

ENVIRONMENTAL JUSTICE ACTION GRANTS PROGRAM DRAFT GUIDELINES

**California Environmental Protection Agency
June 2023**



CalEPA
California Environmental
Protection Agency

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Section 1. Introduction

1.1. Overview

The Environmental Justice Action Grants Program (Program) is structured to provide grant funding to a wide variety of projects intended to lift the burden of pollution from those most vulnerable to its effects: supporting emergency preparedness, public health protection, environmental and climate decision-making, and coordinated enforcement efforts. In California, we know that some communities face disproportionate impacts from climate change, particularly low-income and rural communities, communities of color, and California Native American tribes.

CalEPA administers this new Program as part of its overall mission to restore, protect and enhance the environment, to ensure public health, environmental quality, and economic vitality.

1.2. Background

To date, the Legislature has committed to appropriating a total of \$25 million in funding to the Program. It has directed CalEPA to use that money “for grants to support community-based organizations and residents to engage in emergency preparedness, public health protection, environmental and climate decision-making, and coordinated enforcement efforts affecting their communities.” (SB 170 (2021); SB 154 (2022).) In addition, the Legislature has set specific deadlines for encumbrance and liquidation.

1.3. Environmental Justice

“The impacts of federal, state, and local decision-making and policies made decades ago continue to impose challenges for California Native Americans, Black, Indigenous, and people of color communities, which still grapple with the lasting effects of historical racial inequities stemming from those governmental decisions and policies.”¹ One of the first examples of inequity and injustice was against California Native American tribes. Governor Gavin Newsom’s [Executive Order N-15-19 \(2019\)](#) explains:

“In the early decades of California's statehood, the relationship between the State of California and California Native Americans was fraught with violence, exploitation, dispossession, and the attempted destruction of tribal communities.”²

CalEPA will fund projects that fall within the four legislatively designated categories. In addition and in accordance with [Public Resources Code section 71110](#) and Governor Newsom’s [Executive Order N-16-22 \(2022\)](#), CalEPA is exercising its discretion to focus, within those categories, on projects that serve environmental

¹ State Water Resources Control Board. November 16, 2021. [Resolution No. 2021-0050: Condemning Racism, Xenophobia, Bigotry, and Racial Injustice and Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access, and Anti-Racism.](#)
https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2021/rs2021_0050.pdf.

² Governor Newsom. Executive Order N-15-19. June 18, 2019. <https://tribalaffairs.ca.gov/wp-content/uploads/sites/10/2020/02/Executive-Order-N-15-19.pdf>.

justice purposes. For the Program, CalEPA adopts the definition of “environmental justice” found at [Government Code section 65040.12](#), subdivision (e)(1). That section interprets “environmental justice” to mean “the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” That section also recognizes environmental justice to include, but not be limited to:

- a) the availability of a healthy environment for all people;
- b) the deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities;
- c) governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision-making process; and
- d) the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

One useful tool for identifying populations and communities most impacted by pollution is the California Communities Environmental Health Screening Tool (CalEnviroScreen), however CalEPA will also use other criteria and methods for identifying impacted populations and communities.

1.4. Program Information

More information about the Program – including related forms and standard terms and conditions – can be found at calepa.ca.gov/EJActionGrants. To sign-up to receive notices, updates, and information regarding the Program, visit the Program website and click the “E-list” link at: <https://calepa.ca.gov/calepa-ej-action-grants-listserv/>. Prospective applicants should contact CalEPA with any questions or concerns about application procedures or contract terms. Email inquiries can be sent to: EJActionGrants@calepa.ca.gov

Section 2. Eligibility

2.1. Eligible Applicants

CalEPA will accept applications from: federally recognized tribes; 501(c)(3) nonprofit organizations; and organizations receiving fiscal sponsorship from 501(c)(3) organizations, as discussed in Appendix 1.

