contractors supporting the

negotiation, and supporting community education and training on CBAs prior to beginning formal discussions.

- You may have additional goals about a timeline to publish a draft CBA, seek public input and comments, and finalize an agreement.

Note: This example is a small subset of activities that may be undertaken. Engagement plans should include accountability measures. For more information on Community Benefits Agreements, see the CBA Toolkit.[26]

If SMART (Specific, Measurable, Achievable, Relevant, and Timely) milestones are used, some tips include:

- For "Specific," make goals narrow and concrete to enable measurability.
- For "Measurable," identify the data or evidence that can be used to assess whether the project team is making progress towards or achieving the goal.
- In terms of "Achievable," knowing benchmarks, as well as where other companies or organizations are, can help calibrate what is achievable. This should also take into account the time and resources available to implement this goal.
- In terms of "Relevance," consider the goals identified for engagement.
- With "Timely," consider setting interim milestones on the way to a larger goal.

Two-way Engagement Statement

The Two-way Engagement Statement describes how the project will incorporate community and labor input from all communities within the vicinity of the project site(s). It describes how the engagement process can shape project outcomes and should specifically describe elements of the project where engagement can impact project decisions or characteristics, including whether project site(s) could be changed based on social considerations. It should also identify opportunities for community participation in collecting and monitoring project data. Previous engagement and research, including responses to the Request for Information, have shown that environmental justice groups and community-based organizations prioritize involvement in monitoring and siting decisions, while labor unions and workforce development organizations prioritize local hiring, wages, and benefits, and that two-way engagement and opportunities to influence the project are strongly desired. Workforce and Community Agreements (described in the following section) can be a powerful mechanism for accountability and two-way engagement and can be referenced here as applicable.

Important elements of a two-way engagement statement include:

- **Identified points in the project where engagement can impact project decisions or project characteristics.** Are milestones incorporated into the integrated project schedule (IPS) that influence project direction based on community engagement results?

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[26] https://www.energy.gov/diversity/community-benefit-agreement-cba-toolkit

- **Discussion of whether there is a pathway for the project to propose multiple sites or consider changing the proposed site based on project learnings** from engagement, Justice40, workforce, or other societal considerations. If there is, please describe.
- **Discussion of community participation in and access to monitoring.** What plans exist to support platforms that allow community members to access or share data on project impacts (e.g., plans for participatory monitoring and third-party monitoring, including monitoring post-closure if relevant)? What plans are there to add technical or monitoring capabilities that the community requests to increase community benefits or reduce risk of negative impacts? This discussion could include things like:
    - What is proposed for monitoring and why (for example, electricity reliability, electricity cost, or changes in fossil generation by the renewables enabled by storage, which may be monitored as a permit condition or company voluntary monitoring).
    - Equipment and resources required for monitoring.
    - Prospective organizations to reach out to about partnering.
    - Platforms on which data can be accessed and analyzed.
    - Processes for collaborating on monitoring scope and activities (which could be part of a Workforce and Community Agreement).

- **Discussion of the terms and conditions of delivering community benefits** and mitigating harms from hosting the project. How will two-way engagement support identification of what benefits could flow to the community and how these benefits and impacts could be calculated and reported? Identify and discuss both direct and indirect benefits and impacts. This can reference the Justice40 Section as appropriate.
- **Discussion of the terms and conditions of employment** (e.g., working conditions, salaries, compensation, working hours, and benefits) and other matters of mutual interest to the applicant and workers. These issues might include: above-inflation salary increase; paid overtime; night shift allowance; annual bonus; paid study leave; provident fund; medical aid; compensation for workplace injuries and deaths; guaranteed maternity leave; family responsibility leave; provisions for childcare when working overtime or working away from home; reasonable working hours; safe working conditions; and commitments to hire local workers and workers from economic disadvantaged communities. This can reference the Investing in the American Workforce section of the CBP as applicable.

Workforce and Community Agreements Statement

This element describes any plans by the applicant to negotiate Workforce and Community Agreements. A Memorandum of Understanding (MOU) with respective community and labor organizations committing to work toward such agreements could be a good indicator of steps taken. Use of such agreements has the potential to facilitate community and labor input and social buy-in, identify how concerns will be mitigated, and specify the distribution of community and economic benefits, including job quality, access to jobs and business opportunities for local residents, and

mitigating community harms, thus reducing or eliminating these types of risks. If there are opportunities for co-ownership or a community stake, applicants should discuss that here.

DOE supports the negotiation of Workforce and Community Agreements because these agreements help settle disputes ahead of project deployment, strengthen civic participation, increase worker empowerment, secure the required workforce, and equitably align the resources and needs of local workers and communities with the benefits and opportunities of new projects. Robust Workforce and Community Agreements:

- Are negotiated between the project developer and an inclusive, representative, and accountable coalition of community and labor partners;
- Are legally enforceable with clear metrics, timelines, transparency, and reporting processes; and
- Assign roles and responsibilities to determine compliance and outline processes to address non-compliance.

For information on the following topics, see the [Community Benefits Plan Frequently Asked Questions (FAQs)](#):[2]

- *What are Workforce and Community Agreements?*
- *What is DOE looking for related to Workforce and Community Agreements in funding proposals?*
- *What is a Community Benefits Agreement?*
- *What is a Community Workforce Agreement (CWA)?*
- *What is a Project Labor Agreement (PLA)?*

Engagement Evaluation Strategy

The Engagement Evaluation Strategy element describes mechanisms for eliciting, addressing, and tracking feedback. This element should include plans for activities to evaluate the success of engagement, including evaluating community and stakeholder perceptions of progress. Incorporating feedback on each event and throughout the engagement process is important in iteratively improving the plan.

Ways of collecting insight could include:

- Post-event questionnaires and surveys, though these may have a low response rate;
- Targeted one-on-one follow-ups – it is important to include both stakeholders who seemed very engaged and stakeholders who seemed less engaged; and
- Feedback from an advisory board of stakeholders.

An effective engagement evaluation strategy will include a system for tracking feedback so that changes can be detected over time. As much as possible, try to avoid self-selecting information collection as it may not represent the range of community members.

Note that there are times when some of these activities might not be appropriate. Systematically collecting data from people may raise concerns about how personal data is used or shared. It is important to clearly communicate how any response given will be used. Collecting data can also

fatigue individuals—it is important not to increase the engagement burden to community members solely to satisfy reporting requirements. At the same time, failing to evaluate or check in about how the engagement process is going could mean missed opportunities for improving it. Applicants are recommended to be conscious about selecting evaluation methods and getting input from an advisory council about the best mechanisms for a "do no harm" approach. It is also critical to be clear about how the feedback from any structured approach will be shared and whether it will be anonymized, so participants can decide whether they want to provide this feedback. Applicants should follow, as appropriate, federal requirements for human subjects research.[27]

Resource Summary

This element provides a summary of project resources dedicated to implementing the Engagement section. This should include information about staff (number, time on project, and experience), facilities, capabilities, and budget (both federal and cost share) that will support implementing engagement activities.

INVESTING IN THE AMERICAN WORKFORCE IN IDP

The Investing in the American Workforce (IAW) section is intended to be a systematic way for applicants to describe their plans for job creation, quality jobs, inclusive recruitment and hiring, worker rights, workplace safety, and investments in worker training. This section can create a roadmap for how applicants plan to identify, measure, meet, and track these goals at all proposed sites.

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

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

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[27] https://science.osti.gov/ber/human-subjects

engagement. While IDP projects will vary in the number of permanent and temporary jobs they create, every project will have some level of workforce impact. Whether projects create five jobs or fifty, completing the elements below to the fullest extent possible can help ensure all jobs are high quality and all workers enjoy safe, fair conditions with opportunities for growth. For projects with limited workforce needs, applicants should respond to each element to the extent appropriate for their projects, explain how they determined the potential workforce needs and impacts of their proposed projects, and justify how this determination aligns with the response to each element.

Process

There is no singular process for generating an IAW section, and successful IAWs will iterate and evolve throughout project phases and in response to stakeholder input and needs. An effective IAW will demonstrate the applicant understands the issues involved in the creation of quality jobs and the development of a diverse, skilled workforce, and will address what success looks like and what changes will occur if the IAW is successfully implemented. Completing the IAW is set within the context of ongoing engagement, considerations of equitable access to programs and opportunities, past performance, and future plans. Some common steps to create the IAW section include:

- Characterize the quality of the jobs that will be offered in both construction and ongoing operations;
- Determine the types and level of investments needed for workforce education and training;
- Characterize prior and ongoing engagement with labor unions, community colleges, and other workforce organizations (this is a good place to reference the Engagement section);
- Identify methods to support workers' rights, including a free and fair chance to join a union, and how to signal a commitment to workers' rights to the workers;
- Specify how workplace health and safety and worker rights will be supported in the workplace, in both construction and ongoing operations;
- Create plans or revise existing mechanisms to track and address retention; and,
- Identify plans and resources needed to achieve goals in each of these areas.

Applicants are encouraged to review the [Community Benefits Plan Frequently Asked Questions (FAQs)](#)[2] for additional information.

How do we know if our IAW section is well developed?

An inadequate IAW section may have vaguely defined and/or disjointed aims, without specifying implementation strategies.

A strong IAW plan will look across short-, medium-, and long-term time horizons to cohesively and holistically map the potential to create and support quality jobs and workforce development. It will fully consider the benefits and impacts that the project will have on jobs and workers across every phase of the project and across dispersed geographic areas (i.e., both within and beyond the project host site). A good plan will define the scope, schedule, personnel, and budget to enact the plan, as well as identify key partners and relevant labor unions. A good plan will also evidence being two-

way, meaning that project developers respond to worker and union concerns and make decisions based upon them. Effective IAW plans will also build on, and work in concert with, the Engagement and DEIA plans. This includes discussion of Workforce Agreements and could also include using the social characterization assessments and stakeholder analyses to understand community needs and priorities, then identifying opportunities to tailor workforce development to support these aims.

