



Understanding Community Benefits Plans at the Department of Energy and Their Potential for Impact

November 2023

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Abstract

This report addresses “community benefits plans” with a focus on the U.S. Department of Energy’s federal funding requirements.

About the Project Team

BW Research Partnership

BW Research delivers research and strategic consulting that supports stronger communities, and drives healthier economies, ecologies, and employment. We are problem solvers who use rigorous methodologies to make sure our conclusions are based on empirical data and immersive engagement with stakeholders and communities, all backed by deep experience navigating economic, workforce, technology, and policy issues. Over the years, our comprehensive understanding of workforce and economic development has made us a sought-after partner for governmental agencies, nonprofits, and commercial enterprises in sectors ranging from healthcare and education to technology. Our practice emphasizes the climate and clean energy sectors, and we have led hundreds of workforce, supply chain, community benefit, policy, and market research studies within those sectors, integrating needs for equitable access to opportunities and investments throughout.

In addition to the survey and data collection for the annual *U.S. Energy and Employment Reports* (2016-2022), recent reports include:

- [Opportunities to Diversify the U.S. Renewable Energy Manufacturing Supply Chain](#), produced in collaboration with the American Council on Renewable Energy, December 2022.
- [Diversity in the U.S. Energy Workforce: Data Findings to Inform State Energy, Climate, and Workforce Development Policies and Programs](#), prepared for the National Association of State Energy Officials by BW Research Partnership, April 2021.
- [Wages, Benefits, and Change: A Supplemental Report to the Annual U.S. Energy and Employment Report](#), produced by the Energy Futures Initiative and the National Association of State Energy Officials, 2021.
- [Just Transitions Working Group: 2021 Jobs Study](#), produced as part of the New York State Climate Action Council, December 2021.

The Climate Equity Initiative

Clean Air Task Force (CATF) launched the *Climate Equity Initiative* in May 2021 to conduct research and analysis, and work with environmental justice leaders, advocates, and community residents to:

- Identify barriers, challenges, and potential opportunities in environmental justice communities.
- Advocate changes and adoption of solutions to systemic barriers and challenges that create and perpetuate environmental injustice, particularly in the context of environmental and climate policies and practices; and
- Ensure that CATF has a clear-sighted understanding of the needs and concerns of environmental justice communities, and, with their input, develop tools and initiatives to help ensure they have a powerful voice at the table in the transition to a clean energy future.

Too often, proposed climate solutions are developed outside impacted communities and fail to respect the core needs of their residents. As a result, policies, programs, and community engagement initiatives can lack critical success elements, resulting in failed climate-beneficial projects, or perpetuating injustice and inequality. CATF rejects the notion that such failures are inevitable. CATF recognizes that responses to environmental degradation and climate change must consciously employ strategies that, to the maximum possible extent, not only benefit climate but promote environmental justice and community economic development.

Clean Air Task Force

Clean Air Task Force (CATF) is a global nonprofit organization working to safeguard against the worst impacts of climate change by catalyzing the rapid development and deployment of low-carbon energy and other climate-protecting technologies. With 25 years of internationally recognized expertise on climate policy and a fierce commitment to exploring all potential solutions, CATF is a pragmatic, non-ideological advocacy group with the bold ideas needed to address climate change. CATF has offices in Boston, Washington D.C., and Brussels, with staff working virtually around the world. Visit catf.us and follow [@cleanaircatf](https://twitter.com/cleanaircatf).

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Executive Summary

The Community Benefits Plan (CBP) process is a first-of-its-kind effort at the Department of Energy (DOE) to leverage the opportunity for significant climate and clean energy funding to encourage a more equitable, place-based approach to project development. As part of completing a CBP, developers, and other grant applicants must research the impacts of their projects on workers, and affected communities, and then commit to specific strategies that address those impacts. By requiring a CBP for most DOE grant applications, the agency hopes to improve project viability by maximizing more equitable community and worker benefits from those projects.

Overview of Department of Energy Community Benefit Plan Initiative

Each CBP seeks information on multiple Biden Administration priorities, with sections focused on community and labor engagement; job quality and workforce continuity; diversity, equity, inclusion, and access; and Justice40 implementation. The CBP application asks applicants to provide research and data, strategic plans, and/or commitments within these four priority categories:

1	Community and Labor Engagement	Approach to community, workforce, and organized labor stakeholders, including stakeholder mapping and detailed engagement strategies, workforce assessments, apprenticeship programs, and commitments to negotiated agreements on workforce and community benefits.
2	Job Quality and Workforce Continuity	Strategy for attracting, training, and retaining a skilled and qualified workforce, including for the creation of high-paying jobs, investments in workforce education and training, worker participation in health and safety committees, and commitments to worker empowerment and ensuring a free and fair chance to join a union.
3	Diversity, Equity, Inclusion and Accessibility	Advancement of diversity, equity, inclusion, and accessibility needs connected to the project, along with workforce programs for those facing employment barriers, including returning citizens, and investments in and support for minority-, woman-, and disabled veteran-owned business enterprises.
4	Justice40 Initiative	Analysis and provision of energy and environmental justice benefits to disadvantaged communities related to the project, including mapping the full set of impacted communities, and assessing benefits and negative burdens.

Roots of the CBP and Influence in its Development

The CBP approach builds on an extensive, multi-decade foundation of social, worker and community movements to ensure a more equitable distribution of economic and social opportunities. While not a new concept, the CBP process takes these efforts in new directions to potentially redefine how federal funding can be used to support and accelerate the growth of the clean energy economy. Some of these historic and current forces include 1) the organized labor movement, which has prioritized high-quality jobs and worker safety for over a century, in particular through the use of Project Labor Agreements (PLAs), 2) community-centered and place-based movements, including Smart Growth principles, and 3) the “community benefits” movement, which uplifted the concept of a “Community Benefits Agreement” (CBA). While not exhaustive, the roots of the CBP reflect over a century of effort to rebalance power dynamics in economic development, center workers and community in that development, and include a range of different stakeholders as partners.

The Intersection of CBPs and Other Negotiated Agreements

One way a CBP seeks to bolster commitments made by applicants is through encouraging specific types of negotiated contractual agreements, including the aforementioned PLAs and CBAs, Community Workforce Agreements (CWAs), and Good Neighbor Agreements. Each of these agreements commit parties to various workforce, economic and/or community benefits, many of which can intersect (such as a commitment to hire local workers from disadvantaged communities). These agreements are not required by DOE but committing to them will likely benefit application scoring. While a CBP shares similarities with these other agreements, one key difference is that a CBP is a guidance tool for a community and workforce driven process that can support clean energy deployment, rather than a binding legal agreement. The role of a CBP as an “umbrella framework” can bolster beneficial outcomes from these negotiated agreements. If selected for funding, the implementation of the CBP is required as a condition of continued DOE funding. The encouragement of enforceable negotiated agreements between project proponents and community and labor stakeholders can promote greater accountability to DOE and affected stakeholders.

CBP-Like Efforts at Other Federal Agencies

Approaches that support high-quality jobs, unionized workforces, and place-based, community-centered efforts for more equitable and inclusive economic development are also being developed in other federal agencies. These examples include the creation of the Justice40 initiative and numerous interagency working groups, networks, and committees. Federal agencies, such as the Environmental Protection Agency (EPA), Housing and Urban Development (HUD) and the Department of Transportation (DOT), already supported CBP-style community engagement and technical support for specific grants, and IIJA and IRA funding has boosted those efforts. Additional agencies with significant community, workforce, or justice initiatives include Bureau of Ocean Energy Management, the Department of Commerce, the Department of Labor, and the Department of the Interior. Each of these efforts can provide lessons, and resources, to future CBP processes.

Early Experiences with CBPs from the Field

To better understand the initial experiences of those involved in initial CBP applications, BW Research interviewed two dozen relevant stakeholders¹. These insights offer equal measures of excitement and concern with the CBP process, while highlighting initial implementation challenges found in the first phase of CBP development, and opportunities to improve the CBP process in future.

- **CBPs are encouraging developers to pay more attention to community and worker needs, as well as sending helpful market signals.** Developers who are part of a CBP process appear to be focusing more on community and workforce perspectives, and supporting higher-quality jobs, while also more effectively coordinating internal functions that are responsible for these goals.
- **Workforce development and job creation elements, including inclusive workforce commitments and labor union support, appear initially to be the strongest elements of CBPs. Integrating workforce commitments into early-stage technologies is more challenging.** Workforce activities are well-aligned with CBP objectives, and familiar to community stakeholders, organized labor, and developers, although early-stage companies can lack the resources, visibility, and experience to fully complete a CBP.
- **Maximizing private sector participation in, and support of, the CBP process is still in an early stage.** Newer companies are not as able to engage with a CBP as established companies, while other companies are uncertain of next steps post-initial CBP application.

¹ Participants included developers, CBP consultants, government staff connected to CBPs, environmental advocates, community and environmental justice advocates, representatives of tribal communities, and philanthropists.

- **The CBP process is in its first iteration and still evolving. Stakeholders are concerned about initial implementation challenges within a CBP process, especially due to limited DOE capacity.** Tight timelines, limited information, and a lack of experience with CBPs are increasing the difficulty of meeting CBP requirements, something compounded by a need for more DOE staff and a stronger review process, and additional capacity in the field.
- **Among those involved with a CBP process, community stakeholder frustration is growing.** The extent and type of community outreach brought on by the CBP, and other federal community engagement efforts, is contributing to stakeholder fatigue. There is also a misalignment between preferred best practices for community-centered outreach, and those that developers are currently pursuing, which is hampering support for the process among community stakeholders. Knowledge about the CBP requirements is not widespread, and there is a mismatch between what DOE is asking for and the capacity in the field to deliver.
- **Other approaches being taken within government provide useful sources of learning and resources.** There appears to be increased consistency and focus on CBP-like objectives across government, and there are opportunities to bolster DOE efforts through other non-DOE agencies.
- **More resources are needed for many different stakeholders to encourage and increase participation in the CBP process.** Limited DOE funding for project applicants leaves stakeholders who want to participate in the CBP process to garner their own resources. This exacerbates the existing power differential between stakeholders and project developers, with greater implications for disadvantaged communities. Philanthropic funding can play a valuable role in supporting technical assistance, capacity building, education, and other resources.
- **To maximize community impact, greater accountability is critical to ensure that developers are held to meaningful commitments.** DOE has stated that CBPs become contractual obligations, and continued funding for projects is contingent upon implementation of the CBP. In addition, DOE encourages negotiated agreements between project developers and stakeholders. Some stakeholders are uncertain how DOE will enforce these obligations and hope there will be a transparent accountability process throughout a project's lifecycle.