2.2. Funding Priorities

CalEPA will consider funding any project that does both of the following:

1. Supports community-based organizations and/or residents to engage in at least one of the following four legislatively approved project categories:

- a. emergency preparedness;
 - b. public health protection;
 - c. environmental and climate decision-making; and
 - d. coordinated enforcement efforts.
2. Serves an environmental justice purpose, as defined in Section 1.3 of these Guidelines, in California.

CalEPA welcomes applications that seek to provide technical assistance or build capacity. Applications may be for new projects and/or for existing projects that require ongoing support. For an idea of what an eligible project could look like, visit our website calepa.ca.gov/EJActionGrants and click on “Examples of Potential Funded Projects.”

2.3. Grant Limits

Applicants may apply for as many grants as they wish but CalEPA will not award more than \$300,000 per project, or \$500,000 per applicant per fiscal year. Grants may be for up to 24 months.

Section 3. Grant Activities

3.1. Restrictions on Grants

In addition to the restrictions set forth in the standard terms and conditions of the grant contract, Grantees may not use grant funds: to participate in campaign or election activities; to engage in legislative lobbying;³ or participate in litigation or quasi-adjudicatory proceeding against the State of California or any of its agencies.

3.2. Eligible Costs

Costs

Reasonable direct costs incurred during the grant term and specified in the Grant Agreement will be eligible for reimbursement. Direct costs are defined as costs directly tied to the implementation of the Grant Agreement including, but not limited to: personnel costs for project management and grant administration; labor; subcontracts; nondurable goods and supplies, such as paper products and disposable food service products, for complete use and consumption during the grant term; translation or interpretation; or travel expenses directly tied to the implementation of the grant. Grantees must adhere to the following requirements:

The following costs associated with community engagement and outreach are considered eligible, in keeping with the program’s objectives of increasing access and accountability to environmental justice communities, and recognizing that public participation in community engagement activities is a benefit to the project and public:

- Translation and interpretation for meetings and written materials;

³ See 26 U.S.C. 501(h).

- Participant compensation that is an exchange of payment for services rendered in the development of community work products, and appropriately documented with deliverables such as sign in sheets or written surveys;
- Provision of transportation services for community residents, such as a vanpool;
- Provision of childcare services for community residents; and
- Food and refreshments that serve a primary public purpose and are determined to be an integral part of the event, and the expenditure is not driven by personal motives or moral obligations, such as a desire to convey gratitude. Examples of activities where it would be appropriate to approve food purchase would include a design charrette held over an extended period of time in the evening, where a working meal is consumed as part of the event and replaces a meal otherwise missed by attending the event.
- Purchases of equipment such as hot spots and laptops, upon a demonstration that the purchase serves a goal of the project, such as capacity building, that will extend beyond the life of the grant term and is therefore appropriately retained by the applicant after the grant term.

Indirect costs

Indirect costs are costs of doing business that are of a general nature. These costs are not directly tied to the grant but are necessary for the general operation of the organization. Indirect costs include, but are not limited to:

- Personnel costs associated with administrative, supervisory, legal, and executive staff.
- Personnel costs associated with support units, including clerical support, housekeeping, etc.
- Operating expenses and equipment costs not included as part of direct project costs (functions such as accounting, budgeting, audits, business services, information technology, janitorial; and rent, utilities, supplies, etc.).

Reasonable indirect costs are eligible for reimbursement but may account for 15 percent of a total grant. Documentation related to the determination of the Grantee's indirect cost rate must be retained by the Grantee for audit purposes.

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Section 4. Application

4.1. Application Components and Process Overview

Applications must be submitted electronically through our Grant Portal. If you cannot access the Grant Portal online, please email EJActionGrants@calepa.ca.gov with the subject line "CalEPA EJ Action Grants Application Request." All applications and submitted materials will be treated in accordance with the Public Records Act requirements and certain information subject to those requirements may be publicly disclosed.

4.2. Application Review Process

CalEPA will screen submitted applications to ensure they are complete and meet Program requirements. After this screening stage, CalEPA will score applications using the scoring criteria below.

In evaluating project proposals, scores are used to determine initial rankings and facilitate discussions for each proposal among a multidisciplinary evaluation team, including technical advisors. To achieve equitable distribution of funds, CalEPA may consider additional factors including, but not limited to geographic distribution of funds.

