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Comments on HEEHRA Phase 1 Community Benefits Plan

Additional submitted attachment is included below.



July 26, 2024

TO:

California Energy Commission

Docket 23-DECARB-01

RE: Comments of The Greenlining Institute, Leadership Counsel for Justice & Accountability, Physicians for Social Responsibility Los Angeles, Strategic Actions for a Just Economy, Rising Sun Center for Opportunity, People Organizing to Demand Environmental and Economic Rights, Local Clean Energy Alliance, Strategic Concepts in Organizing and Policy Education, RMI, and Rewiring America: High-Efficiency Electric Home Rebate Act (“HEEHRA”) Phase 1 Community Benefits Plan

INTRODUCTION

We appreciate the opportunity to comment on the draft Community Benefits Plan for the HEEHRA Phase 1 application. The undersigned organizations submit these comments to the California Energy Commission (“CEC”) to ensure that the Community Benefits Plan serves as a useful resource in the design and implementation of the HEEHRA program. Our organizations represent a broad coalition of community based groups, racial equity, and environmental advocates.

RECOMMENDATIONS

We organized our recommendations based on the stage of implementation of the program below:

I. Program Design and Process

- A. Provide more clarity about how TECH Clean California will adapt its program design to more effectively reach priority communities and clarify definitions of disadvantaged communities**

Federal Guidelines require that at least 40.7% of HEEHRA funds are allocated to low-income communities and 10% are allocated to low-income multifamily projects. The Home Energy Rebate programs are essential for California's more than 5.3 million low-income households (both homeowners and renters), who face disproportionately high energy burdens¹ and are more likely to suffer from unhealthy indoor air quality,² lack reliable cooling and heating, and need other home health, safety, and efficiency upgrades.³ The Home Energy Rebates are especially important for low-income households who lack tax liability to access the federal Energy Efficient Home Improvement Credit (25C) or Residential Clean Energy Property Credit (25D). Renters face additional barriers to home energy upgrades. Landlords are unlikely to initiate and access rebates for upgrades due to the split incentive (i.e., landlords are disincentivized to complete energy efficiency improvements that lower costs for renters), and only owner-occupied units are eligible for 25C. Therefore, we believe 40.7% should be the floor, and as close to 100% of funds as possible should be allocated to low-income communities.

We encourage the CEC, Energy Solutions, and the Building Decarbonization Coalition's The Switch is On to provide more clarity on how they will expand their outreach methods and evolve the program design to increase the reach of these programs to priority communities. While TECH has been a market development program, it has traditionally not served a majority of low-income households, especially for single family households. According to the publicly available dataset for TECH, close to 10% and 44% of funding went to disadvantaged communities in single-family and multifamily retrofits respectively.⁴ In TECH Equity Communities, the percentage paid to date is around 39% of all funding.⁵ From conversation with TECH administrators, we know that there are efforts underway to improve outreach and program design. The Community Benefits Plan should be a mechanism to publicly track and seek input on how to more effectively reach low-income households and environmental justice communities more generally.

Furthermore, to ensure transparency, we encourage the CEC to provide more clarity around the distinctions between a Disadvantaged Community, TECH Equity Communities, and the federal mapping tools. Section 4 of the draft Community Benefits Plan states that TECH will use the CalEnviroScreen definition of Disadvantaged Communities, so we encourage the reporting on the Equity page of the TECH website to be consistent with this definition for clarity and transparency.⁶

Finally, we are concerned that the CEC's decision to focus HEEHRA Phase 1's single-family incentives exclusively on heat pumps for space heating and cooling will make it harder for low-income households who need complementary home upgrades to

¹ www.nature.com/articles/s41560-020-00763-9

² www.science.org/doi/10.1126/sciadv.abf4491

³ doi.org/10.1016/j.erss.2021.102365

⁴ techcleanca.com/public-data/download-data/#download-form-2147baf2-ac60-48f2-a051-98c7a60e8fea

⁵ techcleanca.com/public-data/equity-budget-and-spending/

⁶ techcleanca.com/public-data/equity-budget-and-spending/

participate. In particular, many households need electric panel upgrades, wiring updates, and/or building envelope improvements in order to install and benefit from a heat pump for space heating and cooling and/or to pursue a holistic home retrofit. The CEC should evaluate options to offer single-family households HEEHRA Phase I rebates for electric panel upgrades (up to \$4,000), electric wiring (up to \$2,500), and insulation, air sealing, and ventilation (up to \$1,600).⁷ In addition, the CEC should promote coordination with complementary programs such as the Equitable Building Decarbonization (“EBD”) program and Home Efficiency Rebates (“HOMES”) to provide further funding to address these gaps.

