Policy Brief

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FEDERAL COMMUNITY BENEFITS PLANS: A FRAMEWORK FOR ENERGY JUSTICE PARTIALLY REALIZED

INITIATIVE FOR ENERGY JUSTICE

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Policy Brief on Federal Community Benefits Plans: A Framework for Energy Justice Partially Realized

THE INITIATIVE FOR ENERGY JUSTICE

IEJ translates complex energy challenges into actionable resources and empowers US communities and policymakers to create an equitable clean energy system.

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Ensuring communities and workers who have been harmed by the fossil fuel-dependent energy system actively benefit from the transition to a clean energy economy is critical to energy justice.[1] There are local, state, and federal policy mechanisms that try to ensure this energy transition improves quality of life for workers, communities, and our environment, such as community benefits agreements (CBAs), project labor agreements, community benefit ordinances, and community benefit plans (CBPs) tied to federal funding, to name a few.[2] This policy brief evaluates the impact of the Department of Energy community benefit plans to date and presents recommendations to improve their effectiveness in advancing energy justice.

Federal Community Benefits Plans

The Department of Energy (DOE) launched the CBP framework to implement the Biden administration's Justice40 Initiative. The framework integrated elements of energy justice into almost all the department's grant-making, including the approximately $100 billion allocated to the department from the Inflation Reduction Act (IRA) and Bipartisan Infrastructure Law (BIL). Unfortunately, because of the attacks on CBPs, environmental justice, and diversity, equity, and inclusion-related programming by the Trump administration, DOE projects have been delayed or cancelled, limiting our ability to evaluate the CBP framework's full impacts.[3] This research focuses on how CBPs were structured by different offices within the DOE, and how their development to date aligns with principles of energy justice. It serves as documentation that can serve as a starting point for future policy design and engagement on community benefits.

Case Studies

We highlight three case studies involving a solar developer grantee that drafted a CBP, and two community-based organizations that advocated for better benefits and harm mitigation in Appalachia's hydrogen hub developments, and a labor organization integrated in a coal-to-solar conversion project in West Virginia. Despite the structural barriers for communities to participate in the CBP development process, enforcing implementation, and evaluating the success of projects in delivering benefits, the concept of integrating CBPs for federal clean energy projects is valuable to expand and enhance. The variation in project type, geographic location, and stakeholder perspective is also valuable in understanding when CBPs are appropriate. For example, CBPs that are engagement mechanisms that merely perpetuate extractive and polluting infrastructure at the expense of communities and workers are not an appropriate tool, whereas they could be for renewable energy projects like solar.

KEY FINDINGS

Benefits frameworks, when rooted in procedural, restorative, and substantive justice, are valuable tools for ensuring a just transition at the local, state, and federal levels. Requiring a CBP as part of IRA/BIL-funded DOE grants pushed applicants to consider environmental justice, community benefits, labor protections, and racial equity in their project scope. DOE staff were required to evaluate applications based on these principles and each proposal's capacity to advance Justice40 goals.

However, there were discrepancies with how different DOE offices implemented CBP frameworks, leading to variations in whether or how communities most impacted by potential projects were involved in developing or enforcing CBPs. Some offices had a phased approach to project funding, with 'go/no-go' benchmarks for additional funding subject to community input and evaluation. Others involved DOE offices directly negotiating with grantees on their CBPs without explicit community involvement. This meant CBPs were embedded in contracts and announced to the public after the award was made.

Similarly, the principles of energy justice do not align with the idea that participation alone can compensate for a project that further entrenches our energy economy into fossil fuel production or other extractive infrastructure projects. Asking for community engagement on a project that will fundamentally perpetuate energy injustice, is not a transformative pathway for our energy economy, and can harm public trust in engaging in benefit frameworks when they begin from a losing position. Due to the structure of the engagement process and variation in how developers could respond to the requirements of the DOE, even if they had included community participants, they would not likely have provided participants with a direct line into project- or hub-level decision-making.

To ensure procedural justice, the inclusion of communities most impacted in benefit frameworks, communities and labor organizations must be involved in CBP development prior to funding being granted; CBPs should be made legally enforceable through CBAs, PLAs, and other agreements; and project funding should be subject to CBP implementation and evaluation.

Looking Ahead

Ultimately, evaluating the impacts of CBPs initiated during the Biden administration is challenging given the Trump administration's policy reversals that have halted or stalled project implementation. The funding freezes, illegal grant terminations and lack of enforcement of CBPs in grant contracts have jeopardized project viability and increased risk for implementing projects seeking to advance energy justice. Independently from the Trump administration's actions, it was not clear exactly whether or how CBPs would be enforceable by the public had the policy continued under a second Biden term.[4] Community benefit plans are an important effort, even if they fall short, and analyzing the policy implementation and design will help us learn to design and implement more effective energy justice policy in state policy and future federal policy.

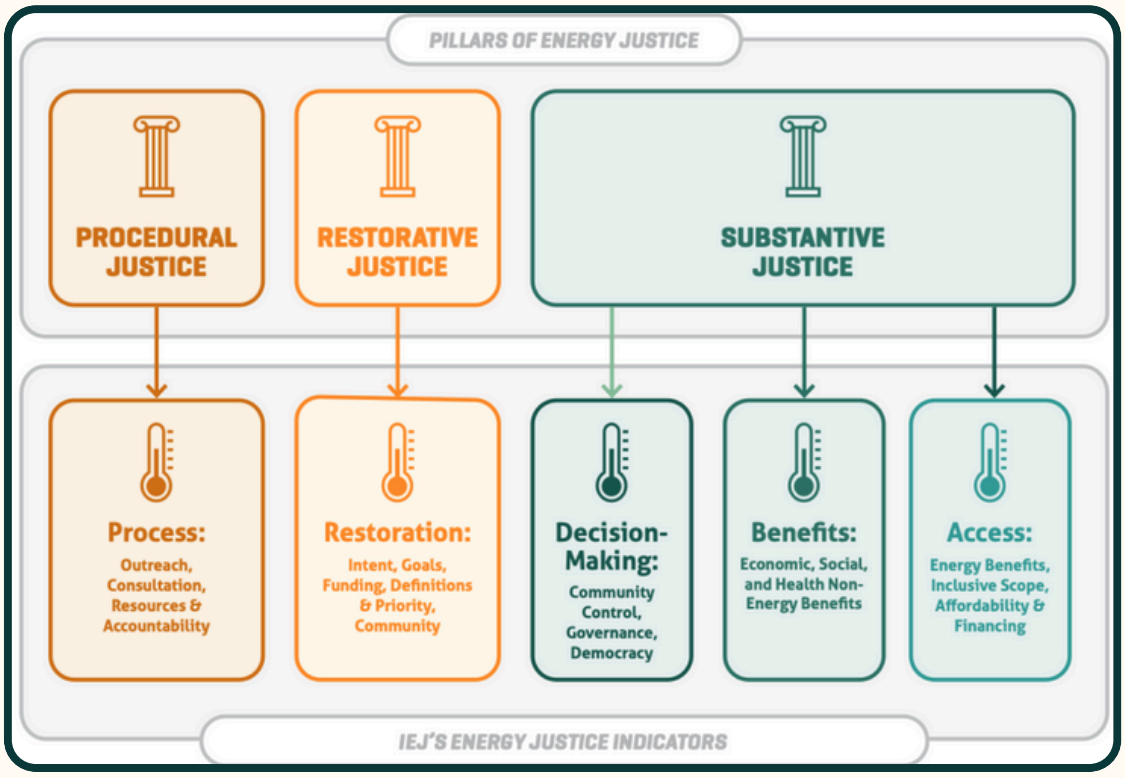
I. Introduction and Policy Context

Just Transition, Energy Justice, and Benefit Frameworks

There is a long and well-documented history of how the extractive fossil-fuel-dependent energy system harms people and the environment. The 'just-transition' framework articulates the ways that a transition away from an extractive fossil fuel-dependent economy presents an opportunity to reinvest in an alternative energy economy that actively promotes social and environmental well-being.[5] This concept is important for the energy justice movement in that it articulates how we can advocate for a transition that benefits the environment, communities, and workers. The transition to renewable sources of energy may be inevitable based on the finite nature of fossil fuels and the increasing costs associated with extraction and combustion to both people and the planet, but it is not clear whether it will happen soon enough to avoid catastrophic planetary warming. Similarly, the transition to a renewable energy economy that centers energy justice will require policy interventions at all levels of government and meaningful participation from communities most impacted by our energy system.