4.3. Application Components

For the grant cycle opening August 29, 2023, applicants will be considered for funding under the CalEPA EJ Action Grant Program based on any one of the following:

- 1) Proponents of a Supplemental Environmental Project (“SEP”) that has been approved by a CalEPA Board, Department or Office (“BDO”) as of June 30, 2023, will automatically be considered for funding under the CalEPA EJ Action Grant Program, without the need for the project proponent to submit an application to the Program;
- 2) Submission of the application form on the [Salesforce Grant Application Portal] reflected in Appendix 2;
- 3) Submission of an application for a SEP that has been or will be submitted to a CalEPA BDO but that has not been approved by a CalEPA BDO as of June 30, 2023;
- 4) Submission of an application for a grant program operated by Air Resources Board, State Water Resources Control Board, Department of Toxic Substances Control, Department of Pesticide Regulation, the Department of Resources Recycling and Recovery, and the Office of Environmental Health Hazard Assessment (collectively, “BDOs”).

Options 3 and 4 above are intended to reduce the burden on applicants who may be seeking multiple funding opportunities (and who have not already been accepted for consideration by a CalEPA BDO) by allowing the applicant to utilize the application submitted for another program to CalEPA. If an applicant submits an application for a SEP or an application for a BDO grant program, its materials must set forth the same substantive information requested in the Appendix 2 application form. This substantive information includes:

- (1) Eligibility and threshold documentation.
- (2) Narrative descriptions of the Objectives and Vision of the proposed project; including:
 - a. the extent to which the proposed project would address at least one of the four legislatively approved categories;

- b. the extent to which the proposed project would serve the community;
 - c. the extent to which the proposed project would serve a specific environmental justice program or project; and
 - d. the potential overall impact of the proposed project.
- (3) Tables and narrative descriptions for Project Design and Feasibility:
- a. Workplan with clear timelines, discrete tasks, and detailed deliverables along with a narrative description addressing methods used for selecting dates and feasibility of achieving them.
 - b. Budget with sufficient detail, broken down by task and line item, which will be further evaluated for the cost-effectiveness of the proposed project.
 - c. Narrative description, supported by documentation,⁴ demonstrating the ability of the grant applicant to successfully complete the proposed project.
- (4) Narrative descriptions of the applicant's capacity to carry out the proposed project.

Applicants are responsible for ensuring that they are eligible, that their proposed projects are eligible, and that their application materials are complete. Nonetheless, CalEPA reserves the right to request supplemental information from applicants.

4.4. Program Thresholds and Scoring Criteria

CalEPA EJ Action Grant Program Threshold Requirements

General Completeness

- Application materials are complete and adhere to Section 4.3 and are sufficient to assess the feasibility of the proposed project and its compliance with the CalEPA EJ Action Grant Program and application requirements.
- Application documents are properly labeled, stored in the proper file structure, and are easily accessible.
- Work Plan adheres to the specified grant term and contains sufficient detail.
- Budget contains sufficient detail, is in direct alignment with the work plan, and is accompanied by all necessary supporting documentation.

Applicant Eligibility

- Applicant is a federally-recognized tribe, 501(c)(3) nonprofit organization, or is receiving fiscal sponsorship from 501(c)(3) organization.
- Applicant (and Fiscal Sponsor, as applicable) have provided the necessary eligibility documentation.

Funding Eligibility

- Application meets both Funding Priority requirements (defined in Section 2.2).

⁴ The greater the amount of the grant sought, the more documentation an applicant should provide to demonstrate its managerial and financial capacity. To the extent the applicant is a Tribe, and providing this information would entail sharing sensitive Tribal information with CalEPA, the Tribe should consult with CalEPA.

- Applications do not exceed more than \$300,000 per project, or \$500,000 per applicant per fiscal year.
- Projects are for no more than 24 months (with potential extensions for good cause subject to approval).