Insights from Community Surveys on Community Benefits

Alongside interviews, the research team conducted surveys of residents in the three communities within the CATF equity project – the Ironbound Community in Newark, New Jersey; The Nenahnezad Chapter, the Upper Fruitland Chapter, and the Shiprock Chapter, Navajo Nation; and St. James Parish & St. John the Baptist Parish in Louisiana. The results of these surveys, which can be found in an accompanying report, demonstrate the importance of engaging deeply with communities when developing a CBP to clarify needs and perspectives and understand the different stakeholders and supporters who may be operating within those communities.

- A significant majority of residents in all three communities felt developers had not fulfilled promises on previous projects, and that community engagement had been insufficient.
- Awareness of both community benefits plans and negotiated agreements like community benefit agreements is low.
- The concept of a CBP is positively received – but not universally – in the three communities. Support grew for a CBP following the survey, but skepticism remained.

- Small business owners and environmental groups were consensus favorites within communities of entities that should participate in a CBP process.
- Nearly all potential community engagement activities by developers were strongly supported, with activities related to transparency and full public engagement receiving the most support.
- Addressing measures of environmental quality was perceived as more important than community-related clean energy funding.
- There is no consensus on the most important benefits for any community, but actions to improve environmental quality and reduce pollution tended to rank higher, along with affordable housing requirements and funding for mental health and substance abuse services.
- Residents of all three communities most frequently stated that large housing and renewable energy developments should require CBPs.

Recommendations and Next Steps

This report proposes several next steps and new initiatives for DOE, the primary CBP-implementing agency, and then additional recommendations for other stakeholders, including other government agencies, philanthropists, developers, and community stakeholders. While DOE faces specific funding restrictions that limit its ability to provide funding for specific communities, there are additional steps available that could further bolster the CBP process and similar efforts.

DOE-Focused Recommendations

- **Encourage applicants to expand stakeholder mapping for a CBP with a deeper understanding of community goals and needs.** Each community possesses unique experiences, needs, and goals. Additional assessments, with broad engagement, and rigorous qualitative research approaches, can bring those to light in new ways that can strengthen the CBP process and improve the likelihood of project success in a community.
- **Offer access to seed funding for specific CBP commitments after initial project selection by DOE.** Opportunities to actively engage communities or implement initial proposals could be limited for those DOE applicants who lack resources, or due to the early stage of a project's development. Seed funding for initial CBP-related community commitments could provide increased certainty and trust-building and support greater community involvement.
- **Evaluate the risk profile of developers based on past performance.** Meeting the goals of the CBP process, which include both community engagement and expanded deployment, requires effective partnerships with developers and constructive community and worker engagement. Grant application reviewers should have a comprehensive picture of a developer's approach.
- **Actively pursue opportunities to improve the CBP process and implementation.** With an appreciation of the challenges in launching the CBP process, and opportunities present through a CBP, many stakeholders provided specific suggestions to improve the CBP process, including greater funding and training for staff, clarifying future FOA release timelines, transparent monitoring and enforcement, and a collaborative pause that allows DOE to evaluate the early impacts of CBPs, and make any needed adjustments in partnership with other stakeholders.

Recommendations Beyond DOE

- **Explore available options for a greater federal government role in early-stage CBP development, as well as better leveraging the role non-DOE agencies can play in supporting community-benefits approaches.** Opportunities to support applicants and stakeholders completing a CBP include training, materials, and partnership facilitation, as well as expanding access to assessment tools and databases value for workforce and supply chain development needs and Justice40 analysis. Programs and grants that are “adjacent to” or directly aligned with the CBP process are found in agencies including DOT, DOI, DOL, EPA and HUD. With Congressional involvement likely required, non-DOE federal programs could provide additional technical capacity for applicants and communities, coordination on shared approaches, and expanded networks.
- **Begin to address the tension found in competing views on stakeholder and community engagement through long-term, multi-party, collaborative initiatives.** Constructive community engagement can de-risk aspects of project development but is difficult to implement. Community-connected stakeholders can have different perspectives and goals compared to developers and other DOE applicants, a dynamic that, as a first step, can be explored through additional resources, longer timelines, and more collaborative engagement processes that integrate a variety of stakeholders.
- **Provide early resources to under-resourced groups to support participation in CBP processes.** Stakeholder fatigue, along with a lack of support and understanding about CBPs, is leading some community and environmental justice groups to disengage from the CBP process. Maintaining their participation could be a critical role for philanthropy, and other non-profit funding entities, to ensure ongoing engagement. Congress can also provide support for the community engagement goals of the CBP process, with expanded funding, along with flexibility in appropriations.
- **Consider third parties, philanthropy, or other existing community partners, who could address barriers to community engagement.** Potentially better-resourced entities, with deeper local presence, such as economic development entities, educational institutions, local governments, or community foundations, can connect harder-to-reach community groups within the CBP process and facilitate coordinated outreach. These perspectives are also valuable in the initial and ongoing CBP development and implementation process.
- **Avoid overselling CBPs, while expanding on what it does well. Recognize that the income from private sector clean energy projects is insufficient to tackle all needs reflected in a CBP, and most certainly, gaps in social and economic services in disadvantaged communities.** No one project will be able to meet the collective health, safety and well-being needs for a community. It is therefore important to manage expectations about what a CBP, and the project being developed, can support in a community. However, a CBP can still be an effective tool that expands community benefits from clean energy projects and better aligns with community resources and objectives.
- **Appreciate that while not all CBPs may have transformational impact, incremental progress across all DOE-funded projects could be transformational.** The ultimate value of the CBP process will not just be in its ability to move specific clean energy projects forward in ways that better benefit communities, but also in the larger incremental progress to better overall clean energy project development spread across thousands of projects.

Introduction

Achieving a broader, more shared prosperity from the clean energy transition is emerging as a core goal in the distribution of over one hundred billion dollars in grants by the U.S. Department of Energy (DOE). For DOE-specific funding applications, the agency now requires developers to research, plan, and commit to comprehensive community, workforce, and equity planning and strategies, termed a “Community Benefits Plan” (CBP). In addition to securing greater community and worker benefits, this strategy, if successful, may also mitigate siting and project risks that could limit expansion of large-scale clean energy deployment overall.

It is too early to know the social, economic, and political outcomes of the CBP process, but given the geographic reach and quantity of DOE funding available, and the potential breadth and comprehensiveness of a CBP, the impact could be sizable. Pursued with accountability and targeting genuine community-centered results, CBPs could become a tool that equitably boosts jobs, resources, economic development, and environmental improvements within specific communities, and helps to shape how future clean energy technologies are deployed. In turn, thoughtfully developed and well-implemented CBPs could reduce project development risk and support stronger siting and faster permitting of projects. As the CBP process evolves, and its impacts become clearer, it can also provide insight into the future opportunities, flashpoints, and longer-term challenges of maximizing community gains from clean energy and climate-related projects, and the best role for the federal government in supporting community benefits alongside rapid clean energy deployment.

This research provides an initial foundation of knowledge about the current state of the CBP process, uncovers first-hand reflections from early participants, and explores how CBPs may, or may not, be achieving community-centric goals. To achieve this, BW Research has leveraged literature reviews, case studies, three community surveys, past BW Research reports and experience, and interviews with over two dozen stakeholders.

The report begins with an overview of the DOE CBP process, the history of its development, and other similar approaches to securing benefits for communities. It also inventories CBP and CBP-like efforts at DOE and other federal agencies to highlight additional areas of cross-agency exploration. Interviews highlight learnings from early CBP participants. Surveys of the three communities featured in CATF’s Climate Equity Initiative demonstrate the importance of targeted assessments and planning. Finally, this report proposes a set of initial findings and recommendations concerning CBPs, applicable to DOE and other CBP-connected stakeholders.

Overview of Department of Energy Community Benefit Plan Initiative

Development of what became the CBP requirement was launched internally within the Department of Energy (DOE) following the passage of the Infrastructure and Investment Jobs Act (IIJA), to reflect Biden Administration priorities such as the Justice40 Initiative², commitments to organized labor, expanding domestic supply chains, and the transition of industries and places toward a lower-carbon future.³ By integrating CBP requirements into DOE's competitive grant selection process, DOE seeks to both increase the likelihood that funded projects will move forward, while leading to more broadly shared benefits in a specific place.

A CBP is designed to apply across all stages of a project's development, from pre-planning to construction to operations and finally de-commissioning (where relevant). CBP application guidance provides for all applicants to address impacts and benefits from a project across four interdependent, priority categories:

1	Community and Labor Engagement	Approach to community, workforce, and organized labor engagement.
2	Job Quality and Workforce Continuity	Strategy for attracting, training, and retaining a skilled and qualified workforce, including engagement with organized labor where applicable.
3	Diversity, Equity, Inclusion and Accessibility	Advancement of diversity, equity, inclusion, and accessibility needs connected to the project, for both workers and disadvantaged businesses.
4	Justice40 Initiative	Analysis and provision of Justice40 benefits to disadvantaged communities.

The total score of a CBP is summed equally from individual scores across these four priority areas. A CBP's "score" counts for twenty percent of the technical merit review of a proposal application and has the potential for meaningful impact on funding considerations. Interviews with developers, advisors, and agency staff affirmed this expectation.

DOE has highlighted the importance of considering these four priorities holistically, as each informs and influences the others. For example, a pre-apprenticeship program can be designed in partnership with a union and a community benefits organization (priority one), to meet the objective of growing the domestic clean energy workforce with a pathway to high-quality jobs (priority two), while increasing access to those high-quality jobs through outreach to underserved populations (priority three), and thus distributing those benefits to Justice40 communities (priority four).

² The Justice40 initiative has been designed by the Biden Administration, community and environmental justice advocates, and other stakeholders, to ensure a more equitable distribution of the benefits from federal investments that seek to address climate change, bolster the clean energy transition, and meet other environmental and sustainability goals. This still-developing approach requires 40 percent of the benefits from that spending reach disadvantaged communities.

³ Interviews with former DOE staff

Community and Labor Engagement

In the first priority area, DOE seeks proactive and meaningful engagement between applicants and affected workers, communities, and other stakeholder groups, who stand to be most impacted by project development, and who will be critical to the project's viability and ability to move forward. This includes host communities and members of those communities, community-based organizations, local government, tribes, labor unions, and any underserved/overburdened/disadvantaged community who stand to be affected by the proposed project. Applicants are expected to engage with communities to help inform development of the overall CBP, while specific community engagement plans are encouraged to include stakeholder mapping, methods and mechanisms for engagement, transparency with communities, strategies for incorporating feedback, evaluation plans, and resources that will be made available in support of community engagement.