IEJ presents energy justice to include three pillars: procedural, restorative, and substantive justice, and five associated indicators that operationalize these pillars (process, restoration, decision-making, benefits, and access).[6] Our white paper, published in June 2024, *"Community Benefits Policy and Energy Justice,"* articulates how benefit policy frameworks can be a tool to advance energy justice.[7]

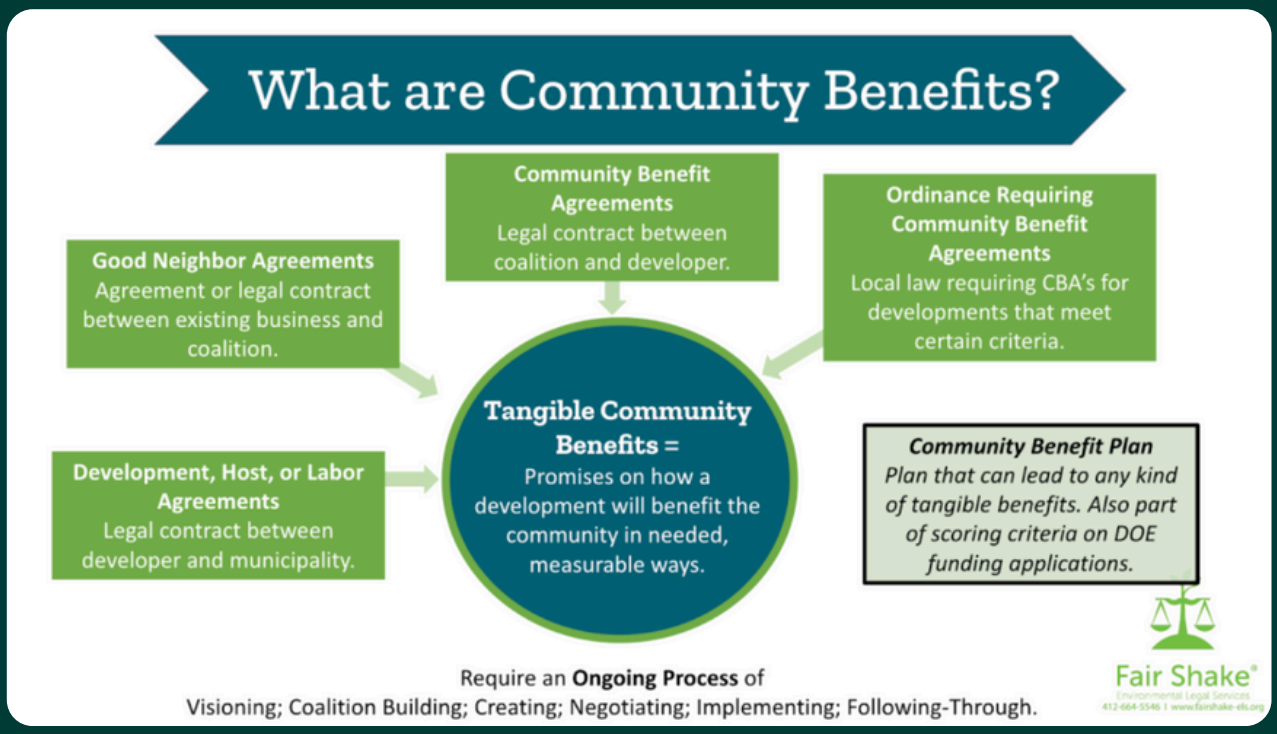
Figure 1: IEJ's Energy Justice Indicators



Source: Justice in 100 Report, Initiative for Energy Justice

There are several different mechanisms for securing benefits to workers and communities including but not limited to community benefits agreements (CBAs), project labor agreements (PLAs), good neighbor agreements, and more. Communities have leveraged these different benefit frameworks at the state and local level, sometimes with explicit support from their state or local governments, sometimes completely independently of them.

Figure 2: Variety Of Community Benefit Mechanisms



Source: Fair Shake Environmental Legal Services

Different project types, locations, and impacted constituencies call for different types of benefits and benefit mechanisms. Material benefits could include monetary payments, pollution remediation, infrastructure investment, job programs, and health improvements, to name a few. The intention of these benefit mechanisms is to ensure that future energy infrastructure does not cause additional harm to communities and workers, and actually improves the quality of life and increases opportunities in those communities. The impacts and needs of workers and communities must be considered in determining appropriate benefit mechanisms for different projects across different geographies. This will ensure that each constituency's definitions for 'meaningful'[8] benefits are addressed and integrated to advance energy justice.

1.2 Federal Benefit Framework: Community Benefit Plans

The Justice40 Initiative, created through Executive Order 14008 in 2021, required that 40 percent of the benefits of qualifying federal spending flow to disadvantaged communities. The Department of Energy (DOE)[9] responded to this effort by requiring community benefit plans (CBPs) in its grant-making and loan provisions. The elements of the plan and the overall scoring metrics were consistent across all the DOE, with variations for some programs, such as those that are purely research, and were implemented by the DOE program offices independently.

CBPs were included in DOE's merit review process to ensure projects receiving funding from the DOE had transparent and comprehensive community engagement processes, delivering tangible benefits to both workers and communities. This was in alignment with the Biden-Harris administration's Investing in America agenda and its efforts to advance environmental justice.[10,11]

The DOE provided specific guidance on the types of activities that aligned with their four priorities for CBPs, including community and labor engagement; investing in the American workforce; diversity, equity, inclusion, and accessibility; and Justice40.[12] Applicants had to demonstrate in their proposal how they met the various criteria included in the DOE CBP template, with the CBP typically equating to 20 percent of the technical merit points for project proposals.[13]

Figure 3: The Four Primary Pillars Of The CBP Framework's Policy Goals

Source: Office of Clean Energy Demonstrations Community Benefits Plans 101 Factsheet

The community benefits plan framework integrated in the Department of Energy granting frameworks for IRA and BIL funding is a newer tool in the community benefits toolbox, and consequently, worthy of research and evaluation in its effectiveness at advancing energy justice-related benefits in communities. Unfortunately, one of the first actions of the Trump administration was rescinding executive orders that supported environmental justice, the Justice40 Initiative, and the goals the CBPs were seeking to achieve. It released new ones that undermine environmental justice.[14]

Despite these explicit attacks by the Trump administration to attempt to amend grant contracts, remove funding for CBP activities or otherwise withhold funding for these activities, some project activities with CBPs already began under the Biden administration, such as the initial drafting, development, and preliminary implementation, providing an opportunity for analysis.

We recognize there is no one-size-fits-all mechanism for achieving benefits for communities and workers and seek to identify best practices or lessons learned from the federal community benefits plan framework for continued advocacy toward energy justice.

1.3 Policy Analysis Scope and Purpose

The purpose of this research is to understand CBP development within the DOE and analyze the experiences of key stakeholders involved in the DOE's community benefits plan framework implementation to date. Those stakeholders include (1) community-based organizations on the frontlines of project impacts and potential benefits, (2) grant recipients that developed projects with CBPs, and (3) unions or other labor organizations contractually or informally integrated in CBPs through project labor agreements or other workforce development mechanisms. By understanding each stakeholder's experiences and perspectives on the CBP development process, implementation, and impacts of current attacks on federally funded CBP activities, energy justice advocates, policymakers, and frontline communities can identify best practices and areas for policy intervention.

