

FERC Open Access Podcast
Montina Cole Discusses Environmental Justice and Equity
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Tamara Young-Allen: Welcome to Open Access. I'm Tamara Young-Allen. In February, FERC Chairman Rich Glick announced plans to better incorporate environmental justice and equity concerns into the Commission's decision-making process by creating a new senior position to coordinate that work.

Today, we are really pleased to be joined by FERC's new Senior Counsel for Environmental Justice and Equity, Montina Cole. Montina has the deep knowledge and expansive experience that Chairman Glick said will help build a culture and program that will ensure FERC appropriately integrates environmental justice and equity issues into its decision-making process and fulfill FERC's responsibilities to ensure its decisions do not unfairly impact historically marginalized communities. Welcome to Open Access Montina!

Montina Cole: Thank you, Tamara, it's really good to be here. Thank you for having me.

Tamara Young-Allen: First of all, would you please share a little a little bit about yourself? Where were you born, and where did you go to college? What inspired you to get involved with the environmental justice and equity issue?

Montina Cole: Sure. I'm originally from the state of Kansas. I was born in Wichita, Kansas. I went to college at Washburn University in Topeka, Kansas, before I made my way out to the East Coast and went to law school in Charlottesville, Virginia, at the University of Virginia. I spent most of my career in private practice, particularly practicing energy law, and mostly in corporate law firms.

So I had an opportunity to go and work in the public interest field, and I worked at an environmental organization for time where I focused on ways to deal with the climate crisis through policy solutions. This included work regarding the Clean Power Plan, about gas pipeline review policy, and environmental justice issues. And I'll tell you, it was really an eye-opening experience for me. And it further underscored the great opportunities before us to move toward a clean energy future.

But it also opened my eyes to the great challenges before us as well, including regarding those who are being left behind, and who are being disproportionately and adversely impacted by environmental harms: Those who are poor. Those who are black and brown. Those living in what we call front-line communities. Those living in environmental justice communities. And I realized how many people are simply just being left behind to bear the brunt of industrial pollution and many other injustices. So, you know the saying of once you see something you can't unsee it? That's what it was like for me.

But at the same time I also had the chance to help the organization with an institutional effort to integrate equity considerations into the institution's advocacy work, to help create a process and tools to help it to evaluate how it is doing on matters of equity and how to help evaluate how it wanted to move forward on issues of equity. This was also really rewarding work for me and work that I helped to lead while I was there.

It's a process that can create a space for a lot of institutional reflection and change in very practical ways of making change, so that institutions can work very deliberately and very effectively on improving on

equity. It's a way of helping to ensure that as the organization does its work, and as it does its planning that the institution is asking the right questions, that it's seeking any needed information, that it's meaningfully engaging with people that it should be engaging with, and that it has evaluation mechanisms in place and ways to hold itself accountable. So, I was really pleased to do that institutional work.

I later returned to the private sector, where I spent most of my time then in my consulting practice, where I had the opportunity to work with other organizations on these kinds of equity assessment initiatives and provide guidance and support for their efforts. I was working away in that space and keeping very busy. But when the opportunity arose to come to the Commission, I was very impressed with the new commitment that I saw FERC making on the environmental justice and equity front. And I was very excited about the opportunity to be in public service in this way and, especially at this critical time.

I really think that we're at a special time in history, and certainly for environmental justice and equity. I think that the events of the past two years or so underscore this, and have really helped to bring us to this juncture. We understand that the needs are great, but the recognition of these needs and the recognition of the commitment to change, I think is greater than at any other time that I've experienced in my lifetime. We're seeing the same recognition at the government level, including all branches of the federal government – the courts, the Administration, on Capitol Hill, and you know I think the Commission knows it needs to do better on environmental justice. Chairman Glick has spoken to this. Stakeholders, including environmental justice communities, are telling us that we need to do better.

So I'm just very pleased to have the opportunity to serve as the first Senior Counsel for Environmental Justice and Equity.

Tamara Young-Allen: So in all of the work that you've done over the years on environmental justice and equity, what are the areas that you find people most misunderstand?

Montina Cole: That's a good question. I think that one of the things that I found that people sometimes misunderstand is about the scope of the effects of environmental justice and equity, and about who it serves. There's I think sometimes a misunderstanding of the breadth of this work. And by that, I mean a lot of times people believe that when you consider environmental justice and equity issues, and when you act to help ensure environmental justice and equity, it's not just something -- they think that it's something that just affects certain populations. You know, it may be something that we're just doing for some folks over there, for some folks who are poor or for some folks who are black or brown, you know, something that we're just doing for environmental justice communities.

But the truth of the matter is that we all win when environmental justice and equity prevails. For instance, if there's a policy that helps to ensure that those most adversely impacted, and those who are most at risk – those who are underserved – have cleaner air, everybody benefits from that cleaner air. When we have healthier communities, everybody benefits. When people's communities are not subject to destruction or harmed economically, the entire economy, and our society at large, benefits.

Tamara Young-Allen: So what does it mean to incorporate environmental justice and equity concerns into what FERC does? Can you explain how you envision this will work?

Montina Cole: Sure. And just to begin with from a kind of overall high-level description, it means that we will be making sure that we are consciously thinking about the environmental justice and equity implications of our actions – of FERC’s processes, practices and policies. And then that we can make any adjustments needed to our way of doing things, based on the thinking, based on that thinking.

And at FERC, my approach is really threefold. Firstly, to assess the situation at the Commission. Where are we at FERC when it comes to environmental justice and equity? How have we been doing? What can we learn from assessing how we do things? What do our processes, practices and policies look like? So essentially, we’re doing a baseline assessment.