Engagement with workforce stakeholders and organized labor follows a different approach. Applicants are asked to research and identify a project's potential employment impacts, job classifications, and relevant unions and plans to engage with unions, workforce boards, pre-apprenticeship, and apprenticeship programs. Finally, this section includes a full discussion of any plans and timelines for negotiating workforce and/or community agreements, including project labor agreements, community workforce agreements, or community benefits agreements.⁴

Job Quality and Workforce Continuity

This section addresses foundational workforce elements in a project, including job creation from the project, the number of high-paying, quality jobs created; inclusive recruitment and hiring strategies; workers' rights, including a chance to join a union; workplace safety; and investments in worker training. Expected elements of this section include:

- Research on job quality (both construction and operations) that describes wages, benefits, and jobs for in-state workers, among other things.
- Workforce education and training needs including a full workforce development strategy to build an appropriately skilled and credentialed labor force.
- A gap analysis of how local labor supply meets demand, along with a training inventory and locally relevant recruitment strategy.
- Engagement plan for stakeholders in the workforce ecosystem (in addition to unions).
- Commitments to workers' rights including support of their rights to join or form unions, workplace health and safety, worker retention and tracking.
- An assessment of resources necessary to accomplish the above.

Diversity, Equity, Inclusion and Accessibility

This section describes what the applicant is doing to intentionally address barriers to wealth building opportunities, including new jobs and business opportunities, which will be spurred through the project. In addition, the applicant should provide a DEIA plan for the project in detail, including current DEIA assessments for the lead organizations connected to project development, along with assessments of economic opportunities (jobs, contractors, suppliers), goals, key partnerships, and implementation strategies as well as any specific commitments regarding those items. Other assessments and commitments include those related to employment, salary, retention and promotion data, training requirements, inclusive recruitment, hiring, retention, promotion, and communication practices. Along with this, applicants need to provide a strategy, and commitments, for reaching minority-, woman-, and disabled veteran-owned business enterprises. Applicants also must describe the development of any workforce programs that will improve access to jobs, and support for pre-apprenticeship programs, especially for those facing employment barriers, including for returning citizens. Finally, applicants must

⁴ For more information on these types of agreements see section entitled "The Intersection of CBPs and Other Negotiated Workforce, Community and Project Agreements."

describe any efforts to participate in High Road Workforce Partnerships, that both foster higher-quality jobs while ensuring greater accessibility to those jobs.

Justice40 Initiative

Intersecting nearly all aspects of the CBP process is the Justice40 Initiative, and with it, how to maximize benefits and reduce potential harms to communities affected by the project, in particular disadvantaged communities as defined under the Justice40 Initiative. In this section, applicants are asked to address energy and environmental justice across all eight priorities⁵ of Justice40. A key element is that any recipient of DOE funds will commit to ensuring that projects meaningfully benefit disadvantaged communities while not increasing negative impacts to the disadvantaged community. Applicants are encouraged to “think broadly and creatively” about project benefits and impacts to disadvantaged communities, even if the project is not located in a disadvantaged community.

The main steps in developing this part of a CBP are to 1) assess and identify all impacted communities, groups, and Tribes across the project, 2) assess anticipated project benefits to those entities, and how those benefits align with community priorities and can be tracked and reported on to DOE, and 3) assess anticipated negative project impacts across all entities, how these burdens interact with existing burdens, and can be tracked and reported on to DOE.

Overall Potential for Impact from the CBP Process

The CBP process has the potential to play an outsized role in the near-term, through the selection of projects, and, in the long run, as a model for federal support of climate and clean energy and the development of climate and clean energy projects. The \$2.8 billion grant announcement to support domestic manufacturing of batteries electric vehicles provides examples of the types of community benefits that could be developed through other grants:⁶

- Five projects will build new facilities in disadvantaged communities, and fifteen in locations adjacent to disadvantaged communities.
- Six announced projects have established goals for hiring residents of disadvantaged communities into permanent roles, and thirteen included commitments to negotiate Workforce and Community Agreements.
- At least two funded projects have collective bargaining agreements for both construction and ongoing production jobs.
- Nine projects have committed to labor neutrality, with two applicants already pursuing Project Labor Agreements with unions representing their workers.

The use of CBPs could establish precedents for how DOE (and other agencies) invest in clean energy, and the specific requirements that are attached to future grants, loans, incentives, and other subsidies. The awards could also have larger impacts on clean energy development and deployment patterns by firmly linking the importance of community and workforce considerations with clean energy growth, something that has been mostly absent to date. However, these longer-term outcomes all require CBPs to be developed with support from communities and

⁵ The eight priorities are: 1) Decrease energy burden in disadvantaged communities (DACs); 2) Decrease environmental exposure and burdens for DACs; 3) Increase parity in clean energy technology (e.g., solar, storage) access and adoption in DACs; 4) Increase access to low-cost capital in DACs; 5) Increase clean energy enterprise creation and contracting (MBE/DBE) in DACs; 6) Increase clean energy jobs, job pipeline, and job training for individuals from DACs; 7) Increase energy resiliency in DACs, and 8) Increase energy democracy in DACs.

⁶ Department of Energy, Retrieved October 2023. <https://www.energy.gov/articles/biden-harris-administration-awards-28-billion-supercharge-us-manufacturing-batteries>

their partners, well-monitored and enforced, and highly focused on driving more equitable social and economic community benefits. They also require oversight, evaluation, and management from DOE on an ongoing basis as well.

Roots of the CBP and Influence in its Development

The CBP builds off, and has roots in, distinct social, worker and community-based movements. Exploring this history situates DOE's CBP initiative as part of a larger collection of policy approaches found at local, state, and national levels of government. The events and movements below, while certainly not exhaustive, highlight the foundation upon which the CBP process has been built.

There is a long and extensive history of federal, state, and local governments leveraging the “power of the purse” to address social and economic issues, by tying specific requirements to, or incentivizing approaches for, greater likelihood of funding. While a topic too large in scope to cover in this report, recent examples are plentiful, be it the use of points in Qualified Allocation Plans for Low Income Housing Tax Credits (LIHTCs)⁷, making Medicaid funds contingent on states expanding Medicaid⁸, or connecting education funding to testing results through No Child Left Behind.⁹

The organized labor movement is a core driving force of the CBP approach. Organized labor has fought for over a century to ensure specific benefits from private sector investments reach workers. The development of Project Labor Agreements (PLAs) serves as an important foundation for the CBP process. The use of PLAs by organized labor stretches back nearly a century, and generally includes some combination of wage and work specifications, union hiring requirements, working condition standards, apprenticeship elements, and labor peace.¹⁰ At the Federal level, requiring PLAs has been both forbidden and encouraged during successive administrations, with President Biden taking a firm positive stance, requiring PLAs on federally funded construction projects worth more than \$35 million, affecting a quarter of a trillion dollars in federal construction contracts.¹¹ DOE's CBP approach reflects that new strengthened PLA commitment, specifically incorporating organized labor and worker needs throughout the application.

Another key historical pillar of the CBP approach has been community-centered or place-based initiatives that began to be developed several decades ago, in part through philanthropic support that provided intersectional investments into specific communities, prioritizing community support and involvement. One example of this, popularly known as “Smart Growth” is an ongoing effort by coalitions of urban planners, policymakers, and responsible development advocates to utilize zoning and other planning tools to ensure real estate, infrastructure development and city planning is integrated into, and responsive to, the needs of communities being developed. The place-based and Smart Growth movements have led to significant growth in federal place-based programs and grants, primarily centered in the Department of Housing and Urban Development (HUD) during the Clinton and Obama Administrations.¹²

⁷ National Low Income Housing Coalition, “Qualified Allocation Plan” (2014)

⁸ Health Affairs, “State Politics And The Uneven Fate Of Medicaid Expansion” (March 2020)

⁹ Brookings Institution, “The Impact of No Child Left Behind on Students, Teachers, and Schools” (September 2010)

¹⁰ Congressional Review Service, “Project Labor Agreements” (June 2012)

¹¹ The Federal Times, “House bill challenges Biden order on project labor agreements” (February 28, 2023)

¹² Policies for Managing Urban Growth and Landscape Change, “Smart Growth as a Movement,” Edward Goetz (2004); Journal of Comparative Urban Law and Policy, “The Rise and Fall of Smart Growth,” Knaap, Gerrit; Lewis, Rebecca; Chakraborty, Arnab; June-Friesen, Katy; and Molri, Naman (2022)

The Community Benefits Movement, similarly, expanded on many of the above policies and networks, with a recognition that community-group-driven negotiations with developers and municipalities, formalized into a binding agreement called a “Community Benefits Agreement” (CBA), could lock in more economic and workforce benefits of development specifically for the low income and disadvantaged neighborhoods connected to that development.¹³ These types of agreements also have a long-standing history in other countries, such as the Impact and Benefit Agreements signed between private companies in the extractive industry and Indigenous populations in Canada since the 1970s.¹⁴ One of the earliest CBAs was negotiated for the Staples Center in Los Angeles in 2000 and 2001 to ensure greater commitments for high quality jobs, among other benefits.¹⁵ The Justice40 initiative is a recent manifestation of the above approaches, focusing on the idea that a specific amount of benefits from development should reach underserved and disadvantaged communities.

The above is not an exhaustive list, nor is the CBP process an intentional and predicted step forward from the events and movements described above. But the history of a CBP’s roots in these causes matters, in part, because it highlights the 1) the consistency of imbalanced power dynamics throughout the above policies and movements, 2) the centering of “community” and workers as primary drivers and beneficiaries of these efforts and 3) the inclusion of partners, especially organized labor and community-groups, as key stakeholders in any process. Seen through these lenses, the CBP process is not utilizing new tools or strategies, per se, but is trying to leverage Federal government funding to bring communities, workers, and project applicants together on more even footing, and dramatically ramp up the potential for beneficial outcomes for communities. Success in scaling this approach across clean energy development could meet many of the long-standing goals of the worker and community-based movements described in this section.

¹³ Good Jobs First, “Community Benefits Agreements: Making Development Projects Accountable” (2005)

¹⁴ Resources Policy, “Best practices for Impact Benefit Agreements” (March 2021)

¹⁵ What Works to Promote Inclusive, Equitable Mixed-Income Communities, “The Role of Community Benefits Agreements in Increasing Equity and Inclusion,” Rosado, Ralph (2019)

The Intersection of CBPs and Other Negotiated Workforce, Community and Project Agreements

One priority in the CBP framework is for developers to directly engage with community, workforce, and labor partners, and reach agreements that specify commitments to those groups. This type of approach sets the groundwork for transparency, enforceability, and provides an ability to hold negotiating partners accountable, which can help to achieve positive community- and workforce-centric outcomes.