EJ Action Grant Scoring Criteria Summary

SCORING CRITERIA	POINTS
Objectives and Vision	40 Points
Project Design and Feasibility	40 Points
Capacity	20 Points
TOTAL	100 POINTS

EJ Action Grant Scoring Criteria Details

Objectives and Vision – 40 Points

1. Proposed grant activities will address at least one of the CalEPA EJ Action Grants legislatively approved project categories of:
 - a. emergency preparedness
 - b. public health protection
 - c. environmental and climate decision making
 - d. coordinated enforcement efforts
2. Applicant has articulated the objectives of the project, provided a comprehensive description of the Project and demonstrates an understanding of community needs.
 - a. Applicant has explained how the project will serve the stated objectives and articulated community needs.
3. Extent to which the proposed planning activities would serve a specific Environmental Justice program or project (defined in Section 1.3), using appropriate documentation and identification tools (i.e. CalEnviroScreen).
4. Clear detailing of overall project impact.

CalEPA will prioritize projects that provide community capacity and readiness to apply for federal programs consistent with the federal Justice40 Initiative.

Project Design and Feasibility – 40 Points

1. Projects are designed to meet the identified community’s needs. This includes, but is not limited to, appropriate scope, scale, components, etc.
2. Projects include clear plans for long-term operations and maintenance, including coordination with appropriate responsible parties.
3. Work Plan includes clear timelines, discrete tasks, and detailed deliverables. This also includes addressing the feasibility of adhering to project timelines and any external factors that may affect project outcomes.
4. Budget has adequate detail, is directly tied to the Work Plan, and demonstrates financial feasibility.

CalEPA will prioritize projects that have incorporated community feedback into project design.

Capacity – 20 Points

1. Applicant demonstrates organizational capacity to implement the proposed work on time and within budget (e.g., has experience managing similar programs and/or project implementation).
2. Applicant demonstrates financial capacity to implement the proposed work (e.g., has experience and financial stability and capacity to manage program funds). For projects involving a Fiscal Sponsor, Fiscal Sponsors must demonstrate financial capacity to implement the proposed work.

4.5. Application Cycle Timelines

CalEPA will review applications up to twice per fiscal year. It expects to complete the first review by January 2024. Round 1 of grant applications will open on August 29, 2023, and close on October 6, 2023. CalEPA will review applications and announce funding awards on a rolling basis. CalEPA will assess the timeline of additional application rounds in October 2023 and expect to review applications twice per fiscal year.

4.6. Final Selection of Applications

CalEPA will notify grant applicants if their applications are selected for funding and will request any additional information needed to disburse the funding. The decisions of CalEPA concerning grant funding are final and not subject to appeal.

Section 5. Grant Administration

Below is a brief description of the grant administration responsibilities and principles for the Program. For additional information, refer to the sample terms and conditions on the Program's website.

5.1. Disbursement and Accounting Funds

Funds will not be disbursed until there is a fully executed grant agreement between the State and the Grantee. Costs should not be incurred until after the grant agreement is fully executed, unless CalEPA otherwise provides approval in writing.

At present, CalEPA does not have the authority to offer advance payment of EJ Action grant funds.

CalEPA distributes grant funds on a reimbursement basis. This means the Grantee pays upfront for services, products, or supplies; submits requests along with all relevant invoices, proof of payment, supporting documentation, reporting materials for themselves and their co-applicants into one single package; and once the package is approved for payment the funds will be disbursed to the Grantee. It generally takes six to eight weeks to receive payment after Grantee submits a completed, undisputed payment request.

Grantees may request reimbursement from CalEPA on a continuous basis. CalEPA will retain the last five percent (5%) of the grant, to be paid once CalEPA has determined that the grant terms have been fulfilled but reserves the discretion to waive the retention requirement in certain circumstances.

5.2. Reporting Requirements

Grantees are responsible for the successful completion of their projects. Grantees must complete projects within the time frames specified in their grant applications unless the grantees and CalEPA mutually agree to amend the time frames.

Grantee is required to inform CalEPA of the project's progress. In particular, each Grantee must submit semi-annual progress reports that track the work completed during the preceding six months. Throughout the grant term, CalEPA is always available for support and technical guidance, and consultation can be requested at any time.