Elements

This section should include the elements listed below. Please use headers to delineate elements.

Background and Experience

The Background and Experience element should briefly describe the project team's previous and planned efforts to provide above-average pay and benefits; properly classify employees in both the construction and ongoing operations phases; support the rights of workers to have a free and fair chance to join a union; and invest in equitable workforce development efforts. Applicants may briefly include information on proactive engagements or existing relationships with community and labor organizations (or reference the Engagement section); prior experience with Project Labor Agreements, Community Workforce Agreements, or other Collective Bargaining Agreements; lessons learned from prior efforts to provide quality jobs and equitable workforce development; and any other relevant information.

Quality Jobs

This section should include a cohesive description of plans to attract, train, and retain a skilled and diverse workforce for both construction and ongoing operations, production, maintenance, and scale-up activities to ensure project stability, continuity, and success. The anticipated quality of jobs may be indicated in a variety of ways–for example through specifying wages, benefits, opportunities for wage progression, classification as employees, and jobs for in-state workers. Worker-specific Workforce and Community Agreements are another way to signal quality jobs—applicants should discuss plans for such mechanisms in the Engagement section.

Human resources policies and procedures, regularly scheduled trainings, plans for offering skills-based assessments that could take the place of required credentials, and employee-led planning efforts may also be discussed, but should not be the primary indicators of job quality.

For more information on what constitutes a quality job, see the [Community Benefits Plan Frequently Asked Questions (FAQs)](#).[2]

Guiding questions for applicants include:
- What strategies will be used to fill the jobs the applicant plans to create?
- Based on the jobs that will be created as a direct result of the project, what mechanisms will be used for each job category to ensure quality?
- How will these jobs be sufficiently attractive to skilled workers in a tight labor market?

Based on the below indicators of job quality, describe specific mechanisms to ensure job quality for 1) construction jobs and 2) ongoing operations job(s). Indicators of job quality which may be described include, but are not limited to:

- Family-sustaining wages;
- Employer-sponsored health insurance and pension/retirement coverage options;
- Work-family benefits, such as paid family and medical leave, paid sick leave, other paid time off, and mental health support;
- Employer investments in training, such as safety and health management programs that include hazard prevention and control, safety and health training, and anti-harassment training;
- Caregiving supports like flexible schedules, telework, childcare facilitation, and back-up childcare;
- Predictable scheduling; and,
- Classification of workers as permanent employees.

Workforce Development

The Workforce Development element should provide a cohesive description of the applicant's plans to invest in workforce education and training, support workers' skill acquisition and opportunities for advancement, and utilize an appropriate credentialed workforce. Applicants are also encouraged to describe, or reference their DEIA section to indicate, how they will provide supportive services to help train, place, and retain individuals from underrepresented groups in good-paying jobs, registered apprenticeships, or other career-track training opportunities. To plan for this, the applicant will need to understand how the local labor force matches up with project needs, how the training and education opportunities can align with project needs, and how recruitment strategies should fit the local community.

Guiding questions for applicants include:
- What investments are the project team planning to make to ensure workers have the skills needed for the jobs that will be created?
- How will worker representatives, if applicable, be engaged in the design and implementation of those training opportunities?
- What is the project team's plan for employee retention and advancement?

Workforce training, education, and development

This piece of the Workforce Development element describes the broader workforce training and education landscape relevant to an applicant's project needs. Applicants may identify any existing programs in their project area and the potential for those programs to meet project needs. Applicants may describe plans to engage with training and education providers to ensure that project needs can be met by a trained local workforce. In addition, applicants may wish to identify displaced fossil energy workers and describe plans to retain or transition them to project-related jobs. This is a good time to cross-reference plans for labor-related engagement.

Employer investments in workforce education and training can take several forms, including:

- Participation in labor-management training partnerships, including registered apprenticeships and pre-apprenticeships;
- Commitment to employer contributions to training programs and paid time for employees to participate in skills training;
- Partnerships with community colleges;
- Sector-based approaches to workforce development;
- Promotion of worker voice in training programs;
- Provision of continuing education programs for employees to earn credentials and degrees relevant to their career pathways;
- Provision of personalized, modularized, and flexible skill development opportunities, such as performance-based assessments and on-demand and self-directed virtual training; and,
- Tuition or flexible scheduling for education and training.

For more information on Registered Apprenticeship Programs, see the [Community Benefits Plan Frequently Asked Questions (FAQs)](#).[2]

Continuing advancement and skill acquisition

Applicants may describe the mechanisms and/or steps the applicant will take to provide continuing workforce education, professional development, skill acquisition, and opportunities for advancement with increased experience, where relevant.

Applicants can describe their use of in-house corporate university programs or joint labor-management training programs that allow employees to gain new skills and move up the career ladder; plans to partner with local universities or third-party trainers to meet continuing education goals; and/or plans for starting a tuition reimbursement program. Additionally, applicants can signal commitment to providing continuing education and development with contributions to training programs and paid time for employees to participate in skills training and earn credentials and degrees relevant to their career pathways.

Applicants should describe plans to ensure their workforce will meet requirements for appropriate and relevant professional and safety training, certification, and licensure, including where appropriate utilization of graduates from registered apprenticeship programs.

Worker Rights

The Worker Rights element should describe whether workers can form and join unions of their choosing, and how they will have the opportunity to organize with the purposes of exercising collective voice in the workplace in both construction and ongoing operations. Applicants should also outline plans to ensure project success and continuity by mitigating labor disputes or strikes, including by demonstrating neutrality with respect to union organizing and supporting good faith negotiations. The Worker Rights element should include a description of activities and policies the project team will enact to ensure worker engagement in the design and execution of workplace safety and health plans; project team plans to ensure workplace health and safety and create worksites free from harassment and discrimination; and plans to track retention and address areas

of worker or workplace concern. Applicants should describe how Project Labor Agreements or Community Workforce Agreements will be utilized in construction activity and the level of commitment to collective bargaining for ongoing operations work (consistent with the Engagement section).

Worker organizing

Employees' ability to organize, bargain collectively, and participate through labor organizations of their choosing in decisions that affect them builds meaningful economic power, safeguards the public interest, contributes to the effective conduct of business, and facilitates the amicable settlement of disputes between employees and their employers. It therefore facilitates project efficiency and continuity and supports multiple public benefits. Applicant should explain how they will communicate and ensure employees have the free and fair chance to join or form a union. This description should include information on both construction and ongoing operations.

The following questions may help frame this element:
- What assurances are in place to enable workers to have a free and fair right to workplace organizing and union representation without retaliation?
- Which labor unions has the project team engaged with in planning construction activity?
- Has the applicant worked with labor unions in the past?
- If no engagement has occurred to date, please explain briefly and describe plans, if any, for future labor engagement before project initiation and during the project. What are the applicant's plans to ensure project success and continuity by mitigating labor disputes or strikes (e.g., labor peace agreements, good faith negotiations)?

Creating a safe work environment and a culture of safety

Applicants should describe the actions, policies, and procedures they will implement to ensure that workplaces are safe and healthy for workers. The plan may describe how the project will ensure the highest standards of workplace safety and health, including operational safety and personal safety, through the creation of a workplace that is free from harassment and discrimination and offers safeguards for worker health and well-being. The involvement of workers in designing and developing the plan is a key feature, and applicants should describe how they will ensure worker engagement in the design and execution of workplace safety and health plans.
Examples of these plans include:
- Instituting anti-harassment policies and training;
- Creating plans for staff safety/maintenance/operation training and development;
- Creating plans for developing a safety culture; and
- Conducting regular worksite health and safety reviews.

Retention

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

Milestones and Timelines

The Milestones and Timelines element should describe targeted outcomes and implementation strategies, including milestones, for Investing in the American Workforce. Key plans, such as negotiation of Workforce and Community Agreements, should be linked to an overall schedule for execution. Additionally, applicants are recommended to support this section with metrics to measure the success of the proposed actions.

Example of moving from goal to outcome to implementation

The initial stakeholder analysis and assessment of community history and dynamics of your potential project site revealed that, among the local population, levels of unemployment are high and educational attainment is relatively low. In addition, the job market lacks long-term career opportunities for local workers. Your analysis revealed that the high cost of higher education, coupled with high levels of poverty, have limited the ability of the local population to seek higher education. However, this population has access to vocational training courses. You want your project to support the local population and long-term economic development, and you also hope to hire employees who will be able to grow with the project over the long term to limit turnover and strengthen in-house expertise.

One **goal** you establish is to train and employ local individuals with a focus on developing and training to build long-term careers within the community.

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

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

Resource Summary

The Resource Summary should describe project resources dedicated to implementing Investing in the American Workforce activities including staff, facilities, capabilities, and budget.

DIVERSITY, EQUITY, INCLUSION, AND ACCESSIBILITY (DEIA) IN IDP

The Diversity, Equity, Inclusion, and Accessibility (DEIA) Plan describes the actions the project team will take, if selected for award, to foster a welcoming and inclusive environment; support people from groups underrepresented in Science, Technology, Engineering, and Mathematics (STEM), construction and operations workforces, and other applicable workforces; advance equity; and encourage the inclusion of individuals from underrepresented groups and those facing systemic barriers to accessing quality jobs in all phases of the project, across all proposed project sites, and within the project team. This section may also discuss activities to ensure equitable access to economic opportunities created from the project, as well as plans to provide comprehensive support services to increase representation and access in the project's jobs.