DOE's CBP guidance highlights several types of agreements such as Community Benefits Agreements, Community Workforce Agreements (CWAs), Project Labor Agreements (PLAs), and Good Neighbor Agreements (GNAs). Each of these agreements can indicate a more direct commitment to workforce or community benefits by the developer and can bring specific benefits to a community. While DOE cannot require these agreements, it does strongly encourage negotiation of them, holding them up as a "gold standard" for any community benefit plans. If one is promised in a CBP, then DOE asks for details including negotiating status and letters from negotiating partners.

Descriptions of each type of agreement are below, followed by a brief discussion of differences between these agreements and a CBP. One clear takeaway is the complementary value that both a CBP and one, or more, of these negotiated agreements can bring together. Another is that each of these negotiated agreements meets different community or workforce priorities and will have varying relevance to different stakeholders. A CBP can serve as an "umbrella framework" that supports and optimizes potential outcomes from these kinds of negotiated agreements.

Project Labor Agreements

Project Labor Agreements (PLAs), as referenced in the previous section, bring high-quality jobs and strong worker standards, among other benefits.¹⁶ They are negotiated between one or more construction trade unions and project owners or their contractors for a construction project. Mostly they are timebound by the duration of the construction project and apply to all contractors and subcontractors on a project, although occasionally cities or government agencies will negotiate PLAs that apply across multiple projects or funding streams. PLAs can also increase diversity in the construction sector, relative to the current baseline of workers, based on the fact that unionized construction employers can be more diverse than non-unionized ones.¹⁷ However, due to the union-based requirements within them, PLAs can sometimes risk excluding workers and contractors from communities hosting the construction projects, as well as populations that have historically struggled with entry into trade unions. This can reduce the local economic benefits and limit the diversity of contractor pool.¹⁸

Community Workforce Agreements

One approach to addressing this risk of non-union worker exclusion is to pursue a broader Community Workforce Agreement (CWA). These are most typically a type of PLA that also includes community-centered commitments primarily related to local hiring and "targeted" hiring of specific categories of workers (mostly veterans, minorities, and women) as well as equitable, community-driven workforce training, recruitment, and pre-apprenticeships,

¹⁶ Cornell School of Industrial and Labor Relations, "Community Workforce Provisions in Project Labor Agreements: A Tool for Building Middle-Class Careers" (October 2011); UCLA Labor Center "Construction Careers for Our Communities" (2010); Economic Policy Institute, "Building Better: A Look at Best Practices for the Design of Project Labor Agreements" (August 2010)

¹⁷ Economic Policy Institute, "Diversity in the New York City union and nonunion construction sectors" (March 2017)

¹⁸ San Francisco Foundation, Estolano Advisors, "Improving the Effectiveness of Project Labor Agreements" (December 2020)

and, sometimes, opportunities for small, minority, women, veteran, disabled business enterprises. CWAs can address some of the community-specific and equity challenges that are periodically seen in PLAs, but they more narrowly target workforce needs, and can miss other community needs or benefits.¹⁹

Community Benefits Agreements

As discussed in the previous section, Community Benefits Agreements (CBAs) emerged over two decades ago as a means of increasing the economic and workforce benefits of project developments within neighborhoods impacted by those projects. CBAs are enforceable contracts negotiated between project owners and developers and local community organizations and can be found in construction, manufacturing, and other areas. Alongside the workforce targets of a CWA, a CBA also incorporates a larger share of community-focused priorities pertaining to housing, pollution, health, and local economic development.²⁰ A CBA can be more impactful at a local level, across a longer period. However, CBAs have a mixed history in meeting the conditions of the agreements, providing transparency in negotiation, tracking results, and ensuring accountability of signatories.²¹

Good Neighbor Agreements

Good Neighbor Agreements (GNA) are another type of agreement developed to address specific community needs.²² Some GNAs are entered into between community groups, and/or local government, and a company, to address issues connected to environmental and public health impacts.²³ Many of these GNAs have led to positive resolution of those concerns. One recent GNA of this type was signed between Vineyard Wind, an offshore wind developer, and multiple parties from the Nantucket Community.²⁴ Another type of GNA is more centered on specific neighborhoods, and seeks to address neighborhood concerns around safety, health, economic needs, housing, or personal relationships.²⁵ While legally binding agreements are considered more enforceable, many GNAs are still effective without that level of legal commitment. They can be highly responsive to specific community needs but challenging to negotiate between parties absent a mutually shared goal to reach agreement.²⁶

Differences Between a CBP and Other Agreements

Due to a commonality of approach, and a similarity in terminology, a CBP can be confused with several types of agreements, especially Community Benefits Agreements (CBA). While a CBP and a CBA share history and several key features (as CBPs do with all these agreements), they are not the same.

¹⁹ Los Angeles County, “Community Workforce Agreement: 2020 Annual Report” (2020); Center for American Progress, “Proven State and Local Strategies To Create Good Jobs With IJIA Infrastructure Funds” (May 2022), UCLA Labor Center, “EXPLORING TARGETED HIRE: An Assessment of Best Practices in the Construction Industry” (2014)

²⁰ Good Jobs First, “Community Benefits Agreements: Making Development Projects Accountable” (2005)

²¹ “Sabin Center for Climate Change Law, “Expert Insights on Best Practices for Community Benefits Agreements” Matthew Eisensohn & Romany M. Webb (Sept. 2023); ShelterForce, “Which Community Benefits Agreements Really Delivered?” (August 2021)

²² One type of GNA not discussed here are those entered between the Forest Service or Bureau of Land Management and states, counties, and Indian tribes to conduct restoration work on federal land managed by those agencies. According to data from these federal agencies, there are dozens of active GNAs, primarily with states. See Congressional Research Service, “The Good Neighbor Authority” (October 2020)

²³ Hastings Environmental Law Journal, “The Good Neighbor Agreement: Environmental Excellence without Compromise” (Spring 1999)

²⁴ See Good Neighbor Agreement signed between Vineyard Wind, and the Town and County of Nantucket. <https://nantucket-ma.gov/DocumentCenter/View/37347/Good-Neighbor-Agreement-PDF>

²⁵ Examples here include between UC Hastings and the Market Street for the Masses Coalition concerning housing development projects, the City of Seattle Human Services Department and neighborhoods with homeless service programs, and a registered neighborhood organization and over a dozen businesses: <https://www.chundenver.org/goodneighboragreements.html>

²⁶ University of Colorado Law School, “Evaluating the Use of Good Neighbor Agreements for Environmental and Community Protection” (2004)

The range of potential partners involved in a CBP can be much larger than the range of partners in a negotiated agreement. One of the challenges of negotiated agreements is that they are dependent upon who is at the negotiating table. This can lead to the exclusion of specific populations or communities. While a CBP will not be immune to this dynamic, the number of partners involved in creating a CBP will likely be greater and spread across more sectors, and the opportunity to reflect a wide range of perspectives is strongly encouraged through a CBP process.

The breadth of focus areas described in a CBP process is typically more extensive than in negotiated agreements. As described above, CBPs include stakeholder mapping, comprehensive community engagement, organized labor commitments, the quality of job creation, inclusive workforce recruitment, workforce development strategies, minority and women business enterprise opportunities, and project lifecycle benefit and impact assessments. Few, if any, negotiated agreements capture all of these topics, as specific agreements tend to prioritize a narrower focus on a portion of these topics.

While CBPs are required as part of DOE applications, they are not binding legal agreements like the negotiated agreements discussed in this section. A CBP is, ultimately, a framework that proscribes a process for securing community and workforce benefits, (a “roadmap”²⁷ as described in another report) while encouraging commitments from grant applicants to specific outcomes because of that process. It requires developers and other grant applicants to conduct extensive research, stakeholder engagement and negotiations prior to initiating project construction. DOE has stated that CBPs become contractual obligations and continued funding for projects is contingent upon implementation of the CBP. The inclusion of specific CBP commitments into contractual grant agreements with DOE will be a key determinant of beneficial community and workforce outcomes from grant-funded projects, although federal enforcement of these commitments remains an open question.

²⁷ World Resources Institute: “US Clean Energy Projects Need Public Buy-in. Community Benefits Agreements Can Help” (August 31, 2023)

CBP-Like Efforts at Other Federal Agencies

CBP requirements and guidance have accompanied all DOE Funding Opportunity Announcements (FOAs) and Loan Program Office new applications, and one manufacturing tax credit (48C). The first announcement of CBP-connected funding selections occurred in October 2022 with the Funding Opportunity Announcement (FOA) for battery manufacturing.²⁸ Since then, numerous other grants have been announced, reflecting the influence of the CBP process, including Regional Direct Air Capture Hubs²⁹, Long-Duration Energy Storage Demonstrations Projects³⁰, Regional Clean Hydrogen Hubs³¹, the Grid Resilience and Innovation Partnerships (GRIP) Program,³² and other programs within the Office of Energy Efficiency and Renewable Energy (EERE), the Office of Clean Energy Demonstrations (OECED), the Loan Programs Office and Office of Manufacturing and Energy Supply Chains. Many more announcements of funding selections from DOE, featuring the inclusion of CBPs, are expected in the coming months and years.

The inclusion of CBP-style criteria can also be seen across other federal agencies in programs developed both before, and during, the Biden Administration, the latter mostly funded through IIJA and IRA. While each may have different elements than the DOE's CBP process, most of these programs are focused on the same broader goals – active community engagement, high-quality jobs, inclusive workforce opportunities, equitable economic development, and a broader sharing of benefits from climate and clean energy investments through the Justice40 initiative.

These types of approaches have seen a boost during the Biden Administration due to its focus on place-based strategies, which can be seen in examples such as the creation of Justice40, the Interagency Working Group on Coal and Power Plan Communities, and Executive Orders on Tackling the Climate Crisis³³ and Worker Organizing and Empowerment³⁴. But agencies such as the Environmental Protection Agency (EPA), Housing and Urban Development (HUD) and the Department of Transportation (DOT) already have long-standing capacity building and technical assistance programs for non-profits and community groups to help in their pursuit of federal funding and programs. IIJA and IRA have allowed these agencies to expand the scale and purview of these initiatives, primarily in support of climate and clean energy funding.

²⁸ Community benefits feature prominently in the DOE factsheet announcing the selection of projects. https://www.energy.gov/sites/default/files/2022-10/DOE%20BIL%20Battery%20FOA-2678%20Selectee%20Fact%20Sheets%20-%201_2.pdf. Additional announcements expected around the publication date of this report include for region-specific hydrogen hubs and carbon capture projects, among others.