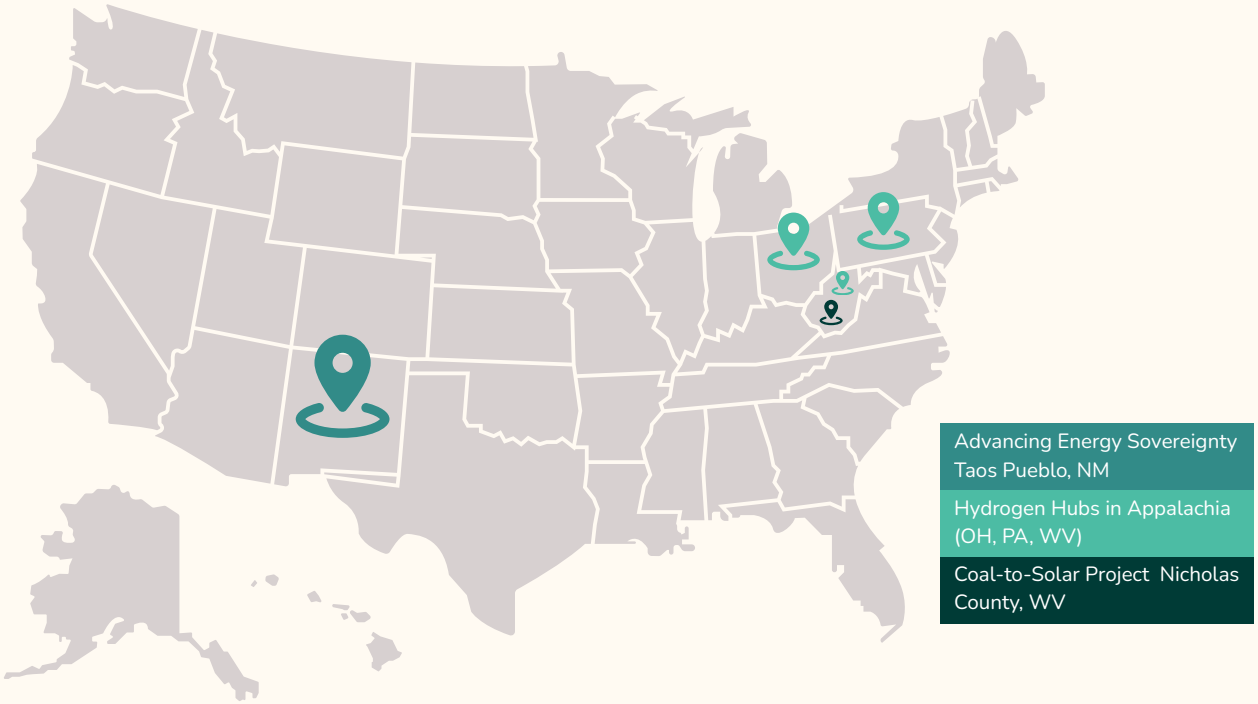
In addition to understanding the experiences of specific stakeholders in the CBP development process, we provide an overview of the different ways that DOE offices structured and integrated the CBP mechanism in their grant-making process. The different structures for CBP creation and implementation by the office provide an opportunity to compare and contrast how those structures align or diverge from principles of energy justice.

Prior to policy changes under the Trump administration, the DOE appeared to be in the process of making project applicants' CBPs available online to increase transparency and accountability to the public. Some basic information about those grantees has been preserved by various watchdog and research groups, allowing for some analysis around the types of benefit frameworks integrated in applications across project types and geographies.[15]

To supplement the publicly available information on projects with CBPs, we created a survey for community-based organizations, labor organizations, and energy developers to share their experiences with the CBP development process and any implementation to date. The case studies highlighted include:

- **ICAST, the solar developer and grantee for the "Advancing Energy Sovereignty for Taos Pueblo" project in Taos, New Mexico**
- **RiverWise, a community-based organization in Beaver County, Pennsylvania, that informally engaged the DOE around various proposed hydrogen hub projects and was a recipient of an OCED grant for solar development**
- **Ohio River Valley Institute, a community-based organization in the greater Ohio River Valley area that advocated against a proposed regional clean hydrogen hub and sought to engage in the CBP process**
- **The West Virginia State Building and Construction Trades Council as the labor partner on the "A Model for Transition: Coal-to-Solar in West Virginia" project in Nichols County, West Virginia**

CASE STUDY LOCATIONS



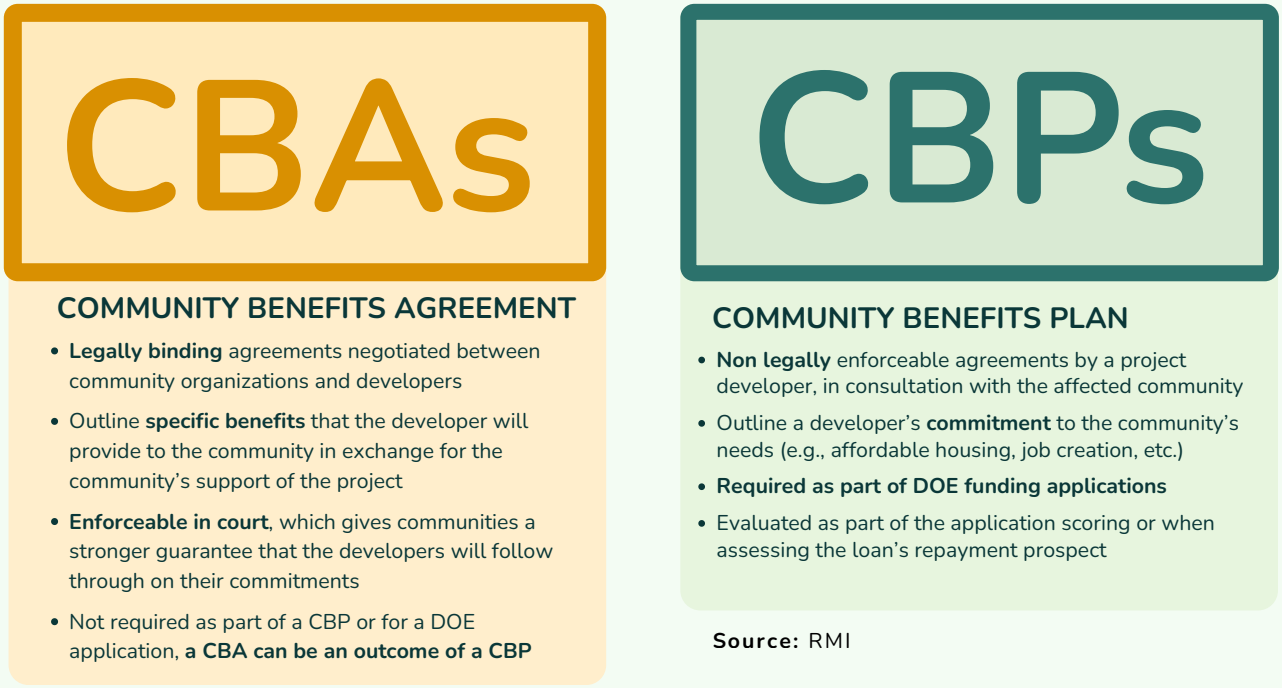
Developers, labor organizations, and community-based organizations were interviewed to understand their involvement and experiences during the CBP development process, implementation to date, and impacts of the changing federal landscape during the Trump administration.

2.Overview of Community Benefit Plan Development Process

CBP Template and Criteria

As part of the grant process, the DOE provided grant seekers with a CBP template and guidance on the criteria considered in a successful CBP, including specific labor mechanisms to align with the stated workforce development and labor goals.[16] Some specific commitments the DOE outlined that applicants could make included: "commitment to negotiate collective bargaining agreements, community benefits agreements, community workforce agreements, and/or good neighbor agreements." [17]

Figure 4: Demonstrating some of the key differences between CBAs and CBPs.



Source: RMI

Additional DOE educational materials detailed in the construction phase of projects for applicants to consider including "commitments to negotiate project labor agreements for large construction activity associated with the project." [18]project labor agreements ("PLAs") are "intended to provide a legally binding and enforceable contract related to labor conditions and labor-management relations" and noted that "negotiations for PLAs typically occur between one or more labor unions and the project owner or manager." [19]A project team that committed to develop one of these agreements in their CBP would be scored higher in their application.

