

July 31, 2024

Attn: Docket Number: DOE-HQ-2024-0018

U.S. Department of Energy, Office of Energy Justice and Equity  
1000 Independence Avenue SW, Washington, DC 20585

**Re: Department of Energy Environmental Justice Strategic Plan Request For Information**

The New Jersey Environmental Justice Alliance (NJEJA) respectfully submits our comments to the Department of Energy (DOE) Office of Energy Justice and Equity in the matter of the 2024 Environmental Justice Strategic Plan Request for Information.

For over 20 years the New Jersey Environmental Justice Alliance (NJEJA) has served as the only statewide organization in New Jersey that is exclusively dedicated to environmental justice work, and has mobilized other environmental justice (EJ) and social justice organizations as well as individuals and communities in order to positively impact the quality of life and opportunities for EJ communities (low-income communities and communities Of Color), who often face disproportionate burdens as a result of longstanding systemically racist practices at all levels of governance. Our board, staff, and membership are predominantly people Of Color, and our work centers around the principles of environmental justice. In this, we know that a community has the fundamental right to self-determination, and lived experience can be a powerful knowledge base with which to guide solutions and planning.

As such, we respectfully submit these comments today in an effort to support the DOE in their effort to develop an effective and meaningful strategic plan for community engagement, energy planning, and remedying historic injustices. Our experience in this field and diversity of membership as well as our work at the local, state-wide, regional, and national level gives us a perspective that can support the DOE in centering environmental justice in its work. We welcome continued conversation in this matter.

## *Defining Environmental Justice*

In developing its strategic plan, any and all drafters of the strategic plan must first identify a proper definition of Environmental Justice. We offer the 17 principles of environmental justice<sup>1</sup> defined and solidified by the People of Color Environmental Leadership Summit in October 1991. This document has been the backbone of the grassroots environmental justice movement and the guiding framework of organizations across the nation.

Particularly important for the work of the Department of Energy are the following principles:

*Principle Number 2: “Environmental Justice demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.”*

*Principle Number 5: “Environmental Justice affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples”*

*Principle Number 7: “Environmental Justice demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation”*

*Principle Number 13: “Environmental Justice calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.”*

Between all of these principles are the common threads of self-determination, right of refusal, and equal access to information.

Additionally, we uplift the concept of a Just Transition. As defined by the Climate Justice Alliance, “the just transition framework is a vision-led, unifying and place-based set of principles, processes and practices that build economic and political power to shift from an

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<sup>1</sup> “The Principles of Environmental Justice” (Energy Justice Network), accessed July 18, 2024, <https://www.ejnet.org/ej/principles.pdf>.

extractive economy to a regenerative one.”<sup>2</sup> We recognize the DOE’s important role in helping the nation shift from energy production, usage, and storage practices that have historically harmed our communities, environment, and land. We emphasize that energy projects in line with Environmental Justice principles must rely on renewable technologies which promote regenerative economies, do not contribute to the degradation of local air pollution, and have been demonstrably proven to be safe, effective, and worthwhile investments.

We recognize that such investments will require substantial capital, engagement, and cooperation amongst all stakeholders. We urge the DOE to ensure in its strategic plan that communities, particularly host communities and workers on DOE projects, are treated and valued as equal stakeholders in the process.

### ***The Thread Between Environmental Justice and Community Engagement***

In line with consideration for communities as equal stakeholders, the DOE must include clearly defined pathways for public participation and community engagement. Such pathways must outline mechanisms of soliciting public feedback and guaranteeing responses, engaging a meaningful dialogue with communities, and demonstrating that community feedback has been substantially infused into any particular project’s design and subsequent implementation.

This requires substantial relationship building with community-based organizations, particularly grassroots groups who have spent time cultivating trust and community relationships. We recommend that the DOE identify mechanisms to engage such community-based organizations, such as a directory, quarterly conversations, and other tools to stay in contact with community-based organizations and rely upon them during stakeholder engagement, comment periods, and all other times in which community engagement is necessary. In this, it is critical to recognize that such relationship building will take significant time, energy, and resources, and thus must be a part of the long-term strategic plan. Likewise, reliance upon community-based organizations means additional work and capacity for these organizations to substantively support. Therefore, the DOE should explore opportunities to provide community-based

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<sup>2</sup> “Home Page,” Climate Justice Alliance, accessed July 18, 2024, <https://climatejusticealliance.org/>.

organizations with capital and resources to scale their team, output, and portfolio. Such an investment in community-based organizations will support the local community in their ability to engage in dialogue with the DOE and in tandem benefit the DOE's roll out of projects, increase public participation, and ensure that community engagement goals are met.