B. Include input from a wide range of equity focused stakeholders in developing and implementing the Community Benefits Plan

While we understand the urgency and pressure from the Department of Energy to apply and appreciate the CEC’s efforts, it’s important to note that the HEEHRA Phase 1 application was developed without community input. Moving forwards as the CEC finalizes and implements the HEEHRA Phase 1 program and applies for HEEHRA Phase 2 funding, the CEC and program implementers should consult regularly with environmental justice, equity, environmental, labor, affordable housing, and other stakeholders to implement a strong Community Benefits Plan that advances the state’s climate, housing, and equity goals. The Community Benefits Plan should not end up becoming a document that sits on the shelf, but instead be a tool to actively track and ensure community benefits. The Community Benefits Plan should advance multiple non-energy benefits for priority communities. The HEEHRA Phase 2 funding should have a much more robust engagement and development process informed by feedback received during the Phase 1 process.

The Community and Labor Engagement Section (pages 4-5) shows that the CEC has engaged with manufacturers and government agencies, but there are not many specific examples of CBO relationships beyond Community Action Partnerships. The Local Government partners list on Page 8 includes primarily wealthier cities with several existing programs. While it is important to continue to work with these jurisdictions to more effectively reach priority communities within these areas, it’s also important for TECH to partner more closely with cities that have not had the resources to implement building decarbonization programs throughout the state. There should be more representation from the Central Valley, Imperial Valley, San Diego, Los Angeles, and Northern California regions in addition to the cities that are already represented in the Central Coast, Sacramento, and the Bay Area.

Community representation and meaningful input should not be limited to the Community Benefits Plan workshop or program design phase, but should extend into program implementation as well. We support a focus on partnering with Community Action Partnerships in San Bernardino, Kern, Riverside, and Fresno County, and would like to see community based organizations included as well throughout the state. Similar to the

⁷ www.energy.gov/sites/default/files/2024-06/program-requirements-and-application-instructions_061324.pdf

EBD program and the proposed implementation of HOMES funding, community based groups should be fully compensated members of the program administration team. We would also like to see more detail on how the TECH program would overcome some of its past challenges in reaching low-income communities and rural communities. The CEC should specify which resources are available to ensure that partners are properly compensated and supported in a decision making role. The CEC, the California Public Utilities Commission (“CPUC”), and the TECH program should also reduce administrative burden for community based organizations and environmental justice groups to participate in program administration.

C. Provide more clarity on the role of the Low-income Ambassador Program (LIAP) and community outreach ambassadors

The CEC and TECH program should provide more clarification on the process by which LIAP members are selected and how their feedback is incorporated into the program. We appreciate that the LIAP has brought up the importance of remediation costs and difficulties faced by disabled low-income customers in the past. It would be helpful to have more information on how this input will be incorporated into the overall program design and funding allocations. It is also important to ensure that there is representation from across the state, especially in areas such as the Central Valley and Inland Empire.

While quarterly meetings provide a regular checkpoint for the LIAP, it would be helpful to have more venues for community groups, contractors, and residents directly participating in the program to directly provide ongoing feedback during the program.

In addition, The Switch is On and TECH should work with community based organizations to recruit outreach ambassadors and conduct events that are effective and culturally relevant in priority communities.