Secondly, based on what we learn, what recommendations follow? I think it's really important, and necessary, to understand how we came to be where we are now, to help inform how we might need to change, to help inform decisions on the way forward. So, we’ll be making recommendations based on what we learn.

And then lastly, thirdly, we then move to implement various recommendations.

So right now, we are largely in the assessment stage, for the most part. And as part of this I'm doing a lot of talking with my colleagues and listening and learning. We are also listening to environmental justice communities and other stakeholders, and we’ll be continuing to do this. We want to see what their experiences are with the Commission, and what their thoughts are. We’ve received a lot of input, including through various Commission proceedings, such as the listening sessions on the development of FERC’s Office of Public Participation. And of course, we are so pleased to have the Office of Public Participation in place now. And we've also received input through, as another example, the notice of inquiry proceeding, where the Commission is taking another look at its policy statement on how it reviews proposals for new interstate gas pipeline facilities. So, we're hearing from impacted communities in many different ways.

Our assessment is also informed by what the courts tell us about how we are doing on environmental justice. And we are aware that a recent federal appeals court decision has told the Commission that its environmental justice impact analysis regarding a proposed gas pipeline project was deficient. So, all these kinds of things come into play, and all these kinds of things are part of our assessment. But at the same time, although we’re still in the very early stages of this work, at the same time there's really also an urgency around this work because these are critical issues.

Tamara Young-Allen: This is very informative. So, I'm wondering, how will you know if you are successful in achieving these goals that you’ve just laid out? Would it necessarily translate into changes in FERC policies, or will this make the review process longer? What's your view at this time?

Montina Cole: Right. Great question. I think the Commission can know through various ways when it’s successful in the work of better incorporating environmental justice and equity into its decision-making. I think certainly we’ll know once we've completed our assessment and begin acting on recommendations, what it looks like in practice as we implement the changes. I believe that we’ll see if we have actually created a space for an institutional reflection and change, and very practical ways of making change, so that we are able to act deliberately and effectively. We’ll see as we are doing our deliberations and are planning whether we’re asking the right questions, for example, that relate to environmental justice and equity. We’ll see if we’re seeking any needed information that we may need

to help better inform our decision-making. We'll see if we're meaningfully engaging with people that we should be engaging with. We'll see also, you know, as we evaluate ourselves and have ways to hold ourselves accountable. And I think importantly also, we'll know, Tamara, when we hear from the communities who are most impacted, those who are most at risk, from underserved communities, the environmental justice communities. When we hear from those people who have not been meaningfully included in the past, those folks who've been left out, they will certainly tell us how they think we're doing. And we will certainly be listening.

I believe that you know, will it make for a longer process? I think that when we, you know, don't have things done correctly to begin with, and things take longer to get done and then you have been a litigation in all sorts of things I think that it's important to have processes be right, and to adequately and sufficiently reflect equity and environmental justice on the front side. And I think that all of that will work towards having a more efficient process overall. But it's important to realize that equity, or in other words fairness or justice, equity is not just about fair and inclusive processes, it's also about outcomes. We want to ensure that Commission policy in decisions meet the Commission's statutory obligations. The duty to make decisions consistent with the public interest and to ensure just and reasonable rates. This is what it's all about.

Tamara Young-Allen: You mentioned earlier that, to highlight this more, the Commission has also established a new Office of Public Participation, or OPP in FERC parlance. Can you describe how your role will complement the work of the Office of Public Participation, and how it will be different from the work of this new office?

Montina Cole: Yes. Certainly. So the position of Senior Counsel for Environmental Justice and Equity is a position that's within the leadership of the Office of the General Counsel, that's where I'm situated. So my role is really an advisory one. One to help support deliberations, one to help support decision-making of the Commission. The role also has a cross-agency scope in terms of working with folks across the Commission's program offices. So, the role is more of an internal one, which is a little bit different from the OPP, which again, we are so pleased to have in place right now.

The OPP, in contrast, is more externally focused. The OPP focuses on helping to ensure more meaningful opportunities for the public's participation in FERC's processes. But that said, there's also many intersections in our work. And areas that are closely related regarding policies on engagement with environmental justice communities is just one example. I want to say also I'm really pleased to be coordinating with the OPP in so many respects.

But we have our sleeves rolled up and we are in the mix. We have our work cut out for us. But it's great work and it's very exciting and, I must say it's really a very exciting to be here now at the Commission.

Tamara Young-Allen: This is so exciting to enter a new era and approach at FERC. Thank you so much for joining us today Montina, and for sharing with the audience what the Commission is doing in this emerging and important environmental justice area.

Montina Cole: Thank you so much, Tamara. It's been my pleasure.

Tamara Young-Allen: And thank you all for listening. I hope you join us again for our next Open Access.

Craig Cano: FERC is an independent regulatory agency that oversees the interstate transmission of electricity, natural gas and oil. FERC reviews proposals to construct and operate interstate natural gas pipelines and liquefied natural gas terminals and oversees the licensing of nonfederal hydropower projects. FERC protects the reliability of the high-voltage interstate transmission system through mandatory reliability standards, and it monitors interstate energy markets to ensure that everyone in those markets is playing by the rules. Unless otherwise noted, the views expressed in these podcasts are personal views and do not necessarily express the views of individual Commissioners or the Commission as a whole. This podcast is a production of the Federal Energy Regulatory Commission's Office of External Affairs. We will be updating our posts when we've got more news, so be sure to check out our website, www.ferc.gov, and follow us on Facebook, Twitter and LinkedIn to find out when our next podcast airs.