²⁹ Department of Energy, "Regional Direct Air Capture Hubs Selections for Award Negotiations" retrieved October 2023, <https://www.energy.gov/oced/regional-direct-air-capture-hubs-selections-award-negotiations>

³⁰ Department of Energy, "Long-Duration Energy Storage Demonstrations Projects Selections for Award Negotiations," retrieved October 2023, <https://www.energy.gov/oced/long-duration-energy-storage-demonstrations-projects-selections-award-negotiations>

³¹ Department of Energy, "Regional Clean Hydrogen Hubs Selections for Award Negotiations," retrieved October 2023, <https://www.energy.gov/oced/regional-clean-hydrogen-hubs-selections-award-negotiations>

³² Department of Energy, "Biden-Harris Administration Announces \$3.5 Billion for Largest Ever Investment in America's Electric Grid, Deploying More Clean Energy, Lowering Costs, and Creating Union Jobs", retrieved October 2023, <https://www.energy.gov/articles/biden-harris-administration-announces-35-billion-largest-ever-investment-americas-electric-grid>

³³ The White House, "Executive Order on Tackling the Climate Crisis at Home and Abroad," January 2021 <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>

³⁴ The White House, "Executive Order on Worker Organizing and Empowerment," April 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/04/26/executive-order-on-worker-organizing-and-empowerment/>

EPA and DOT are also integrating CBP objectives into new IRA-and IIJA-related FOAs. This includes efforts to incorporate Justice40 and environmental justice cost/benefit analyses, the creation of jobs in communities surrounding projects, and provision of services to residents. These community benefits are often embedded in programs, and grants, rather than crafted as separate plans.

Cross-agency efforts are one way to integrate similar aims across programs within different agencies.

- The Interagency Community Investment Committee (ICIC) 2023 Action Plan brings together six agencies (the Departments of Agriculture, Commerce, Housing and Urban Development, Treasury, Transportation, and the Small Business Administration) to explore how best to align federally directed community investment plans to advance the Biden Administration’s racial equity and equitable urban economic development goals.³⁵
- The Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization is a prominent cross-agency effort that includes eleven federal agencies working collectively to support fossil energy communities, especially those with fence line and environmentally overburdened populations, in facilitating economic revitalization.³⁶
- The Federal Interagency Thriving Communities Network, organized between seven federal agencies, provides disadvantaged communities with resources, tools, and capacity to pursue federal funding, as well as facilitating the planning and development of transportation and community infrastructure projects and revitalization activities.

As part of the effort, HUD and DOT are making \$25 million in funds available for technical assistance providers and communities to support them in applying for federal funding.³⁷ Meanwhile, EPA and DOE are providing 17 Environmental Justice Thriving Communities Technical Assistance Centers (EJTCTACs) with \$177 million in funding to support underserved communities’ understanding of the federal grant process and engage more directly with EPA on EJ programs.³⁸

Federal agencies are also individually encouraging developers, organizations, and local governments to consider ways in which projects can enhance communities that have been historically impacted by prior developments. The following examples of this approach are illustrative and not exhaustive.

- DOT announced the first-time inclusion of equity as one of its core strategic priorities that includes meeting 12 performance goals, in similar categories to a CBP, including Expanding Access, Wealth Creation, Power of Community, and Workforce Development.³⁹ Among many examples, applications for discretionary grant programs such as the \$5.5 billion Multimodal Project Discretionary Grant program, the \$3.35 billion Reconnecting Communities and Neighborhood program and the \$100 million SMART Grants Program require information on community engagement, high-quality job creation and workforce development, disadvantaged business enterprise opportunities and Justice40 benefits.

³⁵ The White House: “FACT SHEET: Biden-Harris Administration Announces New Measures to Promote Equitable Community Development,” June 27, 2023. <https://www.whitehouse.gov/briefing-room/statements-releases/2023/06/27/fact-sheet-biden-harris-administration-announces-new-measures-to-promote-equitable-community-development/>

³⁶ Congressional Research Service: “Interagency Working Group (IWG) on Coal and Power Plant Communities and Economic Revitalization,” January 17, 2023. <https://crsreports.congress.gov/product/pdf/IF/IF12238>

³⁷ Route-Fifty: “New Help Available for Underserved Places Applying for Federal Grants,” October 6, 2022. <https://www.route-fifty.com/infrastructure/2022/10/new-help-available-underserved-places-applying-federal-grants/378159/>

³⁸ U.S. Environmental Protection Agency: “Biden-Harris Administration Announces \$177 Million for 17 New Technical Assistance Centers Across the Nation to Help Communities Access Historic Investments to Advance Environmental Justice”, April 13, 2023. <https://www.epa.gov/newsreleases/biden-harris-administration-announces-177-million-17-new-technical-assistance-centers>

³⁹ U.S. Department of Transportation: “Centering Equity at the U.S. Department of Transportation,” retrieved October 2023. <https://www.transportation.gov/priorities/equity/equity-strategic-goal>

- HUD has announced twenty-four programs that it is including as part of the Justice40 initiative, to ensure the benefits of those programs reach Justice40 communities.⁴⁰ Separately, eight communities recently received \$40-50 million each through Choice Neighborhood Implementation Grants, a place-based neighborhood revitalization initiative for underserved communities.⁴¹
- The Bureau of Ocean Energy Management included non-monetary bid credits in offshore wind lease sale auctions, including those specifically supporting workforce training, domestic supply chain development and, in California, credits for establishing community benefit agreements with users of the geographic leaser area.⁴²
- The Department of Labor is focused heavily on supporting high-quality jobs through the Good Jobs Initiative⁴³, and is working in close partnership with DOE, DOT, and others through specific memoranda of understanding.⁴⁴
- The Department of Commerce recently announced a \$60 million initiative in job creation and workforce development under the Climate-Ready Workforce for Coastal States, Tribes, and Territories Initiative, through funding from IRA.⁴⁵ Additionally, as part of the CHIPS and Science Act, DOC's Economic Development Administration has announced multiple workforce and supply chain development initiatives, including the \$200 million Recompete Pilot Program that provides grants for underserved and disadvantaged communities⁴⁶, the requirement of comprehensive workforce needs assessments within the \$300 million funding opportunity for large semiconductor supply chain projects⁴⁷, and the integration of inclusive economic, workforce, and supply chain development in the Tech Hubs funding opportunity.⁴⁸
- EPA has over a dozen grant opportunities available to support environmental and climate justice, workforce development, and redevelopment opportunities, some with additional funds from IIJA and IRA, others that precede this legislation.⁴⁹ Seventy-three programs are currently covered under Justice40, including the Drinking Water and Clean Water State Revolving Funds, Superfund Emergency Response and Removal Program, and National Estuary Program. The EPA is also providing \$550 million through the Environmental Justice Thriving Communities Grantmaking Program to allow eleven entities to become grantmakers for initiatives that reduce barriers to the federal grants application process and provide environmental justice subgrants, among other activities.

⁴⁰ U.S. Department of Housing and Urban Development: "HUD Announces 24 Programs to Join Biden-Harris Administration Justice40 Initiative, July 15, 2022. https://www.hud.gov/press/press_releases_media_advisories/hud_no_22_132

⁴¹ U.S. Department of Housing and Urban Development: "HUD Awards \$370 Million in Choice Neighborhoods Implementation Grant Awards", July 26, 2023. https://www.hud.gov/press/press_releases_media_advisories/hud_no_23_149

⁴² PerkinsCoie, "BOEM Conducts First-Ever California Offshore Wind Lease Sale, December 2022, <https://www.perkinscoie.com/en/news-insights/boem-conducts-first-ever-california-offshore-wind-lease-sale.html>;

⁴³ Department of Labor, "The Good Jobs Initiative," retrieved October 2023: <https://www.dol.gov/general/good-jobs>

⁴⁴ Department of Labor, "Memorandum of Understanding Between The U.S. Department of Labor, Wage and Hour Division and the National Labor Relations Board," retrieved October 2023, <https://www.dol.gov/agencies/whd/flsa/national-labor-relations-board-mou>; Department of Energy, "Memorandum of Understanding Between The United States Department of Energy and the United States Department of Labor", <https://www.energy.gov/sites/default/files/2023-02/DOL-DOE%20MOU%20signed.pdf>

⁴⁵ U.S. Department of Commerce: "Biden-Harris Administration Invests \$60 Million to Create a Climate-Ready Workforce through Investing In America Agenda," June 29, 2023. <https://www.commerce.gov/news/press-releases/2023/06/biden-harris-administration-invests-60-million-create-climate-ready>

⁴⁶ U.S. Department of Commerce, "Biden-Harris Administration Launches Recompete Pilot Program Funding Opportunity," (June 2023)

⁴⁷ National Institute of Standards and Technology, "Notice of Funding Opportunity: Commercial Fabrication Facilities," retrieved October 2023, <https://www.nist.gov/chips/notice-funding-opportunity-commercial-fabrication-facilities>

⁴⁸ U.S. Department of Commerce, "Biden-Harris Administration Launches First Tech Hubs Funding Opportunity," (May 2023)

⁴⁹ U.S. Environmental Protection Agency: "Environmental Justice Grants, Funding and Technical Assistance," retrieved October 19, 2023. <https://www.epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance>

Many EPA programs also emphasize job training and workforce development in surrounding communities. For example, Brownfields Job Training Grants (a BIL program) seek to “recruit, train, and place unemployed and under-employed residents of areas affected by the presence of brownfield sites.”⁵⁰ Guidance to the states on implemented Drinking Water and Clean Water State Revolving Funds include priorities for workforce and community engagement.

- At the Department of the Interior, Justice40 covers sixty-five programs, many of which were created by the Bipartisan Infrastructure Law. These programs include the Abandoned Mine Reclamation Fund, Land and Water Conservation Fund, and Urban Waters Program. All of these programs are required to make an investment in one of seven categories: climate change, clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, remediation and reduction of legacy pollution, or the development of critical clean water and wastewater infrastructure. Several other DOI grant programs, including the Native American Business Development Institute, the Rehabilitation, Reconstruction, Replacement of Carey Act Dams, and the Energy Community Revitalization Program, use the creation of stable, well-paid jobs and recruitment of diverse workers in surrounding communities as one of the primary criteria for selection of applicants.⁵¹

⁵⁰ U.S. Environmental Protection Agency: “EPA Funding Announcements from the Bipartisan Infrastructure Law and the Inflation Reduction Act,” retrieved October 19, 2023, <https://www.epa.gov/invest/epa-funding-announcements-bipartisan-infrastructure-law-and-inflation-reduction-act>

⁵¹ Located through search of Sam.gov: <https://sam.gov/search>

Early Experiences and Findings on the CBP Process from the Field

To gather insights on initial implementation from the first phase of the CBP process, BW Research conducted research interviews with two dozen individuals⁵² who have had active engagement with, or are closely monitoring, the CBP process at DOE.