As part of the diversity, equity, inclusion, and accessibility (DEIA) component of the CBP metric, applicants were encouraged to identify minority, women and diverse-business-enterprise firms and minority-serving institutions as partners to contract with.

A key element of energy justice is ensuring that marginalized communities experience material benefits from the energy system and that strong labor protections and practices are embedded in the clean energy transition. CBPs and PLAs specifically are potential tools for both those ends.[20]

2.2 Different Offices, Different Processes

While the policy goals of CBPs existed across the DOE, the process of integrating CBPs into programs and grant-making varied by office and even by program. Generally, most offices administering financial assistance were required to use the DOE CBP template.

R&D projects, particularly those under the Office of Science, were allowed to stray from the 20 percent CBP value for merit reviews and to modify the four areas of the CBPs outlined above. Programs with formula funding (such as the Weatherization Assistance Program) did not have to submit CBPs, though DOE did issue Justice40 Initiative guidance for these programs.

For most program offices, the CBP activities were embedded in the award contract between the awardee and the DOE and then shared to the public post-award. Project teams that partnered with community organizations from the onset were more highly scored in their application merit reviews. However, one office, the Office of Clean Energy and Demonstrations (OCED), had large multi-billion-dollar projects with multiple phases, that created the opportunity for the CBP to evolve with each phase. While the CBP for the first phase was developed only between the DOE and the awardee, the later phases were meant to be co-created between the awardee and various stakeholders within the phased funding and implementation approach.

Additionally, OCED worked with awardees to create a community advisory council for each of the hydrogen hub and industrial demonstration projects.

Regardless of the office or number of phases in a project, all awardees had budget period milestones built into their contract and were required to associate a CBP SMART goal with each budget period. They would be evaluated at the end of the budget period through the DOE go/no-go evaluation to determine whether they were in compliance with their contract and could be dispersed funds for the budget period and continue to the next. These CBP SMART goals for each budget period which were documented in the community benefits plan objectives & outcomes (CBOO) or similar contracting section. However, the criteria for the go/no-go evaluation were not publicly clear.

The DOE was pushing to make the CBPs or CBOOs public prior to the change in administrations, and the progress and completeness varied by office. A couple of program offices, including the Office of Fossil Energy and Carbon Management and Loan Programs Office, published the complete CBPs, while others, such as the Office of Clean Energy Demonstrations, only posted summaries of the CBPs. It should be noted that the CBPs became an outdated document after the negotiations between DOE and the awardee. After selection, the CBP was a starting point for negotiations. The CBOO (or similar instrument) became the documentation of the final agreement between the parties. All these efforts were halted at the change of administrations, and documents already publicly available were taken down.

To understand these variations, our team reviewed publicly available information about the CBP integration process by each DOE office with programs funded by the IRA or BIL. A summary of the primary differences in approaches is illustrated in **Figure 5**.

Although the primary distinction is the 'internal' versus 'public' negotiation process, there are still nuances in how those 'public' negotiations were implemented.

In the context of energy justice, how the CBPs were developed per their grant-making processes informs whether meaningful benefits can be delivered to communities and workers. Some key questions about the process include:

- **Whether communities and workers were required to be included in CBP development prior to the award being made**
- **Whether there were accountability measures throughout the project on CBP implementation, such as a phased funding requirement contingent on successful project implementation**
- **Whether there were requirements for regular reporting on CBP implementation for accountability**
- **Whether the CBP was available and accessible to the public**

These characteristics by office are detailed in Figure 6.

Figure 6: Summary of DOE offices that negotiated CBPs privately (between DOE and applicant) versus publicly (through a phased funding approach).

	SCEP	LPO	FECM	OCED	GDO	EERE	MESC
CBP required as part of application for funds disbursed through the IRA and BIL		✓	✓	✓	✓	✓	✓
Communities and workers **required** to be included in CBP development before award made							
Communities and workers to be included in CBP development **AFTER** award made				✓			
Go/No-Go or other form of phased funding requirements for oversight and accountability on CBP and project implementation	✓		✓	✓	✓	✓	✓
Regular reporting requirement on milestones of CBP implementation	✓	✓	✓	✓	✓	✓	✓
Complete CBP to be made available online for the public		✓	✓				

List of offices for reference:

- State and Community Energy Programs (SCEP)
- Loan Programs Office (LPO)
- Federal Energy Management Program (FEMP)
- Fossil Energy and Carbon Management (FECM)
- Office of Clean Energy Demonstrations (OCED)
- Grid Deployment Office (GDO)
- Energy Efficiency and Renewable Energy (EERE)
- Manufacturing and Energy Supply Chains (MESC)

Figure 7 demonstrates the GDO description of the CBP process in relation to its overall selection process and funding agreement timeline.[21] The OCED diagram also demonstrates how they applied the go/no-go phased funding approach in their grant-making post-award.[22] During the project phases, a more public CBP implementation process was possible to modify the CBPs.

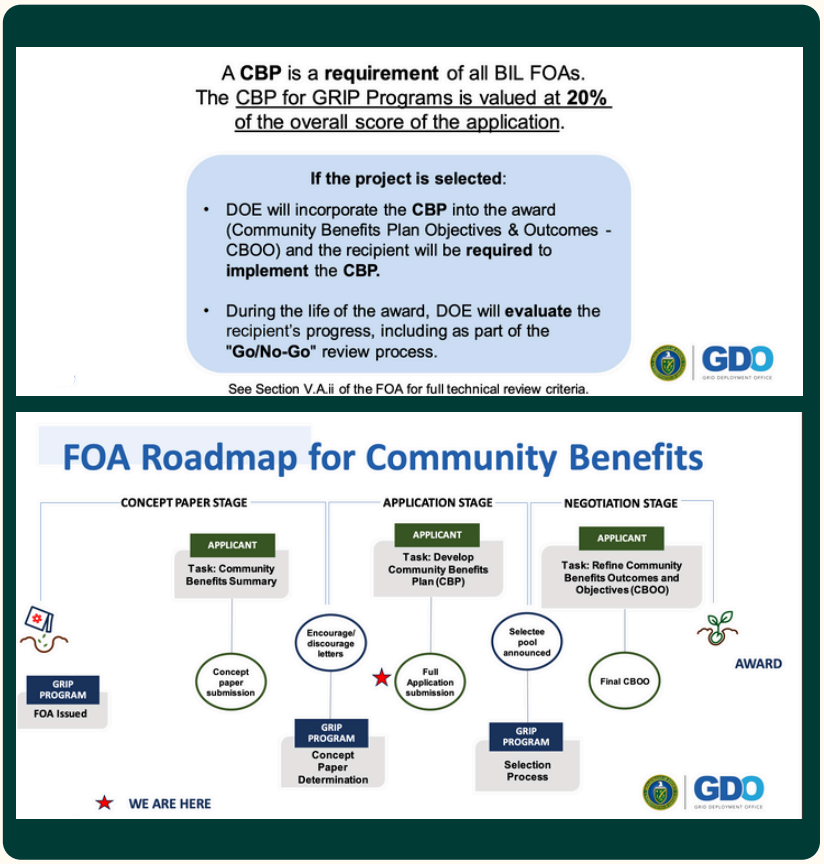
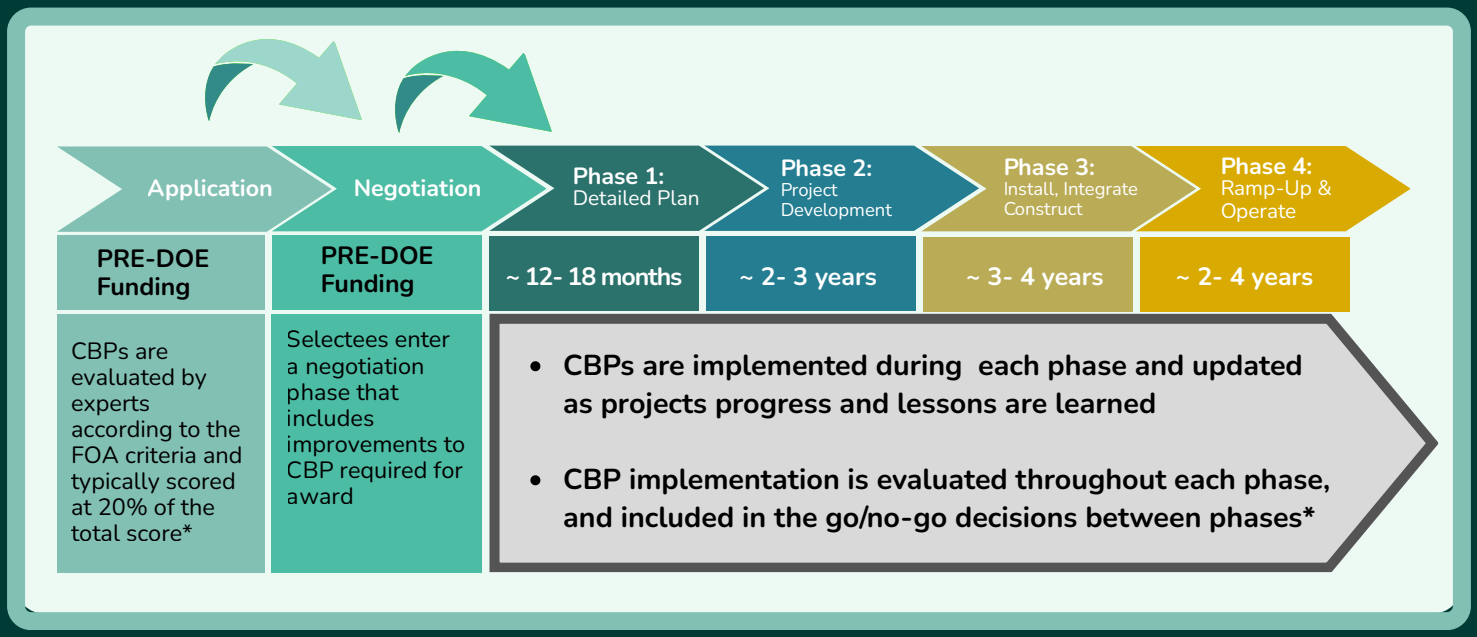