In addition, at the end of projects, or at the end of the fiscal year for multi-year projects, grantees must provide final budget reports, descriptions of outcomes and accomplishments. CalEPA reserves the right to audit Grantees' use of grant funds, and Grantees must agree to cooperate with any such audit.

5.3 Changes to Approved Project

Grantees seeking changes or amendments to an approved project must obtain CalEPA's approval prior to conducting or enacting changes. Changes in project scope must continue to meet the need cited in the original project proposal. Grantees jeopardize funding should changes be made without prior notice to and approval by CalEPA.

Section 6. List of Appendices

Appendix 1 - Fiscal Sponsorships

Appendix 2 - Grant Proposal Application

Appendix 1 - Fiscal Sponsorships

If an organization does not have Internal Revenue Code section 501(c)(3) tax-exempt status, the organization may apply for a grant under the fiscal sponsorship of an organization that does have such status. In such an arrangement, the sponsor and sponsored organization must comply with the following requirements:

- Application: An application must provide: the sponsor's name, primary point of contact, and contact information; a description of the sponsor's mission and relevant experience; documentation showing that the sponsor is a 501(c)(3) organization; documentation showing that the sponsor has sufficient managerial and financial capacity to undertake the proposed project; and a copy of the sponsorship agreement between the sponsor and sponsored organization.
- Responsibilities of Sponsors: If CalEPA selects a fiscally sponsored application for a grant, the sponsor must execute grant documents and will be held legally liable for grant compliance. CalEPA will disburse funds to the sponsor, which must distribute funds to the sponsored organization. The sponsor must report any misspending by the sponsored organization to CalEPA.

- Sponsor Fees: The sponsor may not claim more than 15 percent of the grant amount for its administrative services as a sponsor.

Amending Sponsorship Agreement: During the term of the grant contract, a sponsored organization may change sponsors – or, if it has obtained 501(c)(3) status, proceed without a sponsor – if CalEPA, the sponsored organization, and the fiscal sponsor that executed the grant agreement agree to such a change. If the sponsorship agreement is terminated during the term of the grant contract, without prior approval from CalEPA, CalEPA will retain the discretion to rescind the grant contract.

Appendix 2 - Grant Proposal Application

California Environmental Protection Agency

CalEPA Action Grants Program

You are invited to submit a proposal application to the CalEPA Action Grants Program (“Program”). Please submit this application through the online Grant Portal. All applications must comply with the requirements set forth in the Program Guidelines. Applications will not be considered complete unless all of the information and materials are provided as requested.

Lead Applicant (Fiscal sponsor information, if applicable)	
Co-applicants (sponsored entity, if applicable)	
Project Title	
Grant Amount	\$
Grant Term (in months)	

Project Contact	
Name	
Title	
Email/phone #	
Organization Leader	
Name	
Title	
Email/phone #	
Official Org. Address	
Grantee Signatory Person with legal authority to sign if funding is approved.	
Name	
Title	
Email	

NARRATIVE

Executive Summary (LIMIT: Approximately 300 words)

Provide an overview of the project and intended results. Please describe the reasons the project is eligible to receive funding under the Program Guidelines.

A. Objectives and Vision (LIMIT: Approximately 500 Words)

1. Identify the overall goals of the grant and how the grant will support community-based organizations and residents to engage in:
 - a. emergency preparedness;

- b. public health protection;
 - c. environmental and climate decision-making;
 - d. and/or coordinated enforcement efforts affecting their communities
2. Identify the community the applicant intends for the proposed project to serve.
 3. Describe the ways and extent to which the proposed project would serve an environmental justice and/or tribal need in that community.
 4. Detail specific outcomes (changes in the situation analysis or baseline) to be achieved by the end of the proposed project or shortly thereafter, and the overall impact of the work.

Helpful websites – [CalEPA's CalEnviroScreen](#) tool, [US Census Quickfacts webpage](#) for California data and the [California Department of Finance's webpage for state demographic data](#) contains the population statistics and other demographic information.