While the response of some developers to the CBP process is showing positive impacts, there is increasing skepticism from those working in, or for, disadvantaged communities about missed opportunities for authentic community engagement, as well as overall outcomes driven by a CBP. Both developers and community and equity advocates are concerned about the effectiveness of the CBP process in supporting newer technologies and reaching the hardest-to-reach communities and groups. One consistent recommendation heard from those interviewed was the need to provide dedicated resources to encourage and support participation in a CBP, procured from non-DOE sources, since DOE is legally prohibited from financially supporting those applying for competitive funding from the agency. The second clear recommendation was to have a clear, transparent, and dedicated focus on accountability and oversight on the commitments found in a successful applicant's CBP.

Initial Findings

- **CBPs are encouraging developers to pay more attention to community and worker needs, as well as sending helpful market signals.** Discussions and strategy among developers who are developing CBPs as part of their project applications are increasingly focused on community and workforce impacts, including among the more technical and engineering-oriented employees. CBPs appear to be helping to link previously siloed staff and units within those companies, such as between government affairs, marketing, and engineering. In addition to developers, the CBP process also appears to be sparking greater focus on these issues among federal agencies, and regional and local economic development entities. Finally, the CBP process makes a firm statement to the market about the importance that DOE places on issues such as active community engagement, the value of unionized labor, the importance of job quality, and the need to share economic benefits more equitably from clean energy development.

“The biggest success so far has been forcing project developers to think about a CBP.”

“Having a commitment going to federal government that outlines commitments made on the ground is forcing people I work with to think through what’s necessary, what are best practices, what are the dedicated resources available.”

“It’s helping people in a company to understand what are decision points in the project cycle where there needs to be community engagement points as well”

“A CBP is motivating a lot of these questions and a willingness to do two-way stakeholder engagement. This is very novel to these companies who are not sophisticated in this space”

“This has always been an area lacking in economic development projects. It’s a huge step forward from not asking for anything.”

“This is a stronger statement on equity than we’ve seen before at DOE”

⁵² Participants included developers, CBP consultants, government staff connected to the CBP process, environmental advocates, community and environmental justice advocates, representatives of tribal communities, and philanthropists.

- **The workforce development and job creation elements, including inclusive workforce commitments and labor union support, appear initially to be the strongest elements of the CBP process. Integrating workforce commitments into early-stage technologies is more challenging.** This dynamic appears in part because companies and unions tend to be more comfortable discussing or promoting employment elements and that workforce activities are well-suited for presenting outcomes that meet all the CBP objectives. Additionally, these kinds of agreements and investments are mutually beneficial to communities and developers as they directly and quickly resolve workforce shortages and reduce labor-related delays. Strong workforce standards that are inclusive are important to ensure projects create broadly shared wealth. However, some concern was raised by stakeholders about how to integrate workforce elements into very new and early-stage technologies where little is known about occupations and workforce requirements.

“Jobs are the number one way to start the conversation with community – you have to know your project parameters, and then potential for jobs you can create, and then you can start reaching out to the technical colleges and workforce boards”

“Look at the four elements, if you partner with building trades, or put together a pre-apprentice program, you’re basically checking off all of them”

“Unions have been really strong and know what they want. In CBPs I’ve seen, there’s no question about what’s needed on the union side.”

“Some of the emerging and innovative sectors are hard to figure out on the workforce development side – the questions about existing unions and labor agreements – it’s harder to know what kind of workforce you’ll be creating, and therefore which union will engage. This kind of thing necessarily would favor more entrenched technologies and firms”

- **Maximizing private sector participation in, and support of, CBPs is still at an early stage.** Many smaller, less prominent companies, or those with early-stage technologies lack the in-house capacity, resources, relationships, and expertise needed to effectively respond within the time constraints of the FOA, while the early-stage technologies are difficult to predict or plan around. These companies are concerned they may be at a significant disadvantage in securing DOE funds as a result. Meanwhile companies who are on board with the objectives of the CBP process and have done initial research and mapping are now struggling with what to do next in terms of engagement strategy, and how to balance community needs with a CBP score. The companies that are leading the way, or at least are more prepared, have already been pursuing activities within the CBP framework, with dedicated funds, and committed leadership.

“Companies are coming to us too late, and we don’t have enough time to talk about specifics and details. Some of them are lucky and have formed a few partnerships that they can talk to. But for the most part, they’re two weeks out from submitting for the manufacturing tax credit.”

“For companies who aren’t thinking about this work, they can have a real discomfort with doing this kind of work. The lack of knowledge to engage tends to get into really basic stuff – like who do you send into the community, what do we do after we’ve had a meeting. The specificity of the CBP makes these companies very hesitant and anxious.”

“The majority of technologies that are early don’t have the internal knowledge to develop these types of relationships.”

“The major players have way more knowledge. We’re having to do a ton of education to make smaller companies competitive.”

“What’s really hard and isn’t great – laying out beyond a plan. We’ve done the tabletop ecosystem mapping. But now, here’s how we intend to engage – that’s harder.”

“For a company that wants to listen to what the community needs – they’re also competing against what the other company is doing, and the score that company will receive, which perhaps could be higher for building a hospital.”

“The ones doing it better than others, are actually the ones that started on more of the internal elements. They have inclusive recruiting, a focus on diverse supply chain, they’re thinking about retention - they have the language and tools to see how to do this”

“Companies that have been attentive to these issues are doing better. The process rewards high road companies. We see those with experience working with labor unions also doing well.”

“The companies that are leaders, are primarily people-of-color-led, or have some background of community work. They see the long-term value, have the orientation and desire, and some experience to know what to do.

- **The CBP process is in its first iteration and still evolving.** These interviewees acknowledge the recency of the CBP process and challenge of developing and launching something this complex, as well as the legal limitations DOE is operating under.

“This is very much a work in progress – it’s amazing as a structure, but not a lot operating on the ground.”

“Beyond community engagement, the other pieces of the CBP need time. Workforce programs and planning needs time. You need to understand each project in detail before you can do these things and write a plan about it.”

“It’s so well-intentioned, but I’m not sure the CBP is getting at what they’re after. It asks for lists of groups engaged but doesn’t really get to the core of what it wants, which is assuring that developers are meaningfully partnering with organizations.”

- **Stakeholders are concerned about implementation challenges within the CBP process, especially due to limited DOE capacity.** The aggressive timelines put forward in the funding opportunity announcement notifications and an overall lack of time available to develop the complex elements of a CBP, are having a negative impact on community engagement and the development of thoughtful, comprehensive applications. The lack of clear information, direct guidelines and updates, and few existing models, comparisons or, importantly, experience with CBPs, is leaving some applicants confused. DOE staff are still being hired for important roles across the agency but there are still staffing gaps in some critical programs and functions. Concerns about the review process highlight a need for greater training about expectations and needs in CBP application reviews, increased funding for staff and reviewer capacity, and a more diverse pool of reviewers.

“Broad-based stakeholder engagement is extremely difficult given the timelines available.”

“Slow down. I know it’s the politics, but this should take a decade or more, and they’ve given themselves two years”

“Over the last year, DOE have provided a lot more templates and trainings, but this is still the number one issue that companies are coming to ask for our help on”

“[DOE] is just overwhelmed.”

“It’s important to have enough reviewers who are trained and are able to know what a good CBP is versus a bad one and are not just basing it off of potential size of investment or what the developers are saying.”

“Very few people in the space who understand the really difficult issues the government is asking about comprehensively – you need a hybrid crew of reviewers.”

- **Among those involved with a CBP process, community stakeholder frustration is growing.** The extent and type of community outreach brought on by the CBP, and other federal community engagement efforts, is contributing to stakeholder fatigue. A lack of credibility, transparency, rushed timelines, and resources for engagement are seen as hindering the development of strong community relationships and making it difficult for authentic community engagement. There also remains a tension between the deep, on-the-ground trust-driven approach that typifies the best in community-centered support, versus the light touch, sometimes outsourced effort that is currently being practiced by companies developing CBPs. Knowledge about the CBP requirements is not widespread, and there is a mismatch between what DOE is asking for and the capacity in the field to deliver. Finally, the process of engaging in a CBP process can feel prohibitive to smaller groups. Stakeholder fatigue was a prominent issue highlighted by many, who were concerned this could lead to active disengagement by these groups from the process.

“There are a set of requirements that qualify what is authentic community engagement that would take into account that particular company’s relationship with and history in the community and then put in more onus on the developers, based on what the community would say.”

“Community engagement has to be built on trust. Timeframe is important to communicate with project developers. You need to get boots on the ground as soon as possible – hire locally”

“They’re not innovative – I’ve helped on multiple CBPs for different applications for the same FOA that used the same contractor. The CBPs were identical.”

“I’m hearing that folks are writing to the guidelines, anticipating that is what DOE wants, or they don’t know what else to write. So, there’s a sameness in all the CBPs”

“I have seen the same stakeholder engagement that’s coming from developer side – it’s not authentic. What’s happened is that they’re doing it with urgency. The CBP has forced more urgency of the same.”

“The guidelines are extensive, onerous, and intimidating to small community groups. We’re hiring a lawyer just to review guidelines and not everyone can.”

“We’re asking them to meet our individual needs in government and these CBPs, but also their needs in the community. This is very difficult unless we provide resources.”

“What we started finding 18 months ago – community and justice organizations were just saying no. To funding, to engagement. It’s hard to get the federal technical assistance funding, and they were finding they could accomplish more without the extra oversight. The small amount of funding on offer so far is not worth the trouble to apply, to report and then also find time to do their actual work in the community.”

- **Other approaches being taken within government provide useful sources of learning and resources.** Some agencies are thinking collectively about many or all goals found in a CBP. This consistency of intentions can be seen across the federal government in assorted FOAs and funding guidance documents. One option available to other agencies, mostly not available to DOE, is the provision of resources to support applications, or a process that connects more directly with communities. Finding ways to meet this gap in technical and engagement resources would be beneficial.

“Frankly, DOE was behind the curve and is catching up”

“DOT is doing more capacity building grants ahead of the funding opportunities on the technology and development side”

“EPA has been doing this work longer and has more reasons for doing so. The way their grant opportunities are structured, it’s easier to see the community connection; it’s a natural alignment. They’ve had a different paradigm from the start with lots more non-profits, not as much private sector involvement.”

“Historically, HUD and DOT – they have such strong programs. TICTACs had existed before this administration breathed more life into him. DOE is just getting into this game on the grants side”

“How DOI addresses this for tribes is that we get overhead in grants – extra funding for capacity to do this type of outreach and coordination. The indirect cost gets added in to cover the administrative cost to manage. Tribes get a specific agency within DOI that approves the rate.”