Figure 7: GDO overview for CBP development process

Source: Grid Resilience and Innovation Partnerships (GRIP) Program Community Benefits Plan Requirements & Best Practices presentation.

Figure 8: OCED CBP Integration In Their Grant-Making



Source: OCED CBP 101 Factsheet

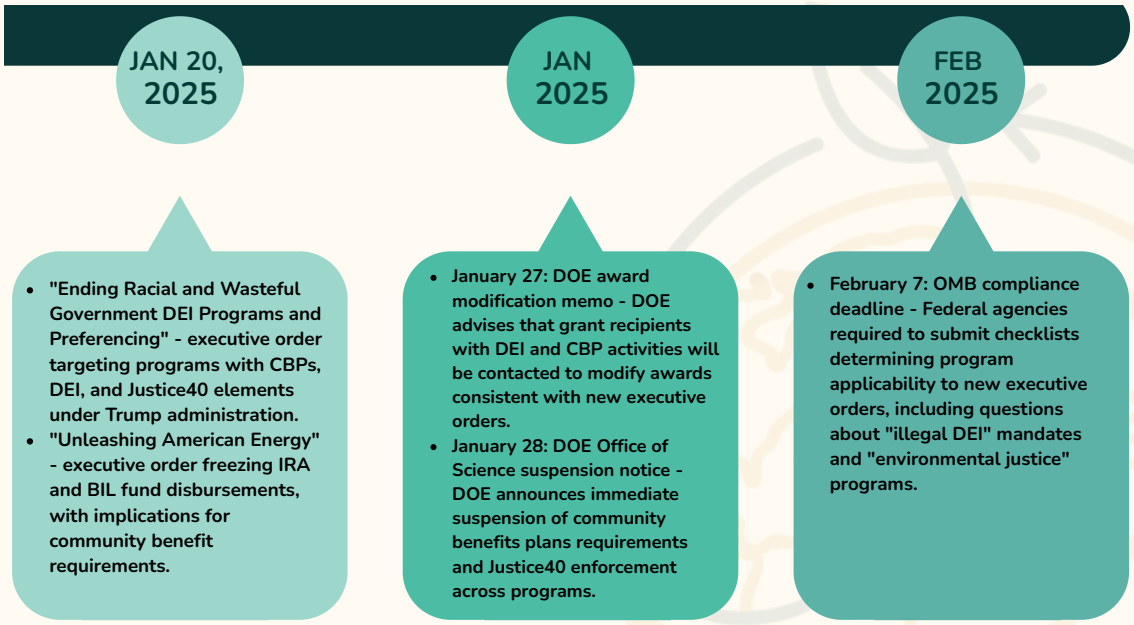
The key difference between a phased public benefits plan and a privately negotiated benefits plan embedded within a grantee contract is noteworthy. This difference highlights the lack of procedural justice in the privately negotiated CBPs (between DOE and grantee) embedded in contracts for workers and communities, and the vulnerability of a phased CBP approach to changing political agendas as demonstrated by the cancellation of programs under the Trump administration. The timeline of the passage of the IRA, BIL and launch of Justice40, the consequent launch of each office's grant programs, and the variations of types of programs (R&D, demonstration, pilots, manufacturing development) and funding (financial assistance, formula funding, lending), likely impacted the variations in how CBPs were integrated by office and could be worth future study.

Justice40	BIL passage	IRA passage	DOE Funding Opportunity Announcements (FOAs) with CBPs
Jan 27, 2021	Nov 15, 2021	Aug 16, 2022	May 2, 2022 - Jan 21, 2025

Similarly, the variations in explicit guidance included in funding opportunity announcements on engagement and alignment with community-based organizations and labor organizations through specific meeting requests or agreement creation vary by office, demonstrating another area of potential future research.

The shift from the Biden administration DOE agenda to the Trump administration DOE agenda also greatly impacts analysis of CBP accountability and implementation oversight. President Trump's executive order entitled "Ending Racial and Wasteful Government DEI Programs and Preferencing" and "Unleashing American Energy," released in January 2025, include language targeting programs with CBPs, diversity, equity, and inclusion, and Justice40 elements.[23]

The DOE consequently responded with several administrative actions:[24]



A coalition of nonprofits and twenty-two states (and D.C.) sued the Trump administration for the funding freeze, which blocked the order in early 2025.[25] A memo published by the DOE on January 27, 2025, indicated that awards would be modified and that "costs incurred after the date of this letter will not be reimbursed" as they pertain to CBP activities. A January 28 memo from the DOE Office of Science stated that for "proposals that have already been submitted to the Office of Science, no action on the part of the applicant is required, but applicants will have the option to resubmit a new application with the removal of the PIER [Promoting Inclusive and Equitable Research] plan."[26]

