

Supporting New York's Disadvantaged Communities' Goals

*In 2019, New York State passed its groundbreaking **Climate Leadership and Community Protection Act (CLCPA)**.¹ The Act uses established ambitious clean energy goals to empower every New Yorker to fight climate change at home, at work, and in their communities.*

New York's goals represent a once-in-a-generation reimagining of the State's infrastructure and program investments across the energy, buildings, and transportation sectors. At the urging of environmental justice leaders, the CLCPA established a goal for state agencies, authorities, and entities to ensure disadvantaged communities receive **40% of the overall benefits** achieved through the state's clean energy investments. This mandate will affect how billions of dollars in annual investments are allocated throughout the state.

The state's 40% target is monumental. However, defining what constitutes a disadvantaged community—and how those benefits will be measured—is no small undertaking. In response to this challenge, ILLUME is helping the Climate Justice Working Group (CJWG), the New York State Department of Environmental Conservation (NYDEC), and New York State Energy Research and Development Authority (NYSERDA) to determine what counts as a benefit, what we mean by “disadvantaged communities,” and how we might quantify the benefits earmarked for them.^{2,3,4}

To support the 40% mandate of the CLCPA, the Climate Justice Working Group is tasked with defining the criteria that will be used to identify disadvantaged communities across three geographic areas. These are:

- 1. Areas burdened by cumulative environmental pollution** and other hazards that can lead to negative public health effects.
- 2. Areas with high concentrations of residents who are adversely impacted by several social factors**, such as limited income, high unemployment, high rent burden, low levels of home ownership, low levels of educational attainment, or members of groups that have historically experienced discrimination based on race or ethnicity.
- 3. Areas vulnerable to the impacts of climate change** such as flooding, storm surges, and urban heat island effects.

The Climate Justice Working Group thus expands traditional definitions of Environmental Justice areas to include climate vulnerability, consider the effect of multiple environmental burdens, and encourage the inclusion of negative health effects.

Identifying Disadvantaged and Vulnerable Communities

After nearly a year of working hand-in-hand with the Climate Justice Working Group and spending hundreds of hours knee-deep in data, we have developed recommendations for legislators, program administrators, public utility commissions, and utilities who are looking to define disadvantaged and vulnerable communities.

Considering Disadvantaged and Vulnerable Communities Will Become the Norm

New York is not alone in this challenge. Many states are enacting similar legislation and are navigating a web of considerations as they try to define disadvantaged or vulnerable communities. California set an early example by considering and directing spending to disadvantaged communities and priority populations with SB 350, SB 535, and AB 1550.⁵

Following the CLCPA, the federal government established their own version of the Justice40 Initiative⁶ which is modeled on the CLCPA goal that 40% of the benefits from select federal investments flow to disadvantaged communities. To support this, the federal government convened the White House Environmental Justice Advisory Council (WHEJAC) to establish definitions and metrics.

In addition, numerous states have passed or are deliberating legislation to define environmental justice, disadvantaged, vulnerable, or frontline communities to help them better (a) direct programs and/or spending to these communities, and (b) consider the impacts and benefits in agency decision making. As of the Fall 2021, we see actions to define or consider environmental justice, disadvantaged or vulnerable communities, or populations for clean energy decisions in states including Washington, Oregon, Colorado, Michigan, Illinois, Virginia, Massachusetts, Maine, and Vermont.

Uncover what people care about.

Carefully listen to community needs: Engage directly with stakeholders and/or community members to learn who environmental justice (EJ), local advocates, and community stakeholders define as disadvantaged or vulnerable communities and why. Listen to the on-the-ground experiences of communities that may warrant more investment.

Identify tangible threats and burdens: What types of threats are people worried about? We can focus narrowly on known toxins or pollutants, with a “scientifically proven” connection to negative public health effects. However, communities may think about a broader range of facilities or conditions associated with historical disinvestment or discrimination, regardless of their current threat (e.g., industrial zones, remediated sites, historical redlining).

Bring history into the future: We need to develop a definition that is both restorative (addressing the legacy of past discriminations such as redlining) and forward-looking (preparing for climate change impacts). However, this requires trade-offs. You will find yourself faced with difficult choices about how much importance to give historical factors (e.g., locations of regulated facilities or remediation sites) versus future proofing (e.g., coastal flooding or storm surge risk areas). Lean into the hard discussions!

Build with the purpose in mind: Understand how the definitions you establish will be used or applied. Will this be used for program outreach or eligibility? For regulated facilities? Awarding contracts? Measuring impacts? As you determine what metrics and data to track and collect, be clear about how these will be used. This has real implications for how to adequately develop community definitions, indicators, and analytical approaches.