DEIA plans should describe steps taken to ensure an inclusive workplace environment committed to equal opportunity and free of harassment. This should include compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (2 U.S.C. § 2000d *et seq.*), the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act, and all other applicable civil rights laws and regulations. Note that DOE regulations for non-discrimination in federally assisted programs or activities are codified at 10 C.F.R. Chapter X Part 1040. An awardee may lawfully set placement goals—objectives or targets that are reasonable steps to advance equity in the workplace. See, e.g., 41 CFR 60-2.16. However, an awardee is expressly forbidden from setting quotas for individuals in a protected class. For example, an awardee can set a placement goal about broadening recruitment and outreach to increase the diversity of its applicant pool but cannot set a quota to hire two individuals from a protected class.

The Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce[28] defines Diversity, Equity, Inclusion, and Accessibility as:

Diversity means the practice of including the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people, including underserved communities.

Equity means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.

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[28] https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/#:~:text=%28e%29%20The%20term%20%E2%80%9Caccessibility%E2%80%9D%20means%20the%20design%2C%20construction%2C,with%20disabilities%2C%20can%20fully%20and%20independently%20use%20them.

Inclusion means the recognition, appreciation, and use of the talents and skills of employees of all backgrounds.

Accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them. Accessibility includes the provision of accommodations and modifications to ensure equal access to employment and participation in activities for people with disabilities, the reduction or elimination of physical and attitudinal barriers to equitable opportunities, a commitment to ensuring that people with disabilities can independently access every outward-facing and internal activity or electronic space, and the pursuit of best practices such as universal design.

What does "underrepresented" mean?

The term "underrepresented" is context-dependent and should be considered relative to the relevant communities, workforces, and locations. For example, according to the National Science Foundation's 2019 report titled, "Women, Minorities and Persons with Disabilities in Science and Engineering," women, persons with disabilities, and underrepresented ethnic and racial groups— blacks or African Americans, Hispanics or Latinx, and American Indians or Alaska Natives—are vastly underrepresented in the STEM (science, technology, engineering and math) fields that drive the energy sector. That is, their representation in STEM education and STEM employment is smaller than their representation in the U.S. population.[29] For example, in the U.S., Hispanics, African Americans, and American Indians or Alaska Natives make up 24 percent of the overall workforce, yet only account for 9 percent of the country's science and engineering workforce. DOE seeks to inspire underrepresented Americans to pursue careers in energy and support their advancement into leadership positions.[30] Underrepresented groups could also include those facing systemic barriers to quality employment, such as individuals with disabilities, returning citizens, opportunity youth, and veterans.

Process

There is no singular process for generating DEIA plans, and successful plans will iterate and evolve throughout project phases and in response to stakeholder input and needs. This process can and should overlap with activities in the IAW and Justice40 Initiative sections, and applicants can reference these components as applicable. Some common steps to create a DEIA section are:
- Formulate **why** the applicant is creating a DEIA plan for this project, beyond funding requirements. Common reasons for organizations to implement DEIA plans include: to cultivate a workplace culture that will attract and retain top talent, to align practices with the values members hold, to better communicate with clients and other stakeholders, and to act

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[29] https://ncses.nsf.gov/pubs/nsf19304/digest/about-this-report
[30] https://www.energy.gov/articles/introducing-minorities-energy-initiative

on research that a more diverse workplace will improve creativity and productivity.[31] Clarity on this vision for DEIA in the project will help to build buy-in for a plan that is implemented.

- **Assess** the current state of diversity, equity, inclusion, and accessibility in the organization and the economic opportunities (e.g., job opportunities, contracting opportunities, opportunities for suppliers) created from the project. This will be an initial assessment; if there are knowledge gaps, identify internal analysis needs and itemize those needs in the plan.
- Develop **goals and desired outcomes.** What does success in achieving these goals look like? How will it be measured?
- **Identify partnerships** critical to reaching desired goals and outcomes. Partnerships are key to reducing barriers to employment and ensuring that disadvantaged and underrepresented workers have access to jobs and training. Partnerships also can facilitate access to financing, insurance, and capacity development for minority- and women-owned businesses.
- Develop **implementation strategies** to reach those outcomes. This includes specifying roles and responsibilities, defining required resources, establishing accountability measures, and developing a timeline for executing the strategies.

How do we know if our DEIA plan is well developed?

An inadequate DEIA plan might include a few vague commitments to values without specific, actionable items. An inadequate DEIA plan may discuss the demographic makeup of the team without proposing plans for future work.

A good DEIA plan will include milestones; roles and responsibilities for who is executing the plan; timelines; and mechanisms for tracking progress and ensuring accountability. This includes identifying measures of success. A good DEIA plan is also one the organization will act upon to implement. This means that there needs to be pathways to buy-in for all the people who have roles and responsibilities for enacting it; evidence of having begun or mapped out those conversations can be useful.

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

There is a history of well-intentioned but rushed and not-fully-considered DEIA work that creates additional harms or burdens for underrepresented groups. Often people from underrepresented groups are asked to take on this work in a volunteer capacity or are informally consulted on various DEIA topics without compensation, sometimes by multiple employees or teams who think their ask is light and don't realize how it all adds up. It is critical to analyze who is being asked to carry the load, how other work responsibilities are shifted to accommodate it, and how compensation for this work is done. It is also critical to avoid tokenization – the practice of making only a perfunctory or symbolic effort to be inclusive to members of minority groups, especially by recruiting people from underrepresented groups in order to give the appearance of racial or gender equality within a

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[31] https://www.nature.com/articles/s41467-018-07634-8/

workplace or educational context. The de facto assumption or expectation that individuals speak for or represent views from an entire group should also be avoided. Recognition for DEIA work should not just be financial; it comes at the expense of other activities and may be considered in review and promotion. Potential methods to avoid overburdening members of underrepresented groups include, but are not limited to, hiring external consultants or experts to support DEIA work; paying and otherwise valuing members of your organization who do DEIA work; creating accessible "opt-in" mechanisms for participation; providing DEIA and/or implicit bias training to staff to promote an office-wide understanding of DEIA and the risks of overburdening underrepresented groups; creating safe and responsive channels for individuals to provide feedback about DEIA efforts; and offering support services to staff.

What are some ways to address systematic barriers to access?

Addressing systematic barriers to access is required to avoid occupational segregation. Wrap-around services, comprehensive support services, and more can work to remove such barriers and provide improved access to opportunities.

Elements

This section should include the elements listed below. Please use headers to delineate elements.

Background and Experience

The Background and Experience should describe prior and ongoing efforts by the project team relevant to DEIA, based on findings from an initial assessment that examines the context of DEIA within the team's organization(s), including any relevant accountability mechanisms. For example, it could describe efforts taken by the team to advance DEIA related to suppliers, partners, and other relevant entities; diversity of the broader workforce; and wealth-building opportunities. The description may include a discussion of how the project team's DEIA work fits in with the larger organization's strategy or include key data points, charts, or graphs.

Formulating a vision for DEIA in the project

It is helpful to clearly define why the applicant is creating a DEIA plan.[32] The internal process for formulating a DEIA vision will vary by organization, and the resources available (e.g., if the organization has a DEIA office). It may be useful to have an external facilitator work with the organization on a discussion of the DEIA vision, or it may just involve a team meeting. The key point is that team members are on the same page about the purpose of putting together a DEIA plan, as well as how it fits into existing efforts. It would be appropriate to include in the plan a few sentences on the outputs of that conversation (e.g., a DEIA vision statement).

Doing an initial assessment

Applicants should summarize the results of an initial assessment of DEIA in the project. There may be aspects where there is a lack of data, and in this case, gathering that data and analyzing it can be

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[32] Some information on vision and mission statements including DEIA can be found at http://www.nonprofitinclusiveness.org/building-inclusiveness-your-mission-and-values.

included in the DEIA plan, including specifying what data sources are needed, how to gather new data if needed, who will gather the data and analyze it, and how long it will take (this can be noted in the Resource Summary element). Applicants are encouraged to draw on both internal and external data (e.g., for benchmarking), as well as both qualitative and quantitative data.

Guiding questions for an initial assessment, and to help think about outcomes and implementation strategies, could include:

Assessing hiring, including collaborating and contracting with persons from underrepresented groups:

- How many people are in the organization, and what is the breakdown between management and staff?
- What percent of people employed in the organization are from underrepresented groups?
- What percent of management is from underrepresented groups?
- What percent of contracts are with minority-, women-, Veteran-owned, or other disadvantaged businesses?
- What percent of collaborators (project partners, research collaborators, co-investigators, sub-contractors) are from underrepresented groups? From MSIs? How are collaborations typically formed?
- How are current employment and diversity statistics benchmarked against appropriate comparison populations, such as existing employment data for specific STEM fields across the scientific community, and existing graduation rates in specific fields, using, for example, the data available through the National Science Foundation's (NSF) National Center for Science and Engineering Statistics,[33] NSF Science & Engineering Indicators,[34] and scientific professional societies?

Contracting with minority-, women-, Veteran-owned, and other disadvantaged businesses:

- Have federal, state, or local directories of certified minority-, women-, Veteran-owned and other disadvantaged businesses been explored? Numerous sources may help you identify businesses that have been certified by a government entity as a minority-, women-, Veteran-owned or other disadvantaged business.
- Have state or local government's small and minority business contracting offices been contacted? Many state and local governments have offices that serve as a conduit on key issues affecting the small and disadvantaged business communities. They may also provide services to connect minority- and women-owned and other disadvantaged small businesses to contracting and procurement opportunities.
- What Chambers of Commerce are in the project area? There are many chambers that specifically represent minority-, women-, Veteran-owned, and other disadvantaged

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[33] https://www.nsf.gov/statistics/seind/

[34] https://ucd-advance.ucdavis.edu/post/nsf-science-and-engineering-indicators#:~:text=NSF%20Science%20and%20Engineering%20Indicators%20Quantitative%20information%20on,the%20U.S.%20and%20international%20science%20and%20engineering%20enterprise.

businesses. Working with these chambers can help you identify and connect with minority-, women-, Veteran-owned, and other disadvantaged businesses.