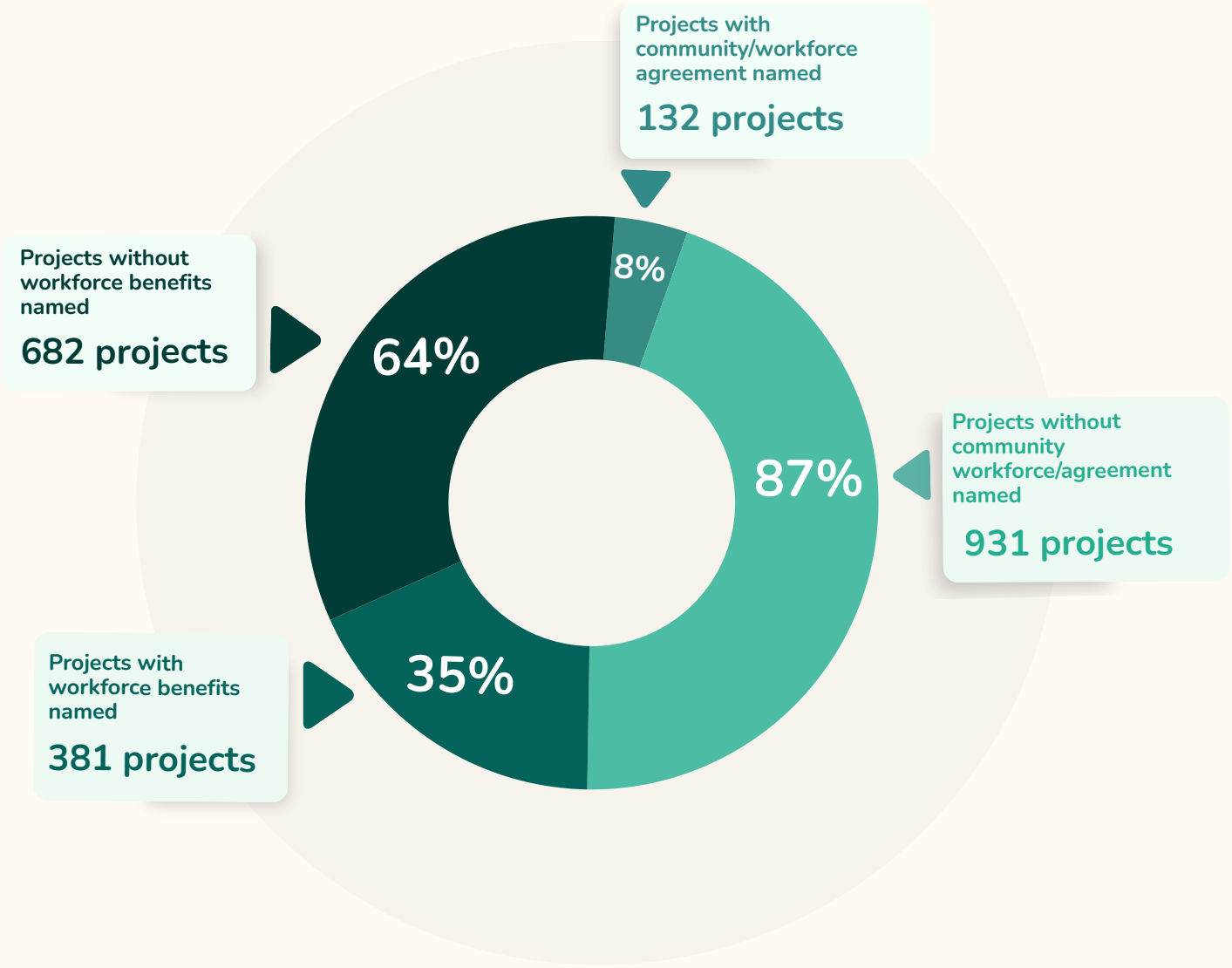
On March 11, 2025, the DOE Office of Science Consolidated Service Center issued a rescission notice stating that "it is rescinding the following communication effective immediately: DEI, CBP/PIER Plans and Justice40 related activities suspension letter dated January 31, 2025."[27] It also states that "pursuant to DOE's enforcement authority and in accordance with current administrative priorities, any Diversity, Equity, and Inclusion (DEI), Community Benefit Plan (CBP), Promoting Inclusive and Equitable Research (PIER) Plan or Justice40 activities provided for in your funding agreement(s), for the time being, are voluntary" and that "DOE will compensate you for all activities undertaken pursuant to the terms of your funding agreement(s)."[28] These policy changes impact the potential for accountability, transparency and clarity in whether and how CBP implementation will be tracked, made publicly available, and evaluated.

3. CBP Case Studies

To understand the involvement of community groups, labor organizations, and energy developers in the creation and implementation of CBPs to date, we reached out to several grantees and listed partners on DOE projects. Using the recovered databases from the DOE, which included basic information about the grant recipient previously published by the DOE including, project name, summary, location, funding allocated, funding source (BIL or IRA), DOE office overseeing project and other project identifiers, we filtered for projects that had "community/workforce agreements" or "workforce benefits."[29] Despite all grantees having requirements related to CBPs, the database delineated grantees by whether they had specific agreements like a CBA or PLA, and the type of workforce benefits like training, local hiring, and apprenticeship programs, to name a few. We focused on reaching out to these projects because the naming of specific agreement types or workforce benefits indicated potential contractual or legal protections for those benefits. This does not necessarily mean that projects without these agreements or benefits named do not or will not have them integrated in their proposal.

Figure 9 breaks down the DOE projects funded through the IRA or BIL in the recovered database and their disclosure on whether their projects had formalized (or had intentions to formalize) community agreements and workforce benefits in their projects.

Figure 9: DOE projects funded through the IRA or BIL



Source: DOE Local Investments DD Data File Data for Progress

As **Figure 9** indicates, only 8 percent of the projects whose information was released by the DOE specifically included or indicated an intent to include a community or workforce agreement in their DOE proposal, and 35 percent named specific workforce benefits.

Each case study represents a different project, geographic area and constituency (community group, labor, developer), highlighting their perspectives on the CBP development and implementation process to date. All three case studies were projects through the Office of Clean Energy Deployment.

Case Study 1: New Mexico Solar Project from Developer Perspective

Selectee: International Center for Appropriate and Sustainable Technology
Project Name: Advancing Energy Sovereignty for Taos Pueblo
Location: Taos Pueblo, NM
Community Benefits Listed: CBA
Community Advisory Board: None
Workforce Benefits Listed: Local recruitment, training, apprenticeship
Partners Named: Santa Fe Community College
Role in Project, ICAST: "Lead technical and implementation partner in the Taos Pueblo clean energy project"

Project Description from Applicant:

"This project seeks to install a five-megawatt solar photovoltaic (PV) and ten-megawatt-hour battery storage system located on Taos Pueblo lands in New Mexico. The project strives to eliminate an estimated 279,210 metric tons of greenhouse gas emissions per year over its twenty-five-year lifespan and facilitate a 33 percent reduction in energy costs for 2,500 rural, Taos Pueblo Tribal members. Taos Pueblo, as owners of the project assets, will receive income over the project's generating life, which it anticipates passing on to Pueblo citizens through a direct credit of approximately $700 per household annually. Taos Pueblo is the only living Native American community designated as both a World Heritage Site and a National Historic Place, and the Tribe ranks in the ninety-fourth percentile of energy-burdened communities, with 42 percent of households living below the state poverty line. As part of its Community Benefits Plan, this project plans to partner with Santa Fe Community College to aid in local workforce training, as well as provide apprenticeship opportunities for Taos Pueblo community members. Additionally, the project's lead applicant, International Center for Appropriate and Sustainable Technology, and the City of Taos have solidified their partnership through a Good Neighbor Agreement, outlining measures to address potential impacts on the city and its residents through active engagement with city officials and community leaders."[30]

According to the respondent, the Taos Pueblo project was awarded through OCED in August 2023. ICAST outlined their role in the grant as follows:

- ICAST serves as the lead technical and implementation partner in the Taos Pueblo clean energy project
- In collaboration with Taos Pueblo, ICAST is responsible for project development, stakeholder engagement, and workforce training
- They are coordinating the deployment of solar and battery storage systems while prioritizing Tribal ownership, economic benefits, and energy sovereignty
- They will also oversee contractor selection, ensure compliance with prevailing wage and apprenticeship standards, and provide clean energy training through their partnership with Santa Fe Community College

These activities align with their mission as a 501(c)(3) nonprofit to develop and implement programs that "deliver measurable, community-centered impact and advance sustainable resource solutions." Their primary activities include "multifamily affordable housing retrofits, heat pump installations, and solar energy developments," which primarily serve "low-income and disadvantaged communities (LIDAC), with a targeted emphasis on residents in multifamily housing who often face systemic barriers to accessing clean energy resources."

