



## ENERGY JUSTICE POLICY

### Preamble:

Hawai'i faces compounding crises: coastal erosion and infrastructure damage from climate change, food insecurity, high cost of living, stagnant wages, and a lack of economic diversification, each tied to Hawai'i's colonial history and systemic racism. These inequities persist today through our imported fossil fuel economy which depends on reckless extraction of land and labor for the profit of corporate off-shore entities. The transition to renewable energy is an unprecedented opportunity to address these social and environmental inequities and unfair burdens to rural, Hawaiian, Polynesian, and communities of color who have benefited the least from the destructive practices of our current energy system but pay the largest price—in energy costs, harmful power production, and environmental degradation.

As a state of interdependent island communities, it is critical that we build just pathways to a localized democratic clean energy future. We therefore strongly advocate for a holistic approach to energy policy focused on: conservation and efficiency measures, democratic participation in regulatory procedures, community level decision making, including community-led initiatives, increased public transportation, food localization, zero-waste, a decentralized grid structure, community-controlled energy, and living-wage clean energy good jobs. Meaningful public participation in the decision-making and regulatory processes is a critical step to secure our basic human right to affordable, clean energy with production aligned with existing cultural and community values.

For all of the above, it shall be the policy of the Sierra Club of Hawai'i to use this framework to guide our efforts toward a justice-centered holistic approach for our ecosystems and communities in our energy advocacy to address the climate crisis.

### Positions:

- **We support energy as a human right:** A reorientation towards a human rights perspective will secure equitable access for present and future ratepayers, as well as protection for communities directly impacted by energy projects as we reach our 100% renewable energy goals by 2045. According [Article 11, Section 1 of the Hawai'i State Constitution](#) energy resources are held in public trust to “*promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State.*” Legislators, government agencies, and decision-making bodies therefore have a responsibility to protect the public from corporate for-profit power over such an essential service.

- **We support a just transition:** A just transition incorporates the needs of workers impacted by climate policies to: receive financial assistance, education or training, and a job that provides a family-sustaining wage, healthcare, retirement plans, and a voice on the job. A shift from corporate production and control means we can transition from exploitative and extractive practices to a reinvestment in local communities so that they can be the owners of their clean energy future and resilience. As we power down Hawai'i's fossil fuel infrastructure, this gives us the opportunity to create thousands of clean energy jobs and an entirely new system that transforms current and historic social injustices. "Just Transition" is a principle, a process, and a practice. Our strategies aim to uphold self determination and expand economic opportunities and democracy. Communities must have the power to shape their energy systems as producers and consumers. Our strategies aim to empower communities to build localized systems that provide dignified, productive and ecologically sustainable livelihoods; democratic governance and ecological resilience.
- **We support ending environmental racism:** Energy justice prioritizes systems of mutual benefit and shared burden for all communities where energy is produced and where electricity is used. The process for achieving a sustainable economy should be fair and should not cost workers or nearby communities their health, environment, or economic assets. Throughout Hawai'i, individual, institutional, structural and systemic racism continues to influence the location of harmful facilities -- power plants, landfills, jails, prisons, illegal dumps, toxic runoff, and other undesirable projects are often found in rural, working class, Hawaiian, People of Color, and Black communities. These communities generally have less political clout, and are often economically challenged. These locally unwanted land uses are tied to Hawai'i's legacy of colonization, land dispossession, and corporate control. Today, large renewable energy systems are being installed in rural and agricultural areas so that urban areas can have 100% of their electricity from "local" renewable energy. Rural communities are expected to do their part in making the state sustainable, but are not afforded real voice in decision-making or direct benefits for the "service" provided. We reject the notion that harming a resident is justified to achieve our clean energy goals.
- **We support environmental justice:** Environmental justice seeks to correct decades of environmental racism, as mentioned above. Community participation is critical in the design and oversight of environmental risks. Communities of color or lower socio-economic status are often subject to a lack of respect and recognition, leading to disenfranchisement and a disparity of involvement in the decision-making process. It is imperative that the procedures for decision-making be accessible and equitable, so that communities can make decisions without coercion. Structural obstacles, including reduced access to political, legal, scientific, and financial resources can preclude full participation in the democratic process. Concerned advocates need to focus not just on sorely needed legislation, but also on regulation. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation. Environmental and climate

activists will need to advocate at the Public Utilities Commission to achieve the quick conversion from fossil fuels to low-climate-impact renewable energy placed in community-appropriate places.

- **We support community consent in energy development:** The current models for public consultation and comment in development projects have historically minimized the voices of community whose perspectives prioritize values inherent to the care and stewardship of natural and cultural resources in Hawai'i. Core values based on aloha 'āina require not just formal approval or consent. Ongoing collaboration and transparency is needed throughout the development process which will provide reciprocal or regenerative benefit to the land, and water, as well as the health, well-being, and quality of life for residents in communities where industrial projects are sited.
- **We support culturally conscious energy:** A distinct issue with colonial profit-driven top-down decision making is its lack of a values system that prioritizes community-based stewardship in Hawai'i. The cultural, spiritual and archaeological significance of land, air, and waterways in Hawai'i is recognized in a myriad of laws at the federal and state levels. However, in practice, the failure of developers to meaningfully acknowledge these laws and integrate a review process that reflects those laws and values, creates an inherent tension between developers and community residents, especially Native Hawaiians with genealogical ties to the land.

Achieving a culturally conscious energy project is made possible through a meaningful process that engages and collaborates with the surrounding community. Developers would seek the place-based knowledge of the surrounding community to understand how to design a project which respects, and even restores where possible, the cultural significance and socio-ecological integrity of that given area.

