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MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

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SUBJECT: Addendum to the Interim Implementation Guidance for the Justice40 Initiative, M-21-28, on using the Climate and Economic Justice Screening Tool (CEJST)

This Memorandum provides heads of executive departments and agencies with an Addendum to the [Interim Implementation Guidance for the Justice40 Initiative](#), M-21-28, issued on July 20, 2021 (“Justice40 Interim Guidance”). The Justice40 Interim Guidance stated that concurrent with the establishment of a geospatial Climate and Economic Justice Screening Tool (“CEJST” or “tool”), further guidance would be provided to agencies. The CEJST was released in beta version on February 18, 2022. The version 1.0 of the [CEJST](#) was released on November 22, 2022. As described in the Justice40 Interim Guidance, the tool includes “interactive maps with indicators to assist agencies in defining and identifying disadvantaged communities.” This memorandum provides supplemental guidance to Federal agencies on using the tool.

The Justice40 Interim Guidance stated that agencies should define a community as “either a group of individuals living in geographic proximity to one another, or a geographically dispersed set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions.” The CEJST only applies to the identification of disadvantaged communities that are geographically defined, and not to those that are geographically dispersed.

Federal agencies should now start using the CEJST to identify geographically defined disadvantaged communities for any covered programs under the Justice40 Initiative and for programs where a statute directs resources to disadvantaged communities, to the maximum

extent possible and permitted by law.<sup>1</sup> Agencies shall use best efforts to transition to using the CEJST as expeditiously as possible. By the start of fiscal year 2024 (i.e., October 2023), agencies are expected to use the CEJST for any new covered investments that fall under the Justice40 Interim Guidance.<sup>2</sup> Many agencies have already taken actions, such as issuing Notices of Funding Opportunities (NOFOs), which specify the use of another tool or methodology for geographically identifying disadvantaged communities that is otherwise consistent with the Justice40 Interim Guidance. For these existing covered programs with open funding announcements, agencies are not expected to switch to using the CEJST. Rather, as agencies issue new funding announcements for covered programs, agencies are expected to use the CEJST to geographically identify disadvantaged communities, to the maximum extent permitted by law.

The CEJST should become the primary tool used by agencies for such geographic identification of disadvantaged communities. However, in certain special circumstances, it may be appropriate for an agency to issue a limited exception to using the CEJST to identify geographically-defined disadvantaged communities where there is a justifiable need to consider other communities as disadvantaged within the meaning of the original Justice40 Interim Guidance definition of disadvantaged communities. Agencies are to inform CEQ of any exceptions no later than 30 days prior to their use. All of the provisions of the Justice40 Interim Guidance, aside from those concerning the geographic identification of disadvantaged communities, remain in effect unless and until subsequent guidance is issued explicitly replacing them.<sup>3</sup>

For direction on how to use the CEJST, Federal agencies should refer to the Instructions to Federal Agencies on Using Climate and Economic Justice Screening Tool (“CEJST Instructions”) developed by the CEQ in partnership with the U.S. Digital Service. The CEJST is an iterative tool that is expected to be updated at least annually. CEQ may issue new CEJST Instructions in the future to reflect any changes in the tool. Unless and until subsequent guidance is issued that explicitly changes this directive, this Addendum to the Justice40 Interim Guidance applies to agency use of the CEJST, regardless of the version of the CEJST or the version of the CEJST Instructions that is in effect.

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<sup>1</sup> For example, if a program has a statutory definition of the target beneficiaries, the Federal agency may not be able to legally require funding applicants to use the CEJST. However, to promote uniformity across the government, Federal agencies should identify ways to encourage use of the CEJST. If the use of other environmental justice screening tools, such as those developed by some states, would be allowed, then the relevant agency should ensure that there are robust safeguards and minimum criteria in place that conform to the Justice40 Interim Guidance. Greater uniformity in the identification of communities that are disadvantaged, marginalized, overburdened, and underserved will reduce confusion and tension between programs, and promote consistency in outreach and engagement across the Federal family. In addition, communities will better understand if they are prioritized for benefits across a wide swath of programs.

<sup>2</sup> Section II of the Justice40 Interim Guidance, M-21-28, defines a “covered program” and a “covered investment.”

<sup>3</sup> This Memorandum does not entirely replace Section I of the Justice40 Interim Guidance because agencies may continue to use the criteria outlined in that section for the identification of “geographically dispersed” disadvantaged communities with “common conditions.” This Memorandum only applies to the geographic identification of disadvantaged communities.

The Justice40 Interim Guidance also stated that “geographic areas within Tribal jurisdictions should be included” within the definition of disadvantaged communities. Consistent with this direction, and informed by feedback from Tribal consultations, the CEJST displays lands within the boundaries of Federally Recognized Tribes on the map in order to designate those areas as disadvantaged communities. However, regardless of whether a Federally Recognized Tribe has land, all Federally Recognized Tribal entities<sup>4</sup> are considered disadvantaged communities for the purposes of the Justice40 Initiative.

Finally, agencies may refer to disadvantaged communities as “Justice40 communities” in their own materials.

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<sup>4</sup> “Tribal Nation” means an American Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges as a federally recognized Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 5130, 5131. Tribal entities will be determined using the list published annually in the Federal Register by the Bureau of Indian Affairs at the U.S. Department of the Interior. *See, e.g.*, Indian Entities Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs, [87 Fed. Reg. 4636](#) (Jan. 28, 2022).