



Legislation Summary:

An Act relative to environmental justice and toxics reductions in the Commonwealth

Initial bill number: **H.2913/S.426** (Bill numbers will change as legislation proceeds.)

Sponsors: Representatives Michelle M. DuBois and RoseLee Vincent

Modifies Chapter 21 of Massachusetts General Law for the purpose of promoting environmental justice and eliminating disparities in exposure to environmental toxins.

Specifically, this bill would:

- codify definition of “environmental justice” and “environmental justice populations”;
- ensure enforcement of pollution limits in communities with an Environmental Justice (EJ) population;
- direct the Department of Public Health to create guidelines and assessment tools to identify communities most vulnerable to pollution and modifies “environmental impact reports” to include consideration of public health impacts;
- ensure multi-lingual outreach and consultation during environmental review process in EJ communities and creation and representation on a Massachusetts Environmental Justice Advisory Council.
- create a Supplemental Environmental Project bank that maintains an inventory of environmentally beneficial projects in communities with EJ populations, funded by violators in lieu of penalty payments related to settlements of enforcement actions;
- direct state agencies that oversee permitting of Toxics Release Inventory facilities to issue recommendations for ways to decrease further siting/expansion of polluting facilities within EJ areas.

The state has an environmental justice policy that was established during the Swift administration in 2002¹. In 2014, the Patrick administration issued an Executive Order to strengthen the 2002 policy.²

¹ ENVIRONMENTAL JUSTICE POLICY OF THE EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS:
<http://www.mass.gov/eea/docs/eea/ej/ej-policy-english.pdf>

The state's environmental Justice policy was updated in 2017, two years *after* a mandatory deadline for an update

While the update was a step in the right direction, the update:

- Eliminated community liaisons³
- Created a more complex bureaucracy, removing senior level decision makers from the process, and assigning environmental justice matters to lower-level staff without decision making status
- Cut funding for remediation and restoration of polluted areas in EJ communities.

This bill is important because it would codify environmental justice into law and secure stronger enforcement of the state's EJ policy. California, Oregon, Illinois and other states have legislated Environmental Justice protections; Massachusetts has yet to do so.

League Positions: “. . . the League built a broad national program focused on protecting and managing the interrelated aspects of air, water, land use, energy and waste management. Since then, the League has been in the forefront of the environmental protection movement, helping to frame landmark legislation and seeking to preserve and protect life-supporting ecosystems and public health. Fighting to improve opportunities for public participation on natural resource issues has always been a League theme, in addition to the substantive concerns that the League has pushed.”

² <https://www.clf.org/blog/massachusetts-updates-environmental-justice-policy-leaves-room-improvement/>

³ **“Community liaisons eliminated.** “Regional Agency EJ Outreach Teams,” which consisted of EEA liaisons who met periodically with community residents, are no more. These teams were formed in order to open lines of communication with communities, establishing task forces when appropriate and assisting with targeted enforcement initiatives. With the elimination of these teams, no one from the government is working on the ground, in direct contact with those living in environmental justice communities”:

<https://www.clf.org/blog/massachusetts-updates-environmental-justice-policy-leaves-room-improvement/>