- **More resources are needed for many different stakeholders to encourage and increase participation in the CBP process.** With little funding for DOE community engagement that has been approved by Congress, there is worry that without addressing the resources needs (as well as deadline crunches and other challenges above), the CBP process will not include the most disadvantaged communities and organizations supporting them. Different interviewees referenced EJ and community groups, tribes, municipalities, and small, new companies as needing funds. Those entities are forced to seek funding elsewhere which is further exacerbating the existing power differential between stakeholders and project developers, with greater implications for disadvantaged communities. Others highlight the role that philanthropic funding could play in increasing access to technical assistance for community partners, providing longer-term capacity building, support education and awareness raising and providing other information and data resources.

“It’s a total concern for me. The places with best existing infrastructure and capacity on the ground, with the already activated EJ groups – those are going to be the easiest to develop.”

“Part of the challenge of the lack of staffing at the DOE end is it pushes a lot of duties down to applicants and partners. Tracking, accountability – those become the responsibility of the community.”

“The number of pages of applications, the months it takes to complete, the timeline on decision-making, and eventual funding announcement. All of that taking place in a smaller town or city, maybe in a southern area without extra support and guidance...the layers and burden add up”

“Philanthropy and other funding sources will be critical to support the community side.”

- **To maximize community benefits, greater accountability is critical to ensure that developers are held to meaningful commitments.** Several interviewees are concerned that a lack of accountability and oversight will lead to reduced positive impact for communities and workers from the CBP process. DOE has stated that CBPs become contractual obligations, and continued funding for projects is contingent upon implementation of the CBP. In addition, DOE encourages negotiated agreements between project developers and stakeholders. Stakeholders are eager to understand how DOE can increase enforcement and monitoring of specific CBP commitments in future rounds of funding, throughout a project’s lifecycle.

“What’s the accountability mechanisms? In the application process there’s not a mechanism for following through. There’s a lot of moving parts and it seems they’re still figuring it out.”

“It’s not clear to me how much teeth these things have, and if the benefits don’t accrue, what then? What’s the mechanism that makes certain the benefits accrue? What’s the recourse?”

Insights from Community Surveys on Community Benefits

In addition to interviews, the research team also conducted surveys of residents in the three communities within the CATF equity project – the Ironbound Community in Newark, New Jersey, The Nenahnezad Chapter, the Upper Fruitland Chapter, and the Shiprock Chapter, Navajo Nation, and St. James Parish & St. John the Baptist Parish in Louisiana.⁵³ The results of these surveys provide helpful insights for the CBP process, for developers, community, and equity-focused advocates, especially those operating at the national level, and federal agency staff tasked with designing and implementing community- and workforce-centric elements within grantmaking.⁵⁴

- **A significant majority of residents in all three communities felt developers had not fulfilled promises on previous projects, and that community engagement had been insufficient.**
 - Most community residents agreed with the statement that “developers had not fulfilled their promises when projects were previously built in my community” (ranging from 59.5 percent to 76.8 percent) and that “there was not enough community engagement when projects were previously built” (a statement “strongly supported” or “somewhat supported” by over 70 percent of each community’s members).
 - After receiving information about different aspects of community benefits, around one in six community members remained skeptical of specific community benefits agreements in all three communities.
- **Awareness of both community benefits plans and negotiated agreements like community benefit agreements is low.**
 - There was limited initial awareness of different types of project and workforce agreements. No agreements exceeded 30 percent in terms of awareness by community residents.
- **The concept of a Community Benefits Plan is positively received – but not universally – in the three communities. Support grew for a CBP following the survey, but skepticism remained.**
 - The use of CBPs for development projects had initial support from a majority of community residents (ranging from 52.1 percent to 69.9 percent). However, before receiving an explanation of community benefits, between one in five and one in three were neutral to not supportive (29.6 percent, in Navajo Nation, 23.8 percent in the Ironbound Community, 19.1 percent in St. James Parish & St. John the Baptist Parish).
 - The same question, asked following the discussions of community benefits during the survey, found increased supportive scores, but only about one in two community residents were “strongly supportive” of the concept of a CBP (ranging from 45.9 percent to 56.7 percent in the three communities).
- **Small business owners and environmental groups were consensus favorites within communities of entities that should participate in a CBP process. Support for other groups’ participation varied by community.**
 - “Small business owners” and “environmental groups” were popular in all communities.
 - In the Ironbound Community “civil rights organizations” and “labor groups” were most frequently sought at the negotiation table (second and third respectively, but lower in the Navajo Nation Chapters and St. James Parish & St. John the Baptist Parish).

⁵³ The questionnaire used in this survey utilized directly and built upon the questions developed by Data for Progress to survey opinions of Community Benefit Agreements found here:

https://www.filesforprogress.org/datasets/2022/6/dfp_community_benefits_agreement_toplines.pdf and here:

https://www.filesforprogress.org/datasets/2023/2/dfp_community_benefits_agreements_tabs.pdf. BW Research expanded questions connected to benefits and reframed the survey in the context of community benefit plans. Utilizing similar questions allows for continuity and comparative analysis where warranted.

⁵⁴ The full results of these surveys are available in an accompanying BW Research report: “*Community Benefits: A Survey of Perspectives from Three Communities.*”

- “Local government officials” ranked first and second respectively in the Navajo Nation Chapters and St. James Parish & St. John the Baptist Parish, but sixth out of eight in the Ironbound Community.
 - “Social Justice Organizations” and “School Boards” received relatively low levels of support across all three communities.
 - “Religious organizations” were the least likely groups that community members in all three communities wanted involved in the negotiations of a CBP.
 - The number one group not listed in the survey that community members wanted to see included in negotiation were “local community members.”
- **Nearly all potential community engagement activities by developers were strongly supported, with activities related to transparency and full public engagement receiving the most support.**
 - Activities such as “building trust,” “town halls open to the public,” and “engagement accessible to all residents” were favored by at least two in three residents in all three communities.
 - “Community engagement should be accessible to all residents” received the highest “strongly agree” score in the Ironbound Community and Navajo Nation Chapters, and second highest in St. James Parish & St. John the Baptist Parish.
 - “Community engagement should include town hall meetings that are open to the public” received the second highest “strongly agree” scores in the Ironbound Community and Navajo Nation Chapters and fourth in St. James Parish & St. John the Baptist Parish.
 - “A developer should build trust with the local community it wants to build in” was the most important priority in the St. James Parish & St. John the Baptist Parish (fourth in the Ironbound Community and Navajo Nation Chapters).
 - While other community engagement activities scored slightly lower than the above-mentioned statements, all tested statements were strongly favored (none had less than 75 percent “strongly agree” or “somewhat agree” with any community engagement activity).
- **Addressing measures of environmental quality was perceived as more important than community-related clean energy funding.**
 - “Improving water quality” was the number one community benefit listed as “very important” in all three communities (73.6 percent in the St. James Parish & St. John the Baptist Parish, 73.5 percent in the Ironbound Community, 66.7 percent in the Navajo Nation Chapters).
 - “Improving air quality” was number two or three (72.2 percent in the St. James Parish & St. John the Baptist Parish, 72.3 percent in the Ironbound Community, 57.3 percent in the Navajo Nation Chapters).
 - Expanding clean energy (represented by “funding for community solar panels” and “installing charging stations for electric vehicles”), was 20 to 35 percentage points less likely to be considered “very important.”
- **There is no consensus on the most important benefits in any community, but actions to improve environmental quality and reduce pollution tended to rank higher, along with affordable housing requirements and funding for mental health and substance abuse services.** Community members within the three communities selected twenty different benefits as “most important” to them from a community benefits plan – highlighting the breadth of perspectives among community members. The category of environmental benefits and community services ranked slightly higher than economic benefits, although almost all benefits listed were ranked as “very important” or “somewhat important” to include in a CBP.
 - “Increasing climate resilience” was the “most important” in St. James Parish & St. John the Baptist Parish, second in the Ironbound Community and fourth in Navajo Nation Chapters
 - “Improving water quality” was the third “most important” in Ironbound and Navajo Nation and sixth most in St. James Parish & St. John the Baptist Parish
 - “Funding for cleaning the local environment and reducing pollution” was tied for second “most important” in the St. James Parish & St. John the Baptist Parish, fifth in the Navajo Nation Chapters and tied for sixth in the Ironbound Community

- “Improving air quality” was tied for the second “most important” in the St. James Parish & St. John the Baptist Parish, tied for sixth in the Ironbound Community and twelfth in Navajo Nation Chapters.
 - “Requiring construction of affordable housing” was ranked the “most important” priority to include in both the Ironbound Community and Navajo Nation Chapters, and sixth in St. James Parish & St. John the Baptist Parish.
 - “Funding for mental health and substance abuse services” was the second “most important” priority in the Navajo Nation Chapters (12.9 percent), fifth in the St. James Parish & St. John the Baptist Parish (8.9 percent) and tied for sixth in the Ironbound Community (5.8 percent).
 - While “funding for community solar panels”, and “installing electric vehicle charging stations” ranked at or near the bottom of priorities in all three communities, “funding to make community homes and buildings more energy efficient” ranked in the middle (eighth in Navajo Nation Chapters, ninth in the Ironbound Community, eleventh in St. James Parish & St. John the Baptist Parish).
 - “Funding for jobs training programs” similarly ranked in the middle (ninth in Navajo Nation Chapters and the St. James Parish & St. John the Baptist Parish, tenth in the Ironbound Community).
- **Residents of all three communities most frequently stated that large housing and renewable energy developments should require CBPs.** Requiring CBPs for “industrial chemical plants” and “oil or natural gas terminal or refinery” were much higher in the St. James Parish & St. John the Baptist Parish than the Chapters in Navajo Nation or the Ironbound Community.
 - Community members most frequently stated that “large housing developments” and “renewable energy developments” should require the use of community benefits plans (ranging from 60.5 percent to 68.4 percent saying “yes”).
 - In the Ironbound Community and Navajo Nation Chapters, “sports stadiums,” “industrial chemical plants,” and “oil or natural gas terminal or refinery” were less likely to be seen as developments that require CBPs (ranging from 42.3 percent to 54.3 percent saying “yes”).
 - St. James Parish & St. John the Baptist Parish community members were more likely to include “industrial chemical plants,” and “oil or natural gas terminal or refinery,” as needing community benefits plans (62.0 percent and 60.2 percent respectively) than Navajo Nation Chapters and Ironbound Community.

Recommendations and Next Steps

The research conducted for this report, including literature reviews, case studies, surveys, and interviews, lays the foundation for a set of recommendations to enhance CBPs and CBP process. Some recommendations are directed towards DOE, the primary CBP-implementing agency. Other recommendations sit outside the purview of DOE, and will be more relevant to philanthropy, non-DOE federal agencies, and Congress, as well as the collection of other stakeholders such as developers, community entities, and local and state governments, currently involved in, or supporting, developing, implementing, and responding to FOAs with CBP requirements.