- Has the company hosted or participated in supplier diversity programs or training? To increase supplier diversity, many companies host supplier diversity programs and training to identify and connect with minority-, women-, Veteran-owned, and other disadvantaged businesses.

Assessing DEIA training and culture in the organization:

- Does the project or organization have an existing DEIA mission statement and philosophy?
- Do project leaders actively enact this DEIA mission, especially as it informs creating a diverse and inclusive work environment? Provide examples.
- What percentage of organizational resources, in terms of staff, staff time, and funding goes to DEIA activities?
- Is there a reporting process that tracks DEIA milestones and metrics in the organization? Does the reporting process involve transparent, third-party reporting systems, and incorporate employee feedback?
- What existing employment, salary, retention, and promotion data is tracked about the organization? Is it disaggregated by race, gender, and other variables? Is this data shared with employees and/or made public?
- What are the DEIA training requirements and learning opportunities for employees? What mechanisms are used to measure the effectiveness of these training activities?
- How are participation and outcomes tracked, measured, and shared? Are there DEIA elements in staff performance appraisals, and clear guidance and examples of how employees will be evaluated and what successful performance looks like?
- Are these policies and practices well-known among the employees? What percent of employees are familiar with them?
- Are these policies and practices clear and effective?

Recruitment:

- What percent of job applicants are from underrepresented groups? What percent of hires are from underrepresented groups?
- How diverse are the workforce recruiting networks (e.g., outreach programs and job groups)?
- What efforts are taken to remove bias from job description language and developed objective hiring criteria? Examples could include using gender-neutral pronouns and job titles; scanning for gender-coding or other phrases that signal unconscious bias towards age, race, or culture; and evaluating language for being welcoming to applicants with disabilities.
- What training is offered to address implicit bias and ensure effective interviewing? Is anonymous resume screening conducted, i.e., without candidate personally identifying information?

Retention and promotion:

- Are candidates assessed on their aptitude for supporting DEIA goals and an inclusive workplace culture, using standardized behavioral interview questions?
- How robust and transparent are pay equity processes and are these grounded in statistical analysis with annual reviews? Are there formal remediation protocols?
- What employee benefits, policies, resources, and initiatives exist to improve well-being and address the needs of employees across career stages and personal family circumstances (e.g., family support services/childcare, alternative and flexible work schedules)?
- What strategies are in place to retain workers from underrepresented groups?
- Are promotion strategies tracked with an eye towards equity? Are voluntary and involuntary separations tracked with disaggregated data to examine trends?
- Are there mentorship opportunities and programs? If so, are they currently staffed and utilized equally by individuals from different identity groups?
- Does your organization have a process for requesting and providing reasonable accommodations?

Assessing knowledge sharing:

- How diverse is the target audience when disseminating results? For example, is there prioritization of MSIs, underserved communities, or organizations working with underserved communities when sharing details and research outcomes of the work?
- How transparent and accessible is the information shared? Is information publicly disseminated and through what channels?
- Is data presented in meaningful ways for the purposes of community engagement and interpretation?
- Could the communication channels and language be rendered more accessible? Are there different forms of communication that need to be employed, e.g., for communities with different levels of digital access? What about language accessibility for speakers of other languages?
- Is the process of disseminating results empowering to those communities involved? In other words, are communities in a position to use the knowledge to pursue their priorities? If not, is there anything that could be done to facilitate this?

For more information on the following topics, see the [Community Benefits Plan Frequently Asked Questions (FAQs).](#)[2]

- *What are Minority Serving Institutions?*
- *Which Executive Orders describe the Administration's priorities on diversity, equity, inclusion and accessibility?*
- *What types of communities have been denied systematic fair, just, and impartial treatment?*

Strategies, Milestones, and Timelines

This element should describe outcomes and implementation strategies, aligned with project phases and established workplans. This is recommended to include milestones, work descriptions, and a timeline for execution. This could be presented in table or graphical form, or as narrative.

The DEIA Plan schedule should define the timeline on the same schedule as the Integrated Project Schedule (IPS) and Workplan. This element is recommended to include anticipated barriers to achieving certain goals, such as lack of organization support, funding, and expertise.

Moving from goals to outcomes to implementation strategies

A goal is an aspiration, while an outcome is what it looks like when the goal is achieved. The implementation strategy spells out what needs to happen to reach that outcome, when it will happen, and who will do it.

Below is a list of actions that can serve as examples of ways the project could incorporate diversity, equity, inclusion, and accessibility elements. These examples should not be considered either exhaustive or prescriptive. Applicants may include appropriate actions not covered by these examples and should include a comprehensive set of specific DEIA actions anticipated in connection with the project.

A good DEIA plan will include both **outcomes** and **implementation strategies** in one or all of these areas. Please note there may be important DEIA activities that do not fit into these areas. Below are some examples of goals that may be identified through an initial assessment:

- **Collaboration and contracting: Include, collaborate with, and contract with persons from underrepresented groups**
    - Identify minority business enterprises and minority-, woman-, and Veteran-owned businesses to solicit as vendors and sub-contractors for bids on supplies, services, and equipment.
    - Identify workforce training programs hosted by the proposed project and/or nearby organizations to foster improved access to jobs for members of the community, including individuals underrepresented in relevant industries and those facing barriers to employment, such as those with disabilities and returning citizens.
    - Support quality pre-apprenticeship programs in the local community to improve access to career-track training and jobs for underrepresented workers, including returning citizens. Who will be partnered with to ensure successful outcomes?
    - Participate in High Road Workforce Partnerships[6] that include community-based organizations, local government, and union programs that serve populations with barriers to employment such as women, residents of disadvantaged communities, returning citizens.
    - Plans can include information and commitments for hiring, retention, contracting, collaboration, and workforce development.

- **Organizational and cultural change: Create or contribute to existing diversity, equity, inclusion, and accessibility programs at the applicants' organization**
    - Enhance or collaborate with existing DEIA programs at the home/project team organization.
    - Implement evidence-based, diversity-focused education programs (such as implicit bias training for staff) in the organization.
    - Dedicate time and resources for team members to engage in DEIA training, networking, and learning opportunities externally.
    - Institute or improve reporting process for tracking DEIA milestones and metrics in the project.
    - Look for ways to make the worksite more accessible.

- **Education and outreach: Consider DEIA when sharing knowledge or results**
    - Disseminate results of research and development in MSIs or other appropriate institutions serving underserved communities.
    - Make data available and accessible to communities that may be interested.
    - Work with community groups to figure out how results or insights from the work could be useful for community priorities.
    - Create educational opportunities for schools or other educational institutions in underserved communities where the project team could share their expertise on topics that the communities are interested in.

- **Sustainability: Consider DEIA leadership engagement, DEIA organizational structure and resources, and DEIA integration**
    - Integrate DEIA into strategic planning, mission, and communications.
    - Advance accountability through DEIA performance goals.

In addition to describing any plans for partnerships with MSIs, Minority Business Enterprises, and minority-, woman-, and Veteran-owned businesses, the applicant may also demonstrate how the project will support a diverse and inclusive workforce by advancing high wages and reducing income disparities across race and gender lines. Applicants may describe geographically targeted outreach (e.g., presentations at job fairs) in communities, use of banners and billboards near the proposed project, online advertising, and other plans for making sure people have equitable access to career-path employment. This can reference IAW and Justice40 Initiative sections as applicable.

For more information on the following topics, see the [Community Benefits Plan Frequently Asked Questions (FAQs)](#).[2]

- *What are specific DEIA Actions that I should consider?*
- *What are strategies to expand opportunities on my construction project for women, economically disadvantaged, local workers?*
- *What are quality pre-apprenticeship programs or apprenticeship readiness programs?*
- *What is the U.S. Department of Labor's Mega Construction Project Program?*

Example of moving from goal to outcome to implementation

Within your company, you lead a team pursuing the goal to fully decarbonize process emissions from your production lines by 2040. You and your company are thinking through ways to increase meaningful actions on DEIA in your project. You want your project to be an example in your industry on how to do this well. Currently, the company DEIA assessments demonstrate that a) your company currently works with no vendors that are minority business enterprises or minority-, woman-, and/or veteran-owned businesses and b) the racial/ethnic, gender, and disability makeup of your company's employees, especially the leadership, are less diverse than both the local and state populations.

To address these two aspects, you develop two **goals** (among several others) to: a) increase the diversity of your suppliers/vendors and b) build DEIA by recruiting more individuals from underrepresented groups into your company. U.S. census data shows that Black and Latinx individuals and women have historically been underrepresented in STEM employment.[35]

You may set the following **outcomes**:
a) Within three years, a goal of at least 15% of suppliers/vendors are from minority business enterprises or minority-, woman-, and/or veteran-owned businesses. Within six years, increase to a goal of 35%.
b) Increase the number of internships and fellowships for underrepresented STEM students by a goal of 25%. Increase the racial/ethnic, gender, and disability diversity of your company's leadership positions by a goal of 100% (i.e., double the percent of leadership positions held by individuals who are people of color, woman or gender nonconforming, and/or have a disability) over the next six years.

Your **implementation strategy** for these goals may involve:
A) Identifying established minority-, woman-, and/or veteran-owned business vendors and soliciting bids for goods and services that your project requires; reaching out to MSIs with relevant research groups to explore partnerships on data collection, monitoring, and analysis for this project; and developing a system to track and report key metrics related to diverse sub-contracting on this project.
B) Creating fellowships for underrepresented STEM students; creating an internship program with local institutions of higher education, including MSIs, HBCUs, and tribal colleges and universities; conducting outreach and recruitment to reach underrepresented students and potential new hires; hiring an expert to consult on ensuring workforce development and sub-contracting project activities incorporate DEIA throughout; and hiring an MBE consulting firm that specializes in increasing diversity for leadership positions.