B. Project Design and Feasibility

1. Create a table with the proposed project Work Plan, including clear timelines, discrete tasks, and detailed deliverables.
 - a. In a narrative section, please address the method used for selecting target dates and the feasibility of achieving the necessary milestones by those dates. (LIMIT: Approximately 300 Words)
2. Create a table with the proposed project Budget, broken down by Work Plan task and line item. Include expected indirect costs and any matching funds.
 - a. For applications for proposed projects that would span multiple fiscal years, indicate the amount of money expected to be spent on the project in each fiscal year.
 - b. In a narrative section below the table, explain the reasons the proposed project is cost-effective. (LIMIT: Approximately 200 Words).
 - c. Purchases of equipment such as hot spots and laptops, must be justified by a demonstration that the purchase serves a goal of the project, such as capacity building, that will extend beyond the life of the grant term and is therefore appropriately retained by the applicant after the grant term. (LIMIT: Approximately 100 Words)
3. Briefly note external factors that may affect the outcome(s). (LIMIT: Approximately 200 Words)

C. Capacity (LIMIT: 400 Words)

1. Describe the applicant's experience in completing similar projects. If the applicant doesn't have experience in completing similar projects, please identify the resources or partnerships that will be relied upon and what technical assistance may support the responsible organization's efforts.
2. For projects involving a fiscal sponsor, describe the fiscal sponsor's financial capacity to carry out the proposed project and experience serving as a fiscal sponsor.
3. Please provide a list of the principal staff who will be responsible for administering the grant funds and implementing the proposal, with a brief description of their background and qualifications.

FISCAL SPONSOR (if applicable)

1. Name
2. Primary Point of Contact and Contact Information
3. Mission and Relevant Experience
4. Documentation showing Fiscal Sponsor is a 501(c)(3) organization
5. Documentation showing that the Fiscal Sponsor has sufficient managerial and financial capacity to undertake the proposed project
6. Copy of the sponsorship agreement between the sponsor and sponsored organization.

REQUIRED ATTACHMENTS

Please include the following documents with your proposal submission.

List of Board Members/Tribal Council	Provide a list of board members with brief biographical summaries of each.
Documentation of Non-profit Status	If applicable, provide a letter from the Internal Revenue Service Confirming that the applicant is a 501(c)(3) organization.
Organizational Budget	Include a detailed budget, as it relates to the workplan, for the organization for the current fiscal year.
Financial Statements (for requests over 150k)	If applicable, provide a recent audited financial statement or equivalent document (showing assets/liabilities and revenues/expenses), AND a copy of your organization's most recent IRS Form 990. ⁵
Fiscal Sponsor Letter or MOU	For projects with a fiscal sponsor, documentation stating the relationship.

CERTIFICATION

By executing this application, the applicant certifies to all of the following (please initial next to each of the certifications below):

___ 1. I, the undersigned signatory, am a duly authorized representative of the applicant, am authorized to execute this application on behalf of the applicant and have full authority to make the certifications herein on the applicant's behalf.

___ 2. The applicant is eligible under the Program Guidelines because it is a 501(c)(3) organization or a California Native American Tribe.

___ 3. The proposed project, to the best of the applicant's knowledge and understanding, is eligible under the Program Guidelines.

___ 4. The applicant is organized in the State of California or legally authorized to conduct business in the State of California.

⁵ If the applicant is a fiscal sponsor, only the sponsor must provide this documentation.

___ 5. If the applicant receives grant funds, it will use those grant funds only in the manner described in its application and authorized by the Program Guidelines.

___ 6. Neither the applicant nor its officers or directors are listed on the sanctions listed for the Office of Foreign Assets Control of the U.S. Department of the Treasury.

___ 7. The applicant acknowledges that CalEPA may request supplemental materials related to this application to be considered for a grant award.

___ 8. In applying for a grant, and, if it is awarded a grant, in its performance of the grant contract and use of grant funds, the applicant will comply with all applicable laws.

___ 9. All information in this application is true, correct, and complete, to the best of the applicant's knowledge and understanding.