D. Provide more clarity on establishing and enforcing strong tenant protections

The TECH program should provide more clarity around what renter protections are in place and how they will be enforced. Ideally, they should be coordinated with the renter protections specified in the EBD program. The protections required by the Department of Energy guidance are not as robust as those included in the EBD program, so we recommend having the same protections across all programs. Standardizing requirements can also help streamline program implementation and enforcement. The CEC and the CPUC should coordinate with agencies that have the power to implement renters protections such as the Department of Housing and Community Development (“HCD”).

The incentives should be as accessible as possible. Building owners should have access to incentives for rental and owner-occupied units. This is important to maximizing the reach and impact of the incentives.

In addition, tenants groups and individual renters should explicitly be included in the outreach and program design processes. Currently, the plan only lists rental property owners and managers, but doesn't include the renters themselves. We recommend that the CEC and the TECH administrators conduct direct outreach to tenants, and include feedback and input from renters in designing, implementing, and evaluating the program. TECH should conduct focus groups where tenants are fairly compensated for their time and insights, work directly with tenants rights groups and include them as funded members of program administration teams, and should coordinate outreach with other relevant housing and energy related programs.

We want to uplift the individual comments made by one of our signatories, Strategic Actions for a Just Economy ("SAJE"), on renter protections. As SAJE states in their letter,

The CEC should advocate for the following protections in the Community Benefit Plan:

1. A 3% rent cap for 5-15 years for privately-owned housing and extending deed restrictions for deed-restricted affordable housing.
2. Protections against eviction for reasons other than nonpayment of rent (where the owed amount must exceed one month of Fair Market Rent [FMR] for the respective unit size), illegal activity, or severe nuisance.
3. Tenant relocation safeguards, including avoiding the need for temporary displacement, allocating funds for temporary relocation when absolutely necessary and establishing a Right to Return policy.
4. Regulations that minimize disruptive construction, such as the provision of health and safety assessments, advance notice about construction projects and limitations on hours during which construction can occur.
5. Establishment of enforcement mechanisms and penalties as discussed under recommendation #2.

II. Program Implementation

A. Ensure coordination across building decarbonization programs

We appreciate the recommendation on Page 22 to ensure that Energy Solutions coordinates with administrators of the HOMES/HER and EBD programs. We encourage them to further coordinate across other utility and local government programs. While the Switch Is On is a helpful online tool, we think that having technical assistance and a hotline with program navigators or concierge services would be helpful to contractors and consumers who are interested in the program and may have limited time to read and follow up independently on the materials on the website.

Rebate programs are often not accessible because low-income households often do not have the upfront capital to cover the cost of the projects. While the HEEHRA program is mandated to be a point of sale rebate program by federal legislation, we encourage program administrators to be creative in implementation to try to cover as much of the

costs as possible. We encourage the TECH program to build off its work on the heat pump water heater rebate program pilots to use the funding in the HEEHRA rebate program to cover all of the project costs so that it essentially functions similarly to a direct install program. In the future, we encourage the CEC and CPUC to create more direct install programs like the EBD program.

We appreciate the acknowledgement of energy affordability concerns on Page 23. We recommend adding more detail on how TECH will partner with bill assistance and weatherization programs such as the Low Income Weatherization Program (“LIWP”), Low Income Heating and Energy Assistance Program (“LIHEAP”), California Alternate Rates for Energy (“CARE”), Family Electric Rate Assistance Program (“FERA”), and Energy Savings Assistance (“ESA”) programs to ensure that low-income households do not have higher levels of energy burden. We also recommend coordinating with demand response and load management programs to ensure reliability for priority communities. Coordinating with solar programs such as Solar on Multifamily Affordable Housing (“SOMAH”) or the Self Generating Incentive Program (“SGIP”) can also help offset bill impacts from electrification. Contractors, program administrators, and community outreach coordinators should be trained on programs that provide bill assistance so that they can ensure customers can enroll and do not have higher energy costs.

In addition, the CEC and California Public Utilities Commission (“CPUC”) should coordinate implementation with this program with ongoing discussions on energy affordability including the Income Graduated Fixed Charge and electrification rate proceedings. This is essential to ensuring that bills stay affordable in the long term.