Resource summary

This element provides a summary of resources dedicated to implementing the DEIA section. This should include information about staff (number, time on project, educational qualifications, and experience); contracting or partnering organizations with relevant expertise; and facilities, capabilities, and budget (both federal and cost share) that will support implementing engagement activities. It can also include information about how any identified barriers can be overcome and how the required resources will be obtained.

GREATEST BENEFIT FOR THE GREATEST NUMBER IN IDP

Section 50161(d) of the IRA directs the Secretary to give priority consideration to projects based on three factors, including projects that "provide the greatest benefit for the greatest number of people within the area in which the eligible facility is located."[36] Applicants should describe the type and magnitude of benefits that will flow to communities within the area in which the eligible facility or facilities is/are located ("surrounding community/communities"). Meaningful engagement with impacted communities is essential to maximize community benefits and is covered in detail as part of the Engagement section.[37]

While this section may summarize or reference information already described in other parts of the CBP, it should clearly delineate benefits to the surrounding community or communities within the vicinity of the specific facility or facilities included in the proposed project.

Process

There is no singular process for generating plans related to surrounding community impact, and successful plans will iterate and evolve throughout project phases and in response to stakeholder input and needs. Impacts can be experienced by groups as positive ("benefits"), neutral or ambiguous ("neutral/uncertain impacts"), or negative ("negative impacts"). Applicants are encouraged to report all anticipated impacts inclusive of benefits, neutral/uncertain impacts, and negative impacts. Core elements of these assessments include evaluations of impacted

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[35] https://www.census.gov/library/publications/2013/acs/acs-24.html

[36] Section 50161(d)(2) of the IRA (42 U.S.C. § 17113b(d)(2)).

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

communities/groups, identification of impacts and where they flow, and assessment of information gaps. Using information from these assessments, applicants should develop an Implementation Plan including Milestones, and Timelines that outlines concrete steps the project will take to advance beneficial outcomes; minimize negative impacts; and measure, track, and report project impacts. Applicants should also complete an assessment of the barriers to realizing benefits and minimizing negative impacts and propose plans to mitigate those barriers. Applicants are recommended to consider impacts to groups, communities, and Tribal entities for all inputs and outputs along the full lifecycle of the project and facility, in addition to impacts at the project site(s) or work location(s).

How do we know if our "Greatest Benefit" section is well developed?

An inadequate Greatest Benefit section might include vague descriptions of benefits and negative impacts and/or a broad characterization of the surrounding community or communities within the vicinity of the facility or facilities that lacks a detailed characterization of community priorities and existing or cumulative burdens. An inadequate Greatest Benefit section might include only broad statements of intent to provide benefits, without credible implementation plans to measure, track, report, and adjust the project to ensure the delivery of benefits. An inadequate section might lack mechanisms for community input to identify benefits and shape project direction.

A good Greatest Benefit section will include specific benefits and negative impacts and display an understanding of how these impacts unfold over time, and propose methods for measuring, tracking, and reporting of those impacts. It will also match benefits to community preference and provide opportunities for communities and labor to engage in defining and monitoring these impacts. Good plans will also provide a clear assessment of where those impacts may flow. Good plans will define concrete actions to maximize benefits to surrounding communities and minimize negative impacts, and define clear milestones, timelines, roles, and responsibilities for who is implementing the plan. A good plan is also one your organization will secure buy-in from every individual who has a role or responsibility related to the plan. It may be useful to provide evidence of steps or mechanisms that can be, or have already been, taken to ensure everyone understands the plan and their specific responsibilities, and that they feel committed to the plan's success.

Elements

This section should include the elements listed below. Please use headers to delineate elements.

Assessment of facility/facilities vicinity and surrounding community/communities

The applicant should describe what boundaries are used to define the "surrounding community/communities" and the methodology used to make that determination. For example, applicants could describe areas of effect related to pollution reduction and worker recruitment in relation to nearby population areas. Multi-site projects should include this description for each site. Applicants should also describe how many people are within the defined area(s) and the source used to make that determination.

Guiding questions for an assessment could include:

- Review the Community History and Dynamics and Stakeholder Analysis elements of the Engagement section: What communities or groups are within the project's affected area(s), or would otherwise be impacted by the proposed project?
- Once a list has been created of communities or groups broadly defined, consider if there are subsets of the groups or community that might face additional impacts based on other categories that are not captured at the larger group or community level, including socioeconomic, demographic, or geographic/physical factors that can contribute to inequality, such as gender, citizenship, socioeconomic status, language accessibility, race/ethnicity, age, disability, education, physical or geographic barriers or structures, and access to transit.
- Determine what types of data/descriptors can be used to best describe or specify each community or group at the most granular level possible, including any sub-groups as identified above. Focusing at a granular level may reveal linkages or patterns that are lost at a higher level of analysis, which can be important in understanding—and acting to address—the inequitable distribution of benefits and harms among different groups, especially with an eye towards cumulative burdens. For example, while the construction of a new facility might impact electricity pricing across an entire region, the impacts of these changes will be experienced differently by communities within a city, e.g., by groups who have non-routine work hours or medical conditions that require constant power. Different groups or communities may have different types of data/descriptors that are most accurate or informative, but could include: city, town, or county boundaries; neighborhood; private property borders; Tribal lands; census tract number or census block group number; geological feature boundary; map or shapefile; groups with similar characteristics (e.g., migrant workers or Indigenous Americans); groups utilizing resources in a particular way; and/or full address (could include radius of effect).
- Revisit and revise this list after identifying project impacts: Where and to what communities or groups could these impacts flow? Add any communities or groups to this section.

This section should also reflect any feedback obtained through engagement from impacted communities/groups.

Surrounding Community Benefits

This element should describe all anticipated project benefits, including the expected magnitude of those benefits and under what conditions they could occur. Below is a list of steps applicants could take to assess project benefits and where/to whom those benefits will accrue. This is a good place to reference the IAW section and the Engagement section.

Identifying Project Benefits and Metrics

Benefits include environmental, economic, health, social, or other benefits, including benefits defined by impacted communities. While tracking benefits may include tracking direct investments, benefits

are much broader than direct investments. Applicants may reference DOE's eight policy priorities related to the Justice40 Initiative, outlined in the Justice40 Initiative section below. Benefits that are relevant for a particular applicant will depend on the project and the location, as well as on the priorities and needs of the surrounding community/communities. To the greatest extent possible, applicants should work with the surrounding community/communities early and often to define what benefits are most relevant to them.

At a minimum, applicants should discuss any benefits related to creation or retention of quality jobs and reductions of air pollution, water pollution, and other waste streams compared to the pre-project baseline.

Benefits should be quantifiable, measurable, and trackable to the greatest extent possible. Applicants should describe the metrics and units of measurement that could be used to track each benefit. It is likely that applicants include qualitative alongside quantitative benefits. Benefits will be reported to DOE and tracked throughout the project.

Guiding questions for an initial assessment of project benefits could include:

- To what extent does the proposed project provide ancillary environmental benefits, such as reductions in criteria air pollutants and hazardous air pollutants?
- Does your project involve any clean up or remediation of legacy waste or hazardous pollutants?
- Does the project aim to remedy past harms (e.g., remediating existing pollution)?
- To what extent does the proposed project provide social benefits (any benefit that affects people)? To what extent are those benefits inherent in the project, or contingent on external policy, social, or economic factors?
- Does the project include community-based organizations as key partners? Does the project feature participation by communities that enables them to influence key decisions?
- Does the project include Workforce and Community Agreements with traditionally excluded groups?
- To what extent will the proposed project spur enterprise creation, for example through contracts with other businesses or organizations?
- To what extent will the proposed project result in quality job creation, workforce development, and other economic benefits? This can reference the IAW section.
- Does the proposed project have engagement or technical assistance activities that can increase capacity in other organizations or groups?
- To what extent will the project provide other benefits relevant to the surrounding community that are not captured in the above?
- For all benefits identified, what metrics or units could be used to measure, track, and report those benefits? Are there metrics or sets of metrics that can be used to account for both baseline values (existing values) and changes in communities or groups?

- How can benefits be measured, estimated, or modeled? How can these values be checked to ensure they reflect experience on the ground? What opportunities are there for community participation in the measurement, estimation, or modelling of benefits?

Assessing where/to whom benefits will flow

Once project benefits are identified, applicants must provide an initial assessment of where/to whom they will flow within the surrounding community/communities. Applicants are encouraged to look at which groups of people, based on characteristics including gender, economic sectors, neighborhoods, and social institutions, will most directly benefit.

Guiding questions for an initial assessment of where and to whom benefits will flow could include:

- Which impacted communities are most likely to receive which benefits?
- What are the mechanisms by which the benefits listed will accrue in different communities or groups? How do those mechanisms impact which communities, groups, or sub-groups may have greater access to those benefits?
- Are there social, economic, geographic, or other barriers that would prevent a specific benefit from accruing in a particular community or group?
- What established pathways, structures, relationships, or mechanisms (social, economic, geographic, or other) already exist that would enable certain benefits to easily flow to some communities or groups but not others?
- Does the proposed project team have existing plans or relationships that would affect how benefits are likely to flow?
- For each benefit, what is the expected timeframe over which that benefit will accrue? Do different groups or communities experience a benefit on different time scales?
- For benefits that have a clearly defined geographical area of effect, what is that geographical area? Which communities or groups would receive these benefits? Are the benefits evenly distributed within this geographical area? If not, how can an apportionment of benefits within this area be estimated?
- For benefits without a clearly defined geographical area of effect, what factors might impact which groups are most likely to receive project benefits? Are any of these factors more or less likely to occur for the proposed project due to economic, geographic, or other factors?