ICAST indicated on the survey that their organization was "very familiar" with community benefits concepts, that they had a benefits framework for engaging in clean energy development, and that they had integrated benefits in their energy development before "working with states on community benefits plans for DOE Home Energy Rebates in 2024."

They shared that having the DOE CBP framework helped increase their organization's knowledge of community benefits in energy projects, by bringing "stakeholders we would not normally consider to the table and allowed for a more holistic review of the project plan."

Because of their mission and commitment to supporting LIDAC communities, they did not hire additional staff or consultants to support in the development of their CBP or project proposal.

As the grantee selected by the DOE, ICAST was involved with contributing to and coordinating the CBP for "stakeholders in the multifamily affordable housing community." At this time, they had not yet begun to work with community-based organizations and labor organizations on the further development of the CBP because their project had been delayed. These delays by the federal government, triggered by the change in administration priorities, have caused "uncertainty" and "make these projects feel more risky." Consequently, as a step to reduce risk and increase project viability, they expressed that the "CBP process should be more in the hands of the grantees and the team than the federal agencies…to reduce delay and/or conflict with agency changes in priorities." They also indicated that the cost of the delay is so great that "the project may not happen" and the "CBP hasn't even been completed."

Case Study 2: Hydrogen Hubs in Appalachia from Community-Based Organization ("CBO") Perspectives

Selectee: ARCH2 Project Development Partners include Air Liquide, Enbridge, Empire, EQT, Fidelis New Energy, Hog Lick Aggregates, Hope Gas, Independence Hydrogen, Key State Energy, Plug
Project Name: Appalachian Regional Clean Hydrogen Hub (ARCH2)
Location: West Virginia, Ohio, and Pennsylvania
Community Benefits Listed: None
Community Advisory Board: None[31]
Workforce Benefits Listed: None

Role in Project, RiverWise: "Approached by a potential project" and "unilaterally organized community stakeholders to prepare for possible future development"
Role in Project, Ohio River Valley Institute: "Not formally involved but proactively engaged CBP process to mitigate project harm and increase local decision making"

Project Description from Applicant:[32]

"The Appalachian Hydrogen Hub is proposing locations across West Virginia, Ohio, and Pennsylvania and plans to leverage the region's ample access to low-cost natural gas to produce low-cost clean hydrogen and permanently store the associated carbon emissions. The strategic location of the Appalachian Hydrogen Hub and development of multiple hydrogen fueling stations and permanent carbon dioxide (CO2) storage have the potential to drive down the cost of hydrogen distribution and storage. The Appalachian Hydrogen Hub will help the nation lead in the advancement of the hydrogen economy while reducing emissions and pollution that has long affected air quality in Appalachian communities. The Hub intends to reduce CO2 emissions by nine million metric tons per year—equivalent to the annual emissions of more than two million gasoline-powered cars. The Appalachian Hydrogen Hub is anticipated to bring quality job opportunities to workers in coal communities and create thousands of jobs, helping ensure the Appalachian community benefits from the development and operation of the Hub. To create equitable workforce development opportunities, H2Hub partners have committed to good-faith negotiations toward workforce and community agreements. The Appalachian Hydrogen Hub plans to create a Hub-level Community Benefits Steering Committee to oversee implementation of the Community Benefits Plan (CBP) and project-level community advisory mechanisms that reflect the diversity of project stakeholders."[33]

Two CBOs based in Appalachia, RiverWise in Beaver County, PA, and Ohio River Valley Institute with constituencies in Ohio, Kentucky, Pennsylvania, and West Virginia, shared their experience as non-grantee advocates for benefits and harm mitigation in DOE-funded Appalachia hydrogen hub projects.

Both organizations were not in support of the hydrogen hub developments due to the potential harm of the project to the communities they serve. Because of this, they sought to shape the CBP process to address community concerns more effectively and compel the DOE to live up to their Justice40 commitments.

Both organizations were familiar with the concept of community benefits and indicated that they had a benefits framework for engaging in clean energy development. A report produced in 2024 by RiverWise in collaboration with Fair Shake, New Sun Rising, and Justice40 Opportunity Navigator, outlines many of their concerns, observations, and recommendations for community benefits in Southwest Pennsylvania.[34] Neither organization indicated that they had been successful in actually negotiating benefits with an energy developer or other project to date, but had made attempts through this hydrogen hub project. The Ohio River Valley Institute reached out "directly to DOE officials after the Appalachian hydrogen hub was selected but prior to the first award," whereas RiverWise was approached by a potential project and proactively "organized community stakeholders to prepare for possible future development." Both organizations were "not involved" with the CBP design and "found out about the plan after it was done."

There were substantial concerns from the CBOs on the lack of transparency and accessibility to participate in forming the CBPs and ensuring accountability measures were in place.

The Ohio River Valley Institute drafted a letter to the DOE outlining their concerns and demands of the DOE to live up to their Justice40 commitments, backed by over fifty nonprofit organizations.[35] One of the concerns included the lack of information on "specific sites being considered" the types of "operations planned at each site," and information that can help the public understand potential impacts of the development highlight the lack of transparency regarding these projects.[36] The three demands were (1) disclosure, (2) participation in the negotiation over the cooperative agreement with the company (which includes the CBP but also, more importantly, subjects like what kind of operations will be pursued and facility locations), and (3) suspension of negotiations until the first two conditions can be met.

At a minimum, respondents indicated that "CBPs should require community input" and shared that for "projects likely to bring health, environmental, or social harms without any concrete measures to mitigate, reduce, and prevent these negative impacts amounts to little more than greenwashing." However, beyond participation, the CBOs were fundamentally advocating to change the nature of the project itself, not just the CBP appended to a series of decisions that had already been made. In that, a perfectly engaged process would not be the sole resolution sought by the CBOs for a project like the hydrogen hubs, given that the scale of the harm caused by the project itself to workers and communities would always surpass any potential 'benefits' that could be integrated.

Implementation of the projects appears to have stalled according to the CBOs due to the Trump administration executive orders. Although the CBOs were critical of the CBP process to date, "engaging with officials who don't even have the pretense of caring about community needs or EJ and engaging with company reps who are now receiving different signals from public officials is pretty bleak."

The CBP framework has "helped to generate motivation for community stakeholders to become better organized" in developing benefit goals and mechanisms moving forward, and also highlighted the inappropriate nature of CBPs in the expansion of "pollution infrastructure in our region." There were concerns raised with both the lack of meaningful participation in the CBP development process and the actual project being proposed as a harmful development receiving public subsidies. According to these CBOs, "the CBP framework allows these companies to reframe their activities as being more beneficial than they already are" and that "the public officials and company representatives we talked to were more interested in the interpersonal and affective dimension of the issue — our experience during dialogues, making sure we felt heard… — and had nothing to offer us in response to the substantive issues we raised."

Case Study 3: Coal-to-Solar Project from a Labor Perspective

Selectee: Nicholas County Solar Project, LLC (Savion LLC)
Project Name: A Model for Transition: Coal-to-Solar in West Virginia
Location: Nicholas County, West Virginia
Community Benefits Listed: Project labor agreement (PLA)
Community Advisory Board: False
Workforce Benefits Listed: Training
Partners Named: New River Community and Technical College, Mana Group, National Association of Counties Research Foundation, West Virginia State Building and Construction Trades Council
Role in Project, WV Building and Trades Council: "We support construction labor organizations"

Project Description from Applicant:

A Model for Transition: Coal-to-Solar in West Virginia is a 250-megawatt, utility-scale solar PV project proposed at two former coal mines in Nicholas County that would produce enough clean electricity to power approximately 39,000 West Virginia homes. With no feasible industrial use, these inactive mine sites provide access to existing energy infrastructure that can transmit energy to the grid. Repurposing these previously disturbed sites for solar energy development can reduce development on sensitive natural and agricultural land, produce and deliver clean power to local communities, and lay the groundwork for a regional economic revitalization starting with the workforce. Like much of Appalachia, Nicholas County experienced a significant population decline as coal production slowed. To establish a workforce infrastructure able to serve the state for generations to come, the New River

Community and Technical College, Mana Group, and National Association of Counties Research Foundation plan to create a national Coal Transition Workforce Center. This project also aims to engage state labor groups and education programs, curating a curriculum and identifying pathways to good-paying, clean energy jobs. As part of its Community Benefits Plan, the project anticipates creating approximately four hundred construction jobs and four operations jobs. In addition, Nicholas County Solar Project, LLC, a subsidiary of Savion, LLC, and the West Virginia State Building and Construction Trades Council signed a Memorandum of Understanding to explore a project labor agreement. The project has the potential to bolster overall local economic health by contributing more than $18.5 million in property taxes over the project's proposed forty-year lifetime, helping to fill the tax revenue gap left by retired coal mines.