Furthermore, we re-emphasize the importance of a community's right to self-determination and the importance of the DOE committing to honor a community's right of refusal for any particular project, regardless of the type, nature, or area of that said project.

Any project that does not honor a community's right of refusal is subjecting a community to a project without their consent and forcing them to take on the associated environmental, fiscal, health, and infrastructural impacts. With this, we strongly urge the DOE to integrate the concept of FPIC: Free, Prior, and Informed Consent<sup>3</sup>. This principle is an internationally recognized human rights framework, highlighting every person's intrinsic right to self-determination in all aspects of development, including economic, social, and cultural.

### ***Right of Refusal In Application: MACH-2 and Hydrogen Hubs***

The right of refusal framework should be applied to all projects that the DOE pursues, including ongoing projects and those currently in development. This is of particular importance for projects related to the Office of Clean Energy Demonstrations (OCED). Projects out of this office have historically been framed as test scenarios designed to explore implementation in communities upon successful completion.

However, NJEJA and our partners across the country have faced numerous challenges in accessing information, ensuring that our input is properly integrated into project/program management, and engaging in meaningful dialogue with project management. With regards to the MACH-2 project in particular, NJEJA has attended both community listening sessions<sup>4</sup>

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<sup>3</sup> "Free Prior and Informed Consent: An Indigenous Peoples' Right and a Good Practice for Local Communities" (Food and Agriculture Organization of the United Nations), accessed July 18, 2024, <https://openknowledge.fao.org/server/api/core/bitstreams/8a4bc655-3cf6-44b5-b6bb-ad2aeede5863/content>.

<sup>4</sup> "Questions at the MACH2 April 10 Listening Session," New Jersey Environmental Justice Alliance, May 3, 2024, <https://njeja.org/questions-at-the-mach2-april-10-listening-session/>.

hosted by project organizers, but has not received replies to our oral comments nor any evidence that our concerns<sup>5</sup> and feedback has been used to inform the go/no go process, or even information on what exactly this process entails. This structure sits in contradiction with the aforementioned environmental justice principles outlined, as well as the goals of the Biden-Harris administration<sup>6</sup> in advancing environmental justice in the United States. As such, we urge the DOE to halt all projects that have experienced these issues and other community engagement challenges. Such projects should not be resumed until clear community engagement and public participation pathways have been outlined and implemented. Such pathways and goals should be included in the DOE Strategic Plan and used for all current and subsequent projects from both the DOE as well as OCED.

### ***Concluding Thoughts***

These comments have been submitted in an effort to both support the strategic plan development process as well as illuminate areas of improvement for the DOE. As an EJ organization, we are keenly aware of the challenges of engaging with communities and building trust with historically underserved and marginalized populations. We offer our support, knowledge, and guidance in building out the strategic plan, both in our first hand experience with DOE projects as well as in our institutional memory of engaging with governmental entities as EJ advocates and residents. We uplift our community's voice and our concerns regarding the necessity of free, prior, and informed consent, as well as the need to halt all projects that have not met community engagement goals or honored a community's right of refusal. A community's voice should always be centered in any project proposal, design, and implementation. It is imperative that the DOE build out energy planning and projects that are in alignment with the desires of a community and their vision for an equitable energy future. In order to escape being paternalistic in its planning process, the DOE must engage with communities and hear their ideas before offering project proposals and funding for demonstrations.

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<sup>5</sup> "Questions for the MACH2 Community Engagement Team," New Jersey Environmental Justice Alliance, May 3, 2024, <https://njeja.org/questions-for-the-mach2-community-engagement-team/>.

<sup>6</sup> "Environmental Justice," The White House, accessed July 18, 2024, <https://www.whitehouse.gov/environmentaljustice/>.

We continue to offer support in building a more resilient, renewable energy infrastructure and energy economy, both in New Jersey and across the United States. We hope to engage in conversation with the DOE concerning the thoughts presented in these comments.

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