Assessing alignment to community priorities

Briefly describe how well the anticipated project benefits align with community priorities. This description can build on any information contained in the two-way engagement statement in the Engagement section regarding the extent to which the surrounding community or communities have already indicated support for the proposed project. Have other community-based organizations or relevant groups identified community priorities that align, or do not align, with project benefits?

What if some of my benefits are hard to quantify or track?

To support transparency and ensure beneficial project outcomes, benefits should be quantifiable, measurable, and trackable to the greatest extent possible; however, it is expected that applicants

include qualitative alongside quantitative benefits. Applicants should strive to list all anticipated benefits, even if they cannot be quantified currently or in the future.

Illustrative Example of a "Greatest Benefit for the Greatest Number" Project Benefit

Your steel manufacturing facility has been operating outside of a small town for the past 50 years. Your company has decided to convert the facility to run on hydrogen powered by renewable energy. Within the past five years, the plant experienced two incidents leading to short-term exceedances of standards for hazardous air pollutants. Your steel plant is one of three manufacturing facilities, including the coke works that produces the feedstock for your plant, within a five-mile radius. Emissions from each plant are covered by EPA standards, but the cumulative emissions of all three plants expose the surrounding community to relatively high levels of nitrogen oxides (NO_x), sulfur oxides (SO_x), and particulate matter (PM). A "Greatest Benefit for the Greatest Number" project benefit assessment could include:

- Through your analysis of community health data and conversations with community groups, you have identified that the surrounding community experiences above-average rates of asthma and other chronic and acute respiratory issues. These issues disproportionately affect local children under the age of 18 and adults over 65.
- Your analysis and community conversations have also revealed that lower-income children and older adults struggle to afford medication and other health services to adequately treat their respiratory conditions. Children with severe asthma also have lower attendance at local schools on days when the facility has logged higher-than-average emission levels.
- Relevant metrics and units could be 1) kg/year reduction in each pollutant species, 2) quantity of NO_x, SO_x, and PM emissions (ppm) and change compared to pre-project baseline (%), 3) asthma rates using CDC asthma data, 4) number and duration of hospital visits for asthma and other respiratory issues, and 5) school attendance rates for children with asthma (relative to students without asthma).
- Your company plans to work with a local university or other entity familiar with engaging communities in air pollution and health impact monitoring. Through this partnership your project will support community participation in making plans to measure and publicly report the data outlined above and other metrics identified by the community. As part of your Community Benefits Plan, you will report results quarterly in a public meeting and perform an annual review of the process with public input to determine if any changes are necessary.
- In addition to this monitoring and assessment, part of your community benefits plan includes a process to work with the surrounding community to identify what project benefits align with community priorities/needs and to co-create a plan to bring those benefits to fruition.

> Note: This is an example of monitoring one community benefit; a strong CBP will showcase how the applicant intends to monitor multiple community benefits. Benefits should be quantifiable, measurable, and trackable as the project progresses.

Surrounding Community Negative Impacts

This element must describe all anticipated project negative impacts. If this project could result in air or water pollution, ecological impacts, aesthetic, historic, cultural, economic, social, or health impacts, applicants should clearly describe the expected magnitude of those impacts and under what conditions they could occur. This section should describe where and to whom negative impacts will flow within the surrounding community/communities, and how they relate to existing surrounding community concerns. Negative impacts will be reported to DOE and tracked throughout the project.

In this element, applicants can also include any impacts which are neutral/uncertain or otherwise not included in the "benefits" section. Because in some cases different groups or communities could experience the same impact as a benefit, disbenefit, or neutral impact, classification of impacts as benefits/neutral/negative should reflect the views of the various impacted communities/groups to the greatest extent possible. For example, building a road as part of project construction plans may increase accessibility or connectivity for some communities, while other communities may be burdened by increased traffic-related air or noise pollution or traffic safety risks. It is understood that impacts may be classified differently throughout the life of the project or for different projects due to deepening understanding of community priorities and concerns. These are classifications that can be updated in conjunction with community engagement.

Assessing project negative impacts

Potential negative impacts could include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health impacts**.** Applicants should consider direct impacts, indirect impacts, and cumulative impacts. Negative impacts should be quantifiable, measurable, and trackable to the greatest extent possible; it is expected that applicants include quantifiable alongside qualitative metrics. To the greatest extent possible, applicants are recommended to work with impacted communities early and often to define the negative impacts that are most relevant to them.

Applicants are highly encouraged to leverage information reported elsewhere in the application, including the Environmental Considerations Summary, to assess potential project negative impacts.

Guiding questions for an initial assessment of negative impacts could include:

- Which questions and responses in the Environmental Considerations Summary are relevant for the project and can be included in this assessment? Applicants are highly encouraged to use the Environmental Considerations Summary questions as a baseline assessment of project negative impacts.

- How does the proposed project rely on limited resources such as freshwater, land, critical and minerals?
- What environmental pollution or waste streams (including those discharged to air, water, and/or soil) will the project generate, both during the project execution phase and after, if equipment remains in operation?
- To what extent will the proposed project increase energy prices and/or energy burdens?
- To what extent will the project impact land-use patterns (e.g., leading to increased reliance on cars)?
- To what extent could your project impact home values, gentrification, or other indirect impacts?
- Would the proposed project be located on or adjacent to Tribal lands, lands considered to be sacred, or lands used for traditional purposes? Describe any known Tribal sensitivities for the proposed project area(s).
- What metrics or units could be used to measure, track, and report impacts? Are there metrics or sets of metrics that can be used to account for both baseline values (existing values) and changes in communities or groups?
- How would negative impacts be measured, estimated, or modeled? How can these values be checked to ensure they reflect experience on the ground? What opportunities are there for community participation in the measurement, estimation, or modelling of impacts?

Do we need to include negative impacts or other impacts not included in "benefits" that are unlikely or have a low probability of actually occurring? What about impacts where we already have a mitigation strategy in place?

Yes. All potential negative impacts should be reported, even those that are low probability and those for which the applicant has already planned or implemented strong mitigation strategies. There is a forecasting element to this work, and it is not expected that applicants have exact predictions about every indirect impact. Generally, it is better to evaluate all potential impacts, direct, indirect, and cumulative, and characterize the knowledge base and uncertainty whenever possible.

Assessing where and who is impacted
This process is similar to the "Assessing where/to whom benefits will flow" topic above.

Assessing how negative impacts interact with existing cumulative burdens
A key factor in assessing impact is the concept of cumulative burdens—when certain communities or groups are disproportionately exposed to multiple burdens that can compound or interact in detrimental ways.[38] Whereas a slight increase in a negative impact, for example increased energy

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[38] For example, a single community may be located in an urban heat island, be low-income, have poor public transportation, and be located in a food desert. If that community experienced a period of contaminated tap water where residents had to rely on bottled water to drink and cook – these cumulative burdens could interact and compound by making access to bottled water extremely difficult, whereas a wealthy community experiencing an identical contaminated tap water issue may not be impacted as significantly due to easier access to bottled water and/or high-cost filtration systems.

burden, might have minimal consequences on one community (e.g., a high-income community) that same quantity of increase may have a huge effect on a different community (e.g., low-income community already facing high energy burden).

Applicants are asked to describe how anticipated flows of project negative impacts will interact with each other and with existing cumulative burdens in each impacted community. Applicants may reference the Justice40 Initiative section to clearly describe the extent to which project negative impacts could exacerbate existing burdens in disadvantaged communities.

Assessment of Information Gaps

This element should describe where additional work is needed to fully assess or measure potential project impacts or impacted communities. Applicants are expected to provide thorough and comprehensive assessments to the greatest extent possible; however, DOE recognizes that certain elements of this information may not be available at the time of application. Applicants should identify areas in the above assessments where additional work is needed to fully characterize impacted communities, project impacts, and where those impacts flow. Applicants should outline research, engagement, and analytical goals to clarify the unknowns as part of their implementation plan.

Implementation Plan, Milestones, and Timelines

This element should describe strategies and methods to maximize benefits; minimize negative impacts; and measure, track, and report impacts. Applicants are encouraged to include a schedule detailing when and how this work will be conducted that aligns with the IPS and Workplan. The core of the Implementation Plan, Milestones, and Timelines element is to move from goals (delivering the benefits and minimizing the negative impacts identified in the Greatest Benefit assessments) to outcomes (specific, measurable outcomes that will indicate when those goals have been achieved) to implementation strategies (actions to reach the outcomes). Applicants may want to create a table or diagram that specifies goals, outcomes, and implementation strategies, mapping these to your timeline.

Applicants should specifically address what instrumentation, testing, and data analysis will be used to monitor air pollution and water pollution during the entire project lifecycle, including baseline information if at an existing facility. Applicants should also clearly describe how the plan includes accountability, feedback, and transparency mechanisms with the surrounding community/communities, such as community agreements and access to/participation in collecting project data. This may reference the Engagement section.

Information to include on the schedule:

- **Project Milestones for maximizing benefits and minimizing negative impacts**: A description of the technical, analytical, and engagement work of the project which could lead to increasing project benefits and decreasing project negative impacts for surrounding communities.

- **Project Milestones to measure, track, and report project impacts:** A description of the technical and communications work of the project to track, monitor, and report project impacts, including specifying how the surrounding communities will be able to access monitoring data. Applicants are highly encouraged to describe how community feedback will be used to align CBP activities to be responsive to community needs.
- **Project Milestones to elucidate information gaps:** An effective schedule may include a brief list of tasks that will be carried out to clarify unknowns, including prioritization and who will be responsible for these research and analytical activities.
- **Updates to assessments**: A description for how, when, and how frequently the project expects to update its Greatest Benefit assessments, including a clear indication of when any portions of the assessments that are unknown at the time of application will be completed. This may also include some mechanism for evaluating progress. Effective assessments will also be updated based on what is learned from community and stakeholder engagement, i.e., there may be additional impacts that stakeholders would like to see addressed.
- **Future work:** A description of potential CBP activities for future work either under DOE awards or the lifecycle of the project.