- **We support distributed and community-scale energy production:** Industrial-scale projects take up a significant amount of land, which risks exacerbating the alarming lack of food security and affordable housing throughout the islands. We have seen that the state-owned Department of Agriculture lands and Department of Hawaiian Home Lands (DHHL) are consistently sought out for energy projects due to the availability of open spaces - a result of the failure to make important progress in housing construction and localized food systems.

State-owned lands zoned for agriculture should remain available solely for crops and livestock grown for sustainable food production and local consumption to the greatest extent possible. Energy projects that seek to utilize agricultural or housing lands shall work in conjunction with each department to fulfill its original purpose, while energy projects are classified as secondary. For example, solar structures can be designed with hydroponic or soil garden beds, fulfilling both agencies' purposes. Hawaiian homelands

suitable for housing should only include energy production in the form of rooftop solar or other non-intrusive technologies.

Prioritizing distributed energy mechanisms, like rooftop solar, that can meet the diversity of community needs and match the scale of energy production to the needs of community-use is more efficient, flexible, and democratic. A plan to develop microgrids throughout Hawai'i should accompany future industrial-scale projects. This could allow direct access to energy needs in the community housing the burden of an industrial project, plus protect against mass energy blackouts due to grid malfunction or natural disasters - in these events, such communities shall be given priority to reinstate energy services.

Supporting community-led or community-owned collaborative energy development alongside communities that are invested in the long-term well being of natural resources will ensure the least harm is done to the community and its environment. We believe that utilizing the [precautionary principle](#) and [Free Prior and Informed Consent](#) are two tangible procedural changes that can achieve a just and equitable development process.

- **We support adequate Renewable Portfolio Standards (RPS):** In order to achieve our broader justice and equity goals, we need strict standards or we risk undermining our decarbonization efforts and the overall just transition. The Renewable Portfolio Standard is a regulatory mandate to increase production of energy from renewable or clean energy sources. It is important to note that the differences between clean and renewable energy can have meaningful policy impacts, particularly on the ability to reduce overall emissions and achieve energy security. Without clear thorough definitions of the impacts of each energy source, facilities like biomass or trash incineration are included in the RPS, despite hazardous pollutants and emissions.
- **We support economic fairness:** Higher utility costs for electricity hurt our schools and other government buildings that get passed on as higher taxes that also hurt economic equality. Higher utility costs get passed on in all goods and services while competing with better wages for employees. Sierra Club supports a focus for public participation from ratepayers at the Public Utilities Commission to advocate for regulatory decisions that drive rates down and pivot towards decentralized generation that reduces transmission and distribution costs, which are often passed on to ratepayers. Recent surges in world oil prices make speeding up this transition a high priority. Another way to relieve this hardship is through expanded access to rooftop solar. Another is energy saving performance contracting which allows government facilities to install energy efficient solutions and solar with no upfront capital cost. Sierra Club supports efforts to accelerate these deployments.

## DEFINITIONS + CONCEPTS:

**Clean vs Renewable Energy:** In simple terms, clean energy is derived from zero or minimal emissions sources like solar and hydro. Renewable energy is from sources that are naturally replenishing but flow-limited which leads to utilization of problematic sources like waste or biomass despite toxins and emissions.

**Energy burden:** Defined as the percentage of household income spent on utility bills. Hawai'i's electricity is the highest in the nation, twice the national average. High energy bills can put a strain on families and lead to difficult trade-offs between paying for energy and other necessities.

**Energy democracy:** How we produce and consume energy impacts communities and nature and their rights to a clean, healthy and viable life. Therefore, a just and democratic energy system is one in which all peoples have the right and ability to participate in, and make decisions about their energy system. This shift requires building new forms of decision-making and governance over energy choices in a way that supports self-determination, especially for those communities and environments that are most vulnerable to energy system impacts.

**Bottom-up approach:** With directly affected communities empowered in energy development decision making, quality of life is prioritized over profit motives of project proponents, long-term environmental and public health impacts are minimized and power production is harmonious with the environment, resources, people and culture.

**Free, Prior and Informed Consent (FPIC)** refers to the right of a community or people to participate in decision making on issues that affect their well-being, and to give or withhold consent to any project or policy. While traditionally assigned to Indigenous peoples under international law, the rapid development of large industrial scale energy projects should include the FPIC framework for all project-affected communities.

The components of FPIC include:<sup>1</sup>

- **Free:** Community members give or withhold consent voluntarily, without coercion, intimidation or manipulation.
- **Prior:** Consent is obtained well before each stage of project authorization, and is actively sought and maintained on an ongoing basis throughout the life of a project.
- **Informed:** Community members access, understand, and deliberate on all relevant project information before giving or withholding consent.
- **Consent:** Community decisions to agree to, refuse, or offer conditional consent to projects or activities that affect their land or resources are respected.

*This policy was formally adopted by the Hawai'i Chapter Executive Committee on August 24, 2021; it replaces the Chapter Energy Policy that was adopted in 1983.*

1

[https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=1004&context=sustainable\\_investment\\_staffpubs#~:text=Free%2C%20Prior%20and%20Informed%20Consent%20\(FPIC\)%20refers%20to%20the.or%20their%20lands%20or%20resources.](https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=1004&context=sustainable_investment_staffpubs#~:text=Free%2C%20Prior%20and%20Informed%20Consent%20(FPIC)%20refers%20to%20the.or%20their%20lands%20or%20resources.)