It is important to highlight that project-focused agencies, such as DOE, generally have limited funds that they can direct towards specific communities or individuals, outside of basic R&D, competitive grants and loans, or formula-driven funding passed through state and local governments. Through IJJA, CHIPS and IRA, Congress has similarly provided DOE with funding almost exclusively to support the development of projects, with little for elements such as workforce development, community capacity building, minority business inclusion, or implementing Justice40 principles. This reality has driven key elements of the CBP design, including the centering of the CBP process through the companies, and other developers, who will be receiving DOE funds.

DOE-Focused Recommendations

- **Encourage applicants to expand stakeholder mapping for a CBP with a deeper understanding of community goals and needs.**

As demonstrated in an accompanying community survey report, and highlighted through research interviews, each community has specific needs and myriad stakeholders. It is important not to generalize across communities and instead integrate a wide range of these viewpoints when developing the CBP stakeholder map, and when starting any CBP engagement process. This could take the form of an additional broad-based assessment not predicated on a specific clean energy project or opportunity for DOE funding, which integrates wide-ranging community engagement across the community. Community surveys provide a foundational set of perspectives and research interviews, and on-the-ground engagement can flesh out those initial insights. These assessments can also better inform and strengthen the CBP process for those projects selected by DOE to move forward in the grant application process.

- **Offer access to seed funding for specific CBP commitments after initial project selection by DOE.**

Applicants may be committed to strong CBPs, but due to lack of resources, or being at an early stage of project development, may struggle to actively implement their initial commitments of a CBP. They may be unable to begin launching progress towards meeting these commitments due to concerns about being successful in their project grant application. Seed funding for initial CBP-related community commitments in these situations could ensure follow-through on specific CBPs and provide communities with greater certainty of positive impact from their participation. Awards made through grant funds could include an initial phase that provides seed funding to support a CBP commitment for a certain period, and then be a stage gate for further funding.

- **Evaluate the risk profile of developers based on past performance.**

Certain developers have gained a poor reputation in specific communities that has, in many instances, been well-earned. DOE will need developers who want to facilitate rapid deployment of clean technologies while also investing in and respecting impacted communities. Working with developers who have poor reputations in those communities makes it harder for community groups, advocates and community residents to trust the process and is an added risk for DOE. Reviewers and evaluators of applications should be able to consider the history of the applicant in specific communities – not to punish past performance, but as a recognized risk for potential poor

future behavior and to reward those companies who have pursued respectful and supportive community-engagement practices.

- **Actively pursue opportunities to improve the CBP process and implementation.**

Interviews and research highlighted the efforts by DOE to hear and respond to feedback. The CBP requirement is well-intentioned and most of those involved with it are supportive of the concept and eager to help it improve. Recommendations within this section speak to those concerns and opportunities to directly or indirectly improve both process and outcomes of a CBP. Suggestions surfaced through interviews that could improve the CBP process and future are for DOE to:

- Address and expand program-specific hiring focused on the CBP process, including funding the CBP team and program staff involved in ongoing education and evaluation through discretionary funds (e.g. the Secretary's Office) or overhead from the programs.
- Train staff more directly to address the lack of experience in pursuing CBP-oriented approaches.
- Explore options to expand timelines for specific applications.
- Preview the timeline for future FOA releases, and clarify CBP process deadlines to help companies, and state and local governments begin laying the groundwork ahead of time.
- Promote and commit to audits, and other accountability mechanisms, conducted by third parties and other government agencies to ensure that applicants are following the commitments outlined in a CBP.
- Integrate CBP reviews into each budget review for a specific grant and ensure reasonable funds and other resources are available for commitments.
- Explore options to make negotiated and signed CBPs available to the public.
- Consider a transparent “reset” or evaluation process, launched by a certain date, which would create the space for DOE to evaluate the early impacts of CBPs, and recalibrate its CBP approach in collaboration with developers, communities, and other stakeholders.

Recommendations Beyond DOE

- **Explore available options for a greater federal government role in early-stage CBP development, as well as better leveraging the role non-DOE agencies can play in increasing community and worker benefits from clean energy project development.**

Developers, community groups and other stakeholders are eager for additional preparatory support in the CBP process. DOE cannot legally provide any support to applicants who are developing a CBP, or fund engagement processes for specific CBPs. Agencies across the federal government could increase education and provide trainings of needs and issues related to the CBP process, and highlight available resources, materials, and teaming lists that could support more comprehensive CBP processes. Expanded, publicly available ecosystem mapping and assessment tools and databases could further support development of specific elements of a CBP, such as community and workforce ecosystem mapping, supply chain development, workforce development needs, disadvantaged business opportunities, and Justice40 analyses.

Other federal programs intersect with CBPs and can be leveraged in diverse ways, or supported through future Congressional decisions, such as for expanded technical capacity for communities, coordination on guidance documents, and connections to specific networks and relationships. As established in this report, there are a range of approaches for community engagement and support around clean energy investments found across numerous agencies – a non-exhaustive inventory located similar and adjacent work occurring in at least a half dozen agencies (DOC, DOT, DOI, DOL, EPA, and HUD). Additional bi-lateral partnerships and new inter-agency task forces are one of several approaches that can improve coordination, highlight best practices and lessons learned, and share different resources and tools that agencies have developed.

- **Begin to address the tension found in competing views on stakeholder and community engagement through long-term, multi-party, collaborative initiatives.**

The need for deep, authentic, and patient community engagement is a core priority for community members, and their advocates and champions. Community involvement, in particular, is one of the most likely risk factors for a project's acceptance in a community. Authentic engagement is also one of the hardest things to achieve through the current CBP development process – as it is difficult, in any document, to proscribe on paper, especially given the different approaches and needs of developers, community members, and many other stakeholders. Decades of insufficient investment by federal and state government into community capacity compound this challenge.

However, many companies practice community engagement differently than what community groups are expecting and fighting for, and the rushed DOE FOA timelines are exacerbating this dynamic. While positive outcomes from community engagement are obviously important, so is the process itself – a dynamic that can be difficult to understand, budget or plan for in the private sector. Resources, time, and patience are not abundant in this process, but are critical to successful approaches, and need to be prioritized.

This is a complicated tension to resolve that is far from unique to a CBP process. However, a CBP can provide a helpful framework to begin stakeholder mapping and community conversations and brings with it incentives for all parties to commit to intentional and authentic approaches. It will take time to unpack these challenges and commit to gaining greater understanding of different perspectives. This recommendation will not capture the breadth of needs in addressing this tension. One helpful first step may simply be for all sides involved in a CBP process to acknowledge this tension and begin multi-party collaborative efforts to begin addressing it head-on. Initial parties could include specific community groups and advocates, stakeholders in the private sector, and government representatives at the federal, state, and local level, among others.

- **Provide early resources to under-resourced groups to support participation in CBP processes.**

As highlighted in executive interviews, stakeholder fatigue with engagement processes such as a CBP process is growing and could lead to disengagement by critical community and environmental justice groups. Lack of pre-application support and clarity is hampering participation and compounding stakeholder fatigue. To that end, resources for community engagement are critical to reduce the hardships in participation and maintain involvement by these groups. However, as stated above, DOE-sourced funding is not likely to be available for this need. Congress can play a highly constructive role in providing consistent support to programs and agencies that are supporting the CBP process. This could include funding regional collaboratives and Congressionally mandated corporations, and providing flexibility in appropriations so that agencies can pool funding, or by providing additional funding for community engagement and community-focused funds. Philanthropy, and other non-profit funding entities, could play important supporting roles in meeting this need.

- **Consider third parties, philanthropy, or other existing community partners, who could address barriers to community engagement.**

A number of local entities could facilitate engagement, liaise between harder-to-reach community members and developers, and serve as matchmakers for community groups, stakeholders and the project developer. These entities may be better resourced or situated to support this activity. This could be a local stakeholder who is tasked with this responsibility (and receives the requisite funding to support its and others' engagement), or government representatives at local, state, or federal levels, who are empowered and staffed to participate in the engagement process more directly. Many communities have long-standing regional accelerators, economic development entities, and on the ground connectors who are already in place with valuable relationships, experience, and capacity to be leveraged. Philanthropic funding, at local or national levels, can be critical in adding capacity, and funders can also serve as helpful connectors, relationship-builders, and trusted intermediaries. Other community

entities who could play this role include educational institutions, workforce boards, chambers of commerce, and local trade groups and associations.

There are also a range of Federal Advisory Committees (such as the National Environmental Justice Advisory Council, or NEJAC, and White House Environmental Justice Advisory Council, or WEJAC) with representatives who can advise on community needs. Community advisory boards, or specific steering committees could be organized at the federal level, not necessarily through DOE, or supported on the ground with philanthropic funding. Local task forces could also be established that include community leaders, university presidents, trade groups, businesses, farming groups, legislators, and utilities, among other groups, to support these efforts. Sharing lists of potential partners and other resources for community groups and municipalities that could support the CBP process could support further engagement.

- **Avoid overselling CBPs, while expanding on what a CBP does well. Recognize that the income from private sector clean energy projects is insufficient to tackle all needs reflected in a CBP, and most certainly, gaps in social and economic services in disadvantaged communities.**

At their core, CBPs are tools that help make projects less extractive, and can help developers, communities and stakeholders understand the impacts, positive and negative, of new projects in ways that make projects more beneficial to hosting communities. In time, they can also support matchmaking for specific projects that better align with the goals of specific communities. A CBP provides a natural template that can promote this kind of analysis and strategic thinking at the start.

Developers, investors, and the rest of the clean energy industry are crucial partners in the effort to ensure expanded community benefits from clean energy development. But the needs in a particular community will likely always dwarf the capacity and opportunities available from any one project, no matter how large that project. Additionally, there are other community actors with a responsibility for ensuring community health, safety, and well-being, who have more resources and capacity to bring to these processes. These can include state and local government, economic development interests, anchor institutions, educational and healthcare institutions, and others. Setting appropriate expectations and ensuring a broad-based engagement approach involving all relevant entities is more likely to achieve long-term success in meeting community expectations.

- **Appreciate that while not all CBPs may have transformational impact, incremental progress across all DOE-funded projects could be transformational.**

Treating each CBP as a pivotal, high-stakes effort to bring sweeping change to a community, and its workforce, is tempting and understandable for many stakeholders. It is also unlikely given the current design of a CBP, pressures to move extensive funding quickly into the field, and other competing goals for rapid clean energy innovation and deployment. However, as highlighted throughout this report, CBPs still have the potential to be transformational in the long-run by helping to change government funding strategies and supporting the evolution of a more community- and workforce-focused approach to clean energy project development. Achieving incremental progress toward these goals across the thousands of grants made from the over one hundred billion dollars in available DOE funding will still have a sweeping impact. This dynamic is the key to the potential long-run impact of CBPs.