Example of assessing a project negative impact and moving from goal to outcome to implementation

Following the example outlined above for a company converting its steel manufacturing facility to run on hydrogen powered by renewable energy, a negative impact assessment could identify various impacts:

- You determine that constructing a new hydrogen power system will temporarily increase truck traffic and corresponding air pollution from diesel fuel. It will also pose safety risks to pedestrians moving along truck routes and will increase wear on local roads.
- As described above, the community experiences high rates of respiratory issues correlated with NO_x, SO_x, and PM emissions. Truck-related air pollution may further exacerbate these issues for vulnerable populations, including children and older adults.
- Through your analyses and conversations with communities, you learn that the road connecting the highway to the construction site passes by the local school and public library. Many community members walk from their homes to these buildings. The quality of sidewalks is poor, so many pedestrians, including those with wheelchairs, walkers, and other mobility aids, often travel in the street. Increased truck traffic on this street may increase risks to mobility-impaired individuals and to others who frequently visit these buildings, including children.
- Your analyses and conversations also reveal that local roads have not been repaved in over 50 years. Potholes have caused damage to the cars of community members and have been linked to increased traffic accidents. Increased truck traffic will further erode local roads.

Based on this information, one of the **goals** you set is to minimize air pollution from truck traffic.
Your measurable **outcome** may be that PM2.5 does not increase in your defined project area.
Your **implementation strategy** may involve several coordinated steps:

- Purchasing and providing air monitoring equipment that can also be used by a community-based organization to jointly monitor PM2.5 and provide baseline data.
- Setting up a platform for data sharing on air monitoring or granting money to a community-based organization to do this.
- Working with the local highway department to explore alternative truck routes and ensure that any rerouting plan does not exacerbate pollution for other frontline communities.
- Exploring alternative shipping methods to determine options for lower impact.

A second **goal** could be to improve pedestrian and vehicle safety on the road.
Your measurable **outcome** may be that both vehicle-vehicle and vehicle-pedestrian accidents decrease after your project compared to the pre-project baseline.
Your **implementation strategy** may involve several coordinated steps:

- Track traffic incidents (including accidents that involve vehicles or vehicles and pedestrians).
- Work with the community to proactively communicate about construction activities and add additional signs and communication materials to alert people to potential danger from increased truck traffic.
- Re-pave the road and sidewalks after construction is complete while providing safe methods to traverse this road during the paving timeframe.

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Note: These are just a few examples of a negative impact, however, a strong CBP will identify and address various negative outcomes. Negative impacts should be quantifiable, measurable, and trackable as the project progresses.

Addressing barriers to realizing benefits and minimizing negative impacts

This element includes a description of barriers to realizing benefits and minimizing negative impacts. While there may be the theoretical potential to create benefits or to minimize negative impacts, this may fail to be done in practice due to foreseeable challenges or barriers. With this in mind, this element addresses the gap between ambition and reality, and how to ensure that benefits or risk mitigation measures can actually be delivered. This activity may surface additional actions to add to the plan. It may also help identify external factors, which can in turn inform the Engagement section.

Guiding questions for realizing benefits could include:

- To what extent are identified benefits inherent in the project or contingent on external policy, social, or economic factors? What are these factors?
- What could be barriers to delivering these benefits?

- What would need to be done, by people on the project team and by people external to the organization, to overcome these barriers?

Guiding questions for minimizing negative impacts could include:
- What could be obstacles to the project team's plans for minimizing negative impacts?
- What would need to be done, by people on the project team and by people external to the organization, to overcome these barriers?

Resource Summary

The Resource Summary element should describe project resources dedicated to implementation; tables, lists, or other figures may be used. Include information about staff (number, time on project, and experience), facilities, capabilities, and budget (both federal and cost share) that will support implementing the plan.

JUSTICE40 INITIATIVE IN IDP

Executive Order 14008 created the Justice40 Initiative which established a goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities. Applicants should submit a Justice40 Initiative section within the CBP that describes plans to address energy and environmental justice (EEJ) across all proposed sites and in support of disadvantaged communities, which will maximize the likelihood of successful IDP projects. Meaningful engagement with impacted communities is a key component of environmental justice and is covered in detail as part of the Engagement section. Applicants should provide an overview of benefits to disadvantaged communities that the project can deliver, supported by measurable milestones, and a description of plans to advance energy and environmental justice (EEJ) through their project. Justice40 impacts should be quantifiable, measurable, and trackable. If no project sites or related activities are located within or near a community and/or disadvantaged communities, applicants should provide a detailed explanation to support this conclusion.

This section may summarize or reference information already described in other parts of the CBP, but must clearly delineate impacts to *disadvantaged communities* specifically (see below, "How are disadvantaged communities defined?").

What is environmental justice?

Environmental justice is the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no population bears a disproportionate share of negative environmental consequences resulting from industrial, municipal, and commercial operations or from the execution of federal, state, and local laws, regulations, and policies. Meaningful involvement requires effective access to decision makers for all, and the ability in all communities to make informed decisions and take positive actions to

produce environmental justice for themselves—and as such closely relates to meaningful engagement as described in the Engagement section.

In other words, environmental justice addresses both how benefits and harms are distributed among groups (distributive justice) and whether there is meaningful involvement in decision-making (procedural justice).

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

What is energy justice?

DOE defines energy justice as "the goal of achieving equity in both the social and economic participation in the energy system, while also remediating social, economic, and health burdens on those disproportionately harmed by the energy system."[39] Equity is distinct from equality because equity recognizes that harms and benefits have not been distributed equally, and that just and fair remediation requires responding to these existing imbalances.

What is Justice40?

On January 27, 2021, President Biden issued Executive Order 14008, Tackling the Climate Crisis at Home and Abroad.[40] Section 223 of that Executive Order established the Justice40 Initiative,[41] which creates a goal that 40% of the overall benefits of certain federal investments – including investments in clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, the remediation and reduction of legacy pollution, and the development of clean water infrastructure – flow to disadvantaged communities (defined below).

How are disadvantaged communities defined?

Pursuant to E.O. 14008 and the Office of Management and Budget's Interim Justice40 Implementation Guidance M-21-28, DOE has developed a definition and tools to locate and identify disadvantaged communities.[42] Federally recognized Tribal land and U.S. territories in their entirety are categorized as disadvantaged communities in accordance with OMB Interim Guidance "common conditions" definition of communities. Federally recognized Tribal land and U.S. territories in their

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[39] https://www.energy.gov/diversity/articles/how-energy-justice-presidential-initiatives-and-executive-orders-shape-equity

[40] https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/

[41] Read more about Justice40, including the interim guidance from the White House: https://www.whitehouse.gov/omb/briefing-room/2021/07/20/the-path-to-achieving-justice40/ and https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf

[42] https://energyjustice.egs.anl.gov/

entirety are categorized as disadvantaged communities in accordance with OMB Interim Guidance "common conditions" definition of communities.

DOE will also recognize disadvantaged communities as defined and identified by the White House Council of Environmental Quality's Climate and Economic Justice Screening Tool (CEJST).[43] DOE would prefer that funding recipients use either DOE or CEJST definitions and tools to identify disadvantaged communities, which would allow for more streamlined reporting and consistent comparative analyses across all regions. However, DOE recognizes some states have dedicated significant time and resources towards identifying communities of concern in their jurisdictions and may desire to use their own tools and definitions. DOE would prefer that state tools and definitions are aligned with the criteria pursuant to the interim implementation guidance; for information on these criteria please see DOE's General Guidance for Justice40 Implementation.[44]

For more information on disadvantaged communities, see the [Community Benefits Plan Frequently Asked Questions (FAQs)](.).[2]

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

The 40% is not on a per-project basis—individual projects may contribute more or less substantially to this goal (i.e., have a higher or lower percentage) based on factors unique to the project.

However, successful applicants will demonstrate the ability to act in alignment with the intent of the Justice40 Initiative by working to maximize benefits flowing to disadvantaged communities in ways that are relevant to that project. Recipients of DOE funds should ensure that performance of project tasks within disadvantaged communities meaningfully benefits those communities and does not result in significant or permanent increased negative impacts to the disadvantaged community. Doing a CBP well is one way to guard against increased negative impacts.

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

The Justice40 Initiative section is required regardless of whether or not a project or work site is located within a disadvantaged community. Because the Justice40 Initiative includes a wide range of environmental, economic, health, and other social benefits that may accrue across many locations, applicants are encouraged to think broadly about project impacts and creatively about ways to provide benefits to disadvantaged communities even if the main project work site itself is not located in a disadvantaged community. For example, benefits and negative impacts can occur throughout the lifecycle of the project including project inputs, waste-streams, and decommissioning. Applicants are encouraged to consider modifications to technical parameters and project cost plans to support the delivery of these benefits.

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[43] https://screeningtool.geoplatform.gov/
[44] https://www.energy.gov/sites/default/files/2022-07/Final%20DOE%20Justice40%20General%20Guidance%20072522.pdf

For example, a project slated to be built on a riverfront site contaminated with legacy soil pollution may be required to remediate the soil prior to construction on that site; this remediation could provide benefits to a disadvantaged community downstream that had previously been exposed to pollutants leached from the soil by reducing pollution levels and limiting leaching into the river. Applicants could also partner with a nearby worker training program to train workers for the project that serves individuals from disadvantaged communities.