The West Virginia State Building and Construction Trades Council (ACT WV) was listed as a named partner by the grantee, Savion LLC, along with the New River Community and Technical College, Mana Group, and the National Association of Counties Research Foundation. Their organization's mission is to "foster a thriving construction industry in West Virginia that provides good jobs and career opportunities for workers and supports economic growth and development in our state." The grantee named that they were seeking or including a project labor agreement as part of their project. ACT WV shared in the survey that they were not only familiar with community benefits, but that they had a benefits framework for engaging in clean energy projects and had sought them in the past.

Given their organization's mission and constituency, they serve (construction workers in West Virginia), the primary benefit they seek is "to get agreements from energy developers to ensure use of local construction workers for construction" and that "the local workers are used, and that those workers doing the projects would be receiving a living wage, plus benefits." Despite having prior experience with benefit negotiations, the CBP framework increased ACT WV's knowledge and awareness of community benefits in clean energy projects by facilitating communication "with different groups about the benefits of using local workers."

As a named partner on the application, ACT WV "worked with the different applicant partners to understand ways we could support the project" and was consequently "somewhat involved and consulted on" the CBP framework.

According to ACT WV**, "CBP development [should] start earlier in the process to better include the right input" and that "CBPs should help ensure more regular communications with all project partners."**

Unfortunately, this project has not begun implementation due to potential funding freezes or uncertainty by the Trump administration, and even if the project continues, the "CBPs [they] have wouldn't be enforceable" according to ACT WV. As a future recommendation, ACT WV believes that "developers or grantees should be mandated to meet with constituency groups earlier" and that it is critical to ensure "the public knows about the projects and the jobs in local areas that come with those projects"

4. Takeaways

The survey responses with the perspectives of the different constituencies and projects highlighted in the case studies present some similarities and some differences in their experiences and their suggestions on delivering meaningful benefits moving forward. The case studies reveal that project alignment with community goals fundamentally determines CBP effectiveness, as demonstrated by contrasting stakeholder experiences across different project types. A similarity with the West Virginia and New Mexico project was the acknowledgement that having a DOE CBP mandate brought different constituencies together on a project that historically may not have had to collaborate, leading to more shared learning about potential ways to advance benefits across constituencies. This was not the case for the CBOs advocating against the hydrogen hubs in Appalachia. The delays and potential cancellations caused by the Trump administration on the solar projects in both New Mexico and West Virginia were of concern to those respondents, but not as much of a concern for CBOs impacted by the hydrogen hub developments.

ICAST's preference for developer-controlled CBP processes reflects their alignment with community goals, but this approach would be problematic for developers whose interests diverge from community welfare, highlighting the need for DOE oversight mechanisms. The DOE's 'substantial involvement' provided oversight authority through budget period milestones and community benefit plan objectives and outcomes (CBOOs), which contained parameters for measuring success and are a result of the CBP negotiations. There was also a clear distinction in project buy-in and concern for its viability for the developer and labor organizations formally involved in the project versus the CBOs who were outside advocates. A key difference is also the hydrogen hub projects not being widely supported by the CBOs versus the more community-aligned solar projects supported by labor. These similarities and distinctions illustrate the different ways that benefits are conceptualized depending on the constituency, project type, and location.

5. Evaluation and Recommendations

These recommendations are meant to support policymakers or federal agencies interested in advancing energy justice through benefit mechanisms, and to understand the shortcomings and opportunities of the CBP mechanisms created during the Biden administration. These recommendations can also support ongoing advocacy efforts by labor or community-based organizations to improve local, state, and federal benefit mechanisms to attain meaningful benefits in their communities.

5.2 Energy Justice Framework

IEJ defines energy justice as “the goal of achieving equity in both the social and economic participation in the energy system, while also remediating social, economic, and health burdens on marginalized communities.”[37]

The three pillars of energy justice used to determine a policy's alignment with energy justice principles are procedural, restorative, and substantive justice as outlined in IEJ's 2023 "Justice in 100" report and detailed in Figure X. This research provides an overview of how the CBP framework's structure and development to date align with advancing energy justice, within the three pillars of procedural, restorative, and substantive justice.

5.3 CBP Development, Implementation, and Enforcement

There are several gaps in CBP structure and development to date in ensuring procedural, restorative, and substantive justice for communities and labor organizations in the energy transition. Procedural justice refers to who is at the decision-making table and whether or how their voice is heard. Restorative justice requires prior harms to low-income communities and communities of color to be recognized and remediated through energy policy.[38] Substantive justice refers to the actual integration of democratic decision-making, meaningful benefits, and accessibility of the policy, program, or development in addressing energy injustice for communities of color and low-income people.[39] High-level findings are outlined below.

1. **Community-based and labor organizations must be involved and their input integrated in CBP development prior to funding being granted**

Although some projects included CBOs and labor organizations as named partners in their DOE applications for funding, this was not a requirement, and therefore, many did not. To ensure projects proactively seek the inclusion and integration of community needs, the DOE could require applicants to identify and name CBOs and labor organizations in their applications that co-create draft benefit plans. Making this mandatory and not optional provides meaningful leverage to CBOs and labor organizations in the CBP development process and will isolate projects that are unable to get this preliminary level of buy-in from communities. This could help minimize grant awards to projects without any community support, such as the hydrogen hub projects, and ensure applicants are responsive to community concerns before the process even begins. The lack of consistency on whether and how communities were to be consulted on benefit plans by DOE office minimized opportunities for community consultation, let alone co-creation of benefits, creating a barrier to procedural justice.

2. **CBPs should be made legally enforceable through CBAs, PLAs, and other agreements**

CBPs should be the first step in identifying benefits associated with a project, but should be made legally enforceable through the creation of community benefits agreements and project labor agreements. Both the CBPs and accompanying CBAs or PLAs should be made publicly available and accessible for tracking implementation and evaluation of their success in delivering benefits. Although all DOE projects funded by the IRA and BIL required the submission of a CBP, they appeared to vary significantly in terms of integrating potentially binding benefit mechanisms like CBAs and PLAs. Without legally binding mechanisms or public accountability mechanisms, communities and labor organizations lack leverage in ensuring benefits outlined in CBPs are achieved.

6. Conclusion

Despite the structural barriers for communities to participate in the CBP development process, enforcing implementation, and evaluating the success of projects in delivering benefits, the concept of integrating CBPs for federal clean energy projects is valuable to expand and enhance. The experiences shared in the case studies by the nonprofit solar developer and labor organization project partner emphasized the value of CBPs in increasing collaboration across impacted constituencies on a project, and the CBOs saw some value in the frameworks acknowledging the need for harm reduction and benefit generation for impacted communities.

One fundamental weakness for the CBPs was that there was no budget associated with the Justice40 Initiative. It was only meant to direct benefits from government funding that was already decided to be spent on specific activities or programs. So, for controversial government spending, such as the hydrogen hub or carbon capture projects, CBPs were an inappropriate tool that many community organizations were looking for - one that would address consent. Unfortunately, because of the attacks on CBPs, environmental justice, and DEIA related programming by the Trump administration, many DOE projects have been delayed or cancelled, limiting our ability to evaluate the CBP federal framework's impacts. Benefits frameworks, when rooted in procedural, restorative, and substantive justice, are valuable tools for ensuring a just transition at the local, state, and federal level.

Endnotes

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