Consider what a community-level definition means for programs: Do stakeholders want to define the populations based on geography, on individual household characteristics, or both? How would a community-level definition affect how programs allocate resources? With a geographic lens, what happens to underserved or vulnerable individuals living outside of defined areas? With an individual lens, what geographic effects remain overlooked? What cannot be measured at the individual level?

Make sure the data allows you to measure what people care about.

Start assessing data availability, granularity, and quality early: What statewide data is available? How was it collected (or modeled)? How stable and reliable is the data at different geographic scales? Are there gaps that will need to be filled in? If so, how? In many cases measurement error increases at smaller scales. Many important data points—like regulated facility locations, exposures, or health impacts—require interagency collaboration and/or GIS analysis.

Weigh the benefits of complexity vs. simplicity: The current trend is toward multi-factor indices or scoring systems. Having a streamlined list of indicators may exclude elements some deem important. However, an inclusive list of indicators may result in many inter-related and statistically correlated indicators that may not have much influence. In a complex scoring system, each additional correlated indicator will add less and less informative value while at the same time costing more and more to collect and analyze. Is it possible to start simple with a few distinct factors or characteristics that adequately identify the communities you aim to serve?

Understand how you value the data matters as much as the data itself: Once you have determined how to identify the communities you want to serve, how are you going to determine how to apportion those funds? Will you be able to serve all communities, or do you need to prioritize? If so, how will you do this? The data will not magically unveil a list based on importance; there are many ways to put the data together. The final decisions will vary significantly depending on how you combine or weight indicators and what value you ascribe to the data.

Ask again, what do people really care about? Find ways to map the data early to get people talking about regional patterns, specific areas, or communities to classify as disadvantaged communities (DACs) and why. We learned that even with lots of indicators, when people talked about “missing” DACs, it was often based on income, race, and ethnicity (among other sociodemographic factors), and shifted our thinking about how to weight the varying criteria.

There is no perfect answer.

Accept that it is difficult to compare different regional burdens: How do you compare environmental justice burdens with climate risks? Or drought risk with flooding risk? What about rural housing conditions against urban indoor air quality? How can you get people talking about the different burdens people face in different regions?

Define what “success” looks like before you begin: How do you know when you have a good definition? There is no right answer. There is no secret list of disadvantaged or vulnerable communities. Ultimately, we have the lived experience of community members we aim to serve, and we have their sense of equity and justice. In New York, we’re approaching this ground truthing in several ways (see inset).

With these investments comes a tremendous opportunity to direct funding to people and communities that are historically underserved, historically burdened by regulated facilities, or most vulnerable to the impacts of climate change. This effort requires commitment and accountability to the communities we aim to support. As organizations tasked with developing those definitions, it is necessary to deeply understand the impacts of our analytical decisions and the ways our decisions effect communities.

And finally, we need to commit the time to discussions and storytelling around these definitions. Communities deserve to understand why one community is designated as “vulnerable” while another is not. The way we engage communities in the process and beyond can empower them to engage with the data, understand the results, and most importantly, remain the central voice as our work plays out in real life.

There Is No Secret List of Disadvantaged Communities

To unearth equity and justice we must ultimately listen to the lived experience of communities. In New York State, ILLUME is approaching this ground truthing by:

1. Looking at the distribution of DACs geographically and against other maps. How many of these are urban vs. rural? How many are upstate vs. downstate? How many are in HUD qualified census tracts or historically redlined areas?

2. Asking community leaders and members to ground truth maps of potential disadvantaged communities based on their own experience. Zoom in on an area you know well and think about the threats and burdens to the people and businesses there. We asked the CJWG to identify communities they believe should be DACs and a few that should not be. We can modify the scoring approach accordingly.

Using blank maps with no data (and then on draft scenario maps) our team integrated Tableau and survey functionality for stakeholders to flag misclassified communities (e.g., is there petroleum storage for the airport nearby?). Stakeholder comments then shaped the criteria and scoring to ensure we had the right indicators and had weighted them appropriately.



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1. "New York's Climate Leadership and Community Protection Act (CLCPA)," New York State, 2021. <https://climate.ny.gov/>.
 2. "Climate Justice Working Group," New York State, 2021. <https://climate.ny.gov/Climate-Justice-Working-Group>.
 3. "New York State Department of Environmental Conservation," New York State, 2021. <https://www.dec.ny.gov/>.
 4. "New York State Energy Research & Development Authority," New York State, 2021. <https://www.nyserda.ny.gov/>.
 5. "EJ Community Definitions Chart," April 2021. https://docs.google.com/spreadsheets/d/1TgwZAAImLIBYJciXSpUfOOZifuk8MJUU4_NagVnulu8/edit#gid=0.
 6. Shalanda Young, Brenda Mallory, and Gina McCarthy, "The Path to Achieving Justice40," The White House, 2021. <https://www.whitehouse.gov/omb/briefing-room/2021/07/20/the-path-to-achieving-justice40/>.