Process

The process for developing a Justice40 Initiative section can be described similarly to the Greatest Benefit section—there is no singular process for generating Justice40 Initiative, and successful plans will iterate and evolve throughout project phases and in response to community input and needs. The Justice40 Initiative section will focus specifically on assessing the benefits and negative impacts experienced by disadvantaged communities. Applicants are encouraged to assess the existing burdens experienced by these groups and consider impacts for all inputs and outputs along the full lifecycle of the project and facility. Using information from these assessments, applicants should develop an Implementation Plan, Milestones, and Timelines that outlines concrete steps the project will take to implement energy and environmental justice efforts and advance beneficial outcomes; minimize negative impacts; and measure, track, and report project impacts and benefits in disadvantaged communities.

How do we know if our Justice40 Initiative section is well developed?

A strong Justice40 Initiative section could be described similarly to a strong Greatest Benefit section, and applicants are encouraged to review the description above. The primary difference is that the Justice40 Initiative section will focus specifically on project impacts experienced by disadvantaged communities. It will incorporate a thorough understanding of the existing burdens experienced by disadvantaged communities and will describe how project impacts interact with existing burdens. It will build on an understanding of the priorities of disadvantaged communities as expressed through community engagement and the assessment of community history and dynamics to identify and describe plans to maximize potential project benefits. It will also highlight robust mechanisms for accountability and feedback with disadvantaged communities.

Elements

This section should include the elements listed below. Please use headers to delineate elements.

Background and Experience

Applicants should describe any prior or ongoing efforts by the project team to advance energy and environmental justice.

Assessment of Disadvantaged Communities

An important step in supporting energy and environmental justice is to accurately and precisely identify what communities or groups may be impacted by a particular project, including what existing

and cumulative burdens (i.e., multiple burdens that may interact and compound) those communities or groups may already be facing.

This element should identify any disadvantaged communities[46] to which anticipated project benefits and negative impacts will flow. For each disadvantaged community, applicants should characterize the existing burdens they are facing using EJSCREEN,[45] disadvantaged community definition tools,[46] or other analytic tools. Applicants should include which tool was used in their analysis. It is recommended to include data/descriptors for each at the most granular level possible. Narrative descriptions as well as figures, tables, or other formats may be used.

Impacts to groups, communities, and Tribal Entities should be considered for all inputs and outputs along the full lifecycle of the project and facility, in addition to impacts at the project site(s) or work location(s).

Applicants are encouraged to consider the steps listed in the Greatest Benefit section for assessing impacted communities, in addition to the steps below for identifying, and characterizing existing burdens facing disadvantaged communities.

We have some experience with social impacts assessment / environmental impacts assessment. How is an energy and environmental justice assessment different? How is this different than a Social Characterization Assessment or stakeholder analysis?

There is going to be considerable overlap between the tools, methods, and indicators used in these types of assessments, and your prior experience will be helpful. What is unique about the Assessment is that it pays particular attention to (a) who, in terms of which specific groups and communities, bears risks and enjoys benefits; and (b) cumulative burdens, i.e., how this project adds to and interacts with the impacts that these groups and communities are already facing from energy and other types of projects, past and present. Other forms of social and environmental impact assessment frameworks may not explicitly examine both of these. Assessment examines how effects are distributed among groups, and whether those are fair and equitable. This means the project team needs to know both about the effects and the demographics of who is affected.

Identifying Disadvantaged Communities

For this step, applicants must determine which, if any, of the communities or groups impacted are disadvantaged communities (in whole or in part). When identifying impacted communities, groups, and/or Tribal Entities, consider groups of individuals living in geographic proximity (such as census

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[45] https://www.epa.gov/ejscreen

[46] Pursuant to E.O. 14008 and the Office of Management and Budget's Interim Justice40 Implementation Guidance M-21-28, DOE has developed a definition and tools to locate and identify disadvantaged communities. These resources can be located at https://energyjustice.egs.anl.gov/. DOE will also recognize disadvantaged communities as defined and identified by the White House Council of Environmental Quality's Climate and Economic Justice Screening Tool (CEJST), which can be located at https://screeningtool.geoplatform.gov/. DOE's Justice40 Implementation Guidance is located at https://www.energy.gov/sites/default/files/2022-07/Final%20DOE%20Justice40%20General%20Guidance%20072522.pdf.

tract) and geographically dispersed sets of individuals (such as migrant workers or Indigenous Americans), where either type of group experiences common conditions.

See the above section for how to define disadvantaged communities.

- Review the list of impacted communities identified above. Which are disadvantaged communities, or located within disadvantaged communities, either in whole or in part?
- Are there groups or communities for which the designation of disadvantaged communities is not yet clear?
- While doing this, applicants can attempt to identify the factors that contribute to the inequalities faced by disadvantaged communities, which is directly addressed in the following section.
- If none of the impacted communities are disadvantaged communities, applicants should provide a detailed explanation to support this conclusion. For example, even if the project work site is located far from a disadvantaged community, what efforts have been taken to identify the benefits to disadvantaged communities provided by your project to the region or state? What efforts or analysis have been taken to minimize negative impacts across the project's full lifecycle in disadvantaged communities?

Characterize existing burdens

For each disadvantaged community, characterize the existing burdens faced. For example, applicants could:

- Report and interpret indicator values (scores) for each surrounding community using the EPA's EJSCREEN tool.[47]
- Consult DOE's working definition of Disadvantaged Communities to examine the 36 indicators collected at the census tract level used to construct the working definition.[48]
- Consult the Council on Environmental Quality's Climate and Economic Justice Screening Tool to examine indicators.[49]
- If applicable, use other publicly available tools. Some states have their own EJ screening tools, such as:
  - New York: https://www.nyserda.ny.gov/ny/disadvantaged-communities
  - California: https://www.cpuc.ca.gov/discom/
- Engage with impacted communities to assess existing burdens experienced by communities.

Project benefits to disadvantaged communities

Similar to the Host Community Benefits element of the Greatest Benefit section, this element should describe anticipated project benefits, including to the greatest extent possible metrics and units of measurement that can be used to track these benefits, that could flow to disadvantaged communities. Applicants should also describe how and when anticipated benefits are expected to flow to disadvantaged communities. Benefits should be quantifiable, measurable, and trackable.

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[47] https://www.epa.gov/ejscreen
[48] https://energyjustice.egs.anl.gov/
[49] https://screeningtool.geoplatform.gov/

Applicants are encouraged to describe the extent to which benefits align with community priorities. Applicants will track benefits throughout the project and report benefits data to DOE.

Applicants are encouraged to assess project benefits to disadvantaged communities using the steps outlined in the Host Community Benefits element of the Greatest Benefit section (see "Identifying Project Benefits and Metrics," "Assessing where/to whom benefits will flow," and "Assessing alignment to community priorities"), At a minimum, applicants should discuss the relevance of each of the eight DOE Justice40 Initiative policy priorities for disadvantaged communities:

1. Decreased energy burden.
2. Decreased environmental exposure and burdens.
3. Increased parity in clean energy technology access and adoption.
4. Increased access to low-cost capital.
5. Increased clean energy enterprise creation and contracting for Minority Business Enterprises/Disadvantaged Business Enterprises.
6. Increase clean energy jobs, job pipeline, and job training for individuals.
7. Increased energy resiliency.
8. Increased energy democracy.

For examples of metrics that could be used for DOE's eight policy priorities, see the Community Benefits Plan Frequently Asked Questions (FAQs).[2]

Not all of these benefits will apply to every project and projects may have benefits that are not in this list. Furthermore, some categories of impacts listed above could be benefits for one project but negative impacts for another. Applicants should carefully consider and assess the impacts appropriately for their project. Benefits that are relevant for a particular applicant will depend on the project and the location, as well as on the priorities and needs of impacted communities. To the greatest extent possible, applicants should work with impacted communities early and often to define what benefits are most relevant to them.

What if my project has benefits that don't fall under any of the policy priorities outlined above?

Please include all anticipated project benefits, even if they do not align with the policy priorities or other examples/categories in this document.

Project negative impacts to disadvantaged communities

This element should clearly enumerate the type and quantity of negative impacts expected to flow to disadvantaged communities and the metrics that will be used to track each impact, in addition to

describing how additional project negative impacts will interact with existing cumulative burdens.[50] Negative Impacts will be reported to DOE and tracked throughout the project.

Applicants are encouraged to reference the guidance for the Surrounding Community Negative Impacts and Surrounding Community Benefits elements to complete the Project Negative Impacts to Disadvantaged Communities element, but with a focus on assessing negative impacts specifically to disadvantaged communities (see "Assessing project negative impacts" and "Assessing how negative impacts interact with existing cumulative burdens").

Implementation Plan, Milestones, and Timelines

The Implementation Plan, Milestones, and Timelines element of the project's Justice40 Initiative section should describe strategies to maximize benefits, minimize negative impacts, and measure, track, and report impacts to disadvantaged communities. Applicants should clearly describe how the plan includes accountability, feedback, and transparency mechanisms to serve and support disadvantaged communities. The implementation plan should define its timeline on the same schedule as the IPS and Workplan. Applicants are encouraged to follow the guidance above for the Implementation Plan, Milestones, and Timelines element of the Greatest Benefit section, using the same approach to defining the information included on the schedule.

Resource Summary

The Resource Summary element should describe project resources dedicated to implementation; tables, lists, or other figures may be used. Include information about staff (number, time on project, and experience), facilities, capabilities (including energy and environmental justice expertise), and budget (both federal and cost share) that will support implementing the plan. This can include contracting or partnering with organizations with relevant expertise.

HAVE MORE QUESTIONS?

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

If you have problems with OCED Exchange, email OCED-ExchangeSupport@hq.doe.gov.

Include the FOA name and number in the subject line.

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[50] Within the context of cumulative impacts created by the project, applicants should use Environmental Protection Agency EJSCREEN tool to quantitatively discuss existing environmental impacts in the project area.

Guidance for Creating a Community Benefits Plan for the Industrial Demonstrations Program

OCED

Office of Clean Energy Demonstrations