B. Provide specialized technical assistance to low income landlords, mobile home residents, and small multifamily property owners

We agree that providing more technical assistance on electrification infrastructure and central heat pump water heating systems to contractors can help address some barriers in multifamily feasibility studies as stated on Page 9. In addition, small “mom-and-pop” landlords and multifamily property owners who work with low-income tenants should receive more assistance with navigating the application process and leveraging all existing funding sources.

We recommend providing technical assistance to address how the HEEHRA program can stack with other programs to address specific barriers in decarbonizing mobile homes including remediation and affordability concerns. Addressing these barriers is very important because many seniors and others who are vulnerable to heat stress live in mobile homes.

Additionally, these homes are often in need of panel and wiring upgrades that are not available for single-family homes in HEEHRA Phase 1. This means it is especially important to provide additional specialized and targeted resources within HEEHRA

Phase 1 and other complementary programs so that low-income and mobile home residents have the ability to benefit from the heat pump rebates.

C. Ensure equitable language access

Both the community engagement sessions during program implementation and the Community Benefits Plan itself should be made accessible to Californians with Limited English Proficiency via translation and interpretation. We appreciate the focus on written materials being translated to several commonly spoken languages. We also recommend partnering with community based organizations and interpreters to provide in-person and online training in commonly spoken languages other than English as well.

Additionally, outreach should be conducted in media outlets and forums that are catered to speakers of other languages than English. While the Switch is On is a helpful website, it would be helpful to supplement this with other modes of media and forums to enable a further reach.

D. Ensure that CBOs served by publicly owned utilities are eligible for electrification training

While we appreciate that the training run by Investor Owned Utilities (“IOUs”) will be available online, we also encourage TECH to engage directly with CBOs in areas served by publicly owned utilities to increase awareness and opportunities to engage in these areas. It would be helpful to track the outcomes of electrification trainings in publicly available milestone reporting for the Community Benefits Plan.

E. Support minority, women, and disadvantaged business enterprises (“MWDBEs”) and streamline selection of contractors

Eligible contractor lists required by the federal guidelines, criteria for selecting contractors in the TECH guidelines, and Community Benefits Plan reporting requirements should be aligned. The Community Benefits Plan should provide actionable metrics and commitments to support MWDBEs to participate seamlessly in the EBD, HOMES, TECH, and HEEHRA programs. TECH should provide more specific information about how the program intends to establish and maintain partnerships with underrepresented businesses and training organizations. We also would like to see more explicit support and outreach to MWDBEs to ensure that they are included in eligible contractor lists and can build a sustainable pipeline of projects.

We appreciate the CEC partnering with groups like Rising Sun Center for Opportunity, however most of the programs are based in the Bay Area, and we encourage the CEC to partner with workforce development programs throughout the state as well as with labor unions and other relevant groups.

We strongly encourage the HEEHRA program to adopt labor standards, in conjunction with necessary support for small and MWDBE contractors, to ensure that jobs generated via HEEHRA are high quality jobs.

III. Monitoring, evaluation, and accountability

A. Ensure that goals and strategies incorporated into the Community Benefits Plan are also incorporated into other components of the program

Community Benefits Plan recommendations and metrics should be woven into the Education and Outreach Strategy, Consumer Protection Plan, Utility Data Access Plan, Privacy and Security Risk Assessment for State Systems, and Market Transformation Plan. This can help ensure that community input is incorporated into all parts of the program implementation and program evaluation.

Community Benefits Plans must include clear mechanisms for accountability by which community members can monitor and ensure that the CEC enforces implementation. Progress and accountability milestones should be as transparent as possible.

B. Streamline monitoring, evaluation, and utility data sharing across building decarbonization programs

To facilitate monitoring and evaluation across both Home Energy Rebate programs, TECH, and EBD, the CEC should integrate their Specific, Measurable, Achievable, Realistic, and Time Bound (“SMART”) goal and milestones process for their Community Benefits Plan with the overall monitoring and evaluation across programs including the TECH, EBD, HEEHRA Phase 1 and Phase 2, and HOMES programs. This is important to reduce administrative overhead and streamline contractor reporting requirements and participant education. This monitoring and evaluation should include non-energy benefits such as health and economic benefits. The CEC should prioritize community based organization’s priorities and research in developing metrics. For example, the Building Energy Equity and Power (“BEEP”) coalition and Natural Resources Defense Council’s report highlights several potential metrics to measure non-energy benefits.⁸

Feedback on the Community Benefits Plan should be ongoing and should shape whether the program can proceed. For example the Office of Clean Energy Demonstrations has outlined a process where Community Benefit Plan implementation is evaluated throughout each phase, and is included in the go/no-go decisions between phases. While it remains to be seen how this is implemented by the DOE, this general framework is helpful because it provides clear milestones where community input and

⁸ See Healthy, Climate-Resilient Homes For All: Centering Housing Justice And Health Equity In Building Decarbonization, <https://www.nrdc.org/resources/healthy-climate-resilient-homes-all-centering-housing-justice-and-health-equity-building>

assessment of progress towards the community benefits plan could shape whether a project continues. If implemented well, this approach could promote self-determination and community agency in clean energy projects.⁹

C. Make the SMART goals much more actionable and easier to track progress on

We appreciate the effort on the SMART goals and have recommendations for how to make them more actionable. Many of the goals read as potential tasks or intentions, but having a clearer set of objectives can help implementers, community members, and the state track more concrete progress on the impact of these workshops, meetings, etc. Overall, the timeline for the milestones should be more explicit.

We provided some more specific feedback on the SMART goals listed in the Appendix:

- Section 1.II.C Supply Chain Partner Engagement
 - Include more specific metrics on the effectiveness of the events in DACs and low-income households in addition to providing trainings about this topic
 - Create a life cycle assessment of all-electric technologies considering environmental and social impacts from mining, operations, and end-of-life considerations such as recycling and waste diversion. Ideally appliances will be able to last for as long as possible and will be recycled at the end of their lifetime to reduce the amount of new materials that need to be mined.
- Section 1.III Consumer Awareness and Education
 - Set a higher standard for positive perception with low-to-moderate income homeowners/eligible entities in line with California's building decarbonization goals. Align the number of installations in priority communities with California's goal to install 6 million heat pumps by 2030
- Section 1. IV Multifamily Rental and Property Owner and Manager Engagement
 - Specify which percentage of overall funds will be allocated to multifamily housing overall. Ensure that as close to 100% of this allocation as possible will go to low-income multifamily properties.
- Section 1.III.A Local Government Partnerships
 - Add a specific metric to track progress towards building relationships with local governments in areas that are currently underserved by TECH in addition to the Bay Area and Central Coast CCAs and local governments
 - Specify a number of new partnerships that TECH plans to establish in underrepresented areas and include some qualitative metrics on the satisfaction from partners with the HEEHRA program
- Section 1.VI. Community-Based Organization and Native American Tribes Partnerships

⁹ See Office of Clean Energy Demonstrations Community Benefits Plan Overview, <https://www.energy.gov/sites/default/files/2023-09/OCED%20CBP%20101%20Factsheet.pdf>

- Provide more specific metrics on identifying CBO partners and ensuring geographical diversity across the state, especially in the Inland Empire and the Central Valley
 - Identify alternative sources of funding for CBOs and workforce training groups given that the Clean Energy Access grant program has been cut in the 2024 budget
- Section 1. V. Low-Income Customer Outreach
 - Add more specific and measurable elements for this objective including recruiting more Low-Income Ambassadors (especially from areas that are currently underrepresented in TECH) and establishing a clear pathway for their recommendations to be included into the program design.
 - Include a goal focused on recruiting and training community ambassadors and hosting at least 100 events reaching priority communities as described in the draft on Page 11.
- Section 1. VI. C Rural Contractor Training and Outreach
 - Describe the impact of the partnerships. For instance, the partnership with the High Sierra Energy Foundation would lead to x number of new rural contractors being added to the program or y number of homes that are retrofitted in rural areas.
 - List partnerships that can help expand contractor recruitment in rural areas throughout the state
- Section 1. VII. C Tribal Contractor Training and Outreach
 - Further describe the impact of the partnership in addition to stating a few potential partners. For instance, the partnership with the Suscol Intertribal Council and Southern California Tribal Chairmen’s Association would lead to x number of new rural contractors being added to the program or y number of homes that are retrofitted in rural areas.
- Section 1. VIII Accessibility and Support for Language Isolated Community
 - Include a specific and measurable outcome that can track progress on providing translated materials and recorded trainings in multiple languages
- Section 2.A. Contractor Workforce Training and Assistance
 - Specify the percentage of new contractors that will be based in DACs and rural communities amongst the 200 new contractor training goal
 - Create a specific objective about recruiting and supporting MWDBEs
- Section 2. A Workforce Pipeline Development
 - Ensure geographic diversity across workforce development programs partners
- Section 1. II. C Supply Chain Partner Engagement
 - Provide more detail on how to measure “emphasis and reporting of DACs and/or low-income outreach and installations”
- Section 3.A. Equitable Rebate Funding
 - Set a higher minimum than 50.7%, ideally 100% of the funding to go to low-income households

- Section 3.B Education and Outreach
 - Provide specific qualitative and quantitative metrics for “community presence.”
 - Specify priority regions for ambassadors and CBOs and methods to recruit these partners
 - Require contractors or program administrators to send a survey to assess the customer’s experience with communication with contractors and program administrators as well as impacts on bills, thermal comfort, and quality of life
- Section 3. C. Low Income Ambassador Panel
 - Include metrics on recruitment and retention of Ambassadors
- Section 3. D. DAC Contractor Engagement
 - Include more metrics about the number of contractors and where and how they will participate in recruitment, training, and educational sessions
 - Collect demographic data about contractors to assess any disparities contractor selection
- Section 4. II. A Air Quality
 - Include other non-energy benefits in addition to air quality, such as pre- and post-installation respiratory health metrics (e.g., asthma symptoms, management, hospitalizations).
 - Clarify how the TECH-implemented rebates will directly improve indoor air quality, especially for single-family homes that are ineligible for electric cooking equipment incentives per CEC’s Phase 1 proposal.
- Section 4.II. B Workforce Development
 - Include specific metrics for tracking progress on contractors that adhere to high quality job standards
 - Include specific metrics about recruitment of MWDBE contractors
- Section 4.II. C Climate Resilience
 - In addition to climate zones, TECH should also consider other predictors of heat stress such as age, health conditions, and type of housing (i.e. mobile houses) in measuring climate resilience impacts of the program.
 - Add specific metrics on thermal comfort and heat-related illness.

Section 4.II. D, “Anticipated or planned efforts to address or reduce potential negative environmental or financial impacts from HEEHRA Phase 1,” raises critical considerations around potential unintended impacts including air pollution, improper equipment disposal, and energy burdens. However, the CEC did not establish SMART goals to monitor these issues. We urge the CEC to create and publicly report on SMART goals related to each of the potential negative impacts identified, including by collaborating with partner agencies such as the CPUC and Department of Resources Recycling and Recovery where appropriate. Possible metrics include:

- Air Pollution:
 - Performance ratings of installed equipment.
 - Participation in TECH refrigerant management training.
- Equipment Recycling:

- Participation in existing equipment recycling programs.
- Number of newly offered equipment recycling programs in areas where recycling is not available today.
- Energy Burden:
 - Proportion of households receiving a HEEHRA-funded air source heat pump who are also connected to a weatherization program (e.g., LIHEAP, LIWP).
 - Proportion of households receiving a HEEHRA-funded air source heat pump who are also connected to a bill assistance program (e.g., CARE, FERA, ESA).
 - Proportion of households receiving a HEEHRA-funded air source heat pump who are also connected to a solar program (e.g., SOMAH, SGIP).

CONCLUSION

In conclusion, we urge the CEC to view the Community Benefits Plan as an ongoing process to ensure that the HEEHRA program delivers maximum environmental, health, and economic benefits to priority communities. We look forward to collaborating with the CEC further in this process. Please feel free to reach out to sneha.ayyagari@greenlining.org with further questions about the recommendations in this letter.

Sincerely,

Sneha Ayyagari

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