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SIERRA CLUB

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**BY ELECTRONIC MAIL ONLY**

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Secretary Rebecca L. Tepper, Chair  
Massachusetts Energy Facilities Siting Board  
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**Subject: 2024 Climate Act Stakeholder Sessions: Pre-Filing Engagement, DPU Intervenor Fund, Community Benefits Agreements/Plans, Site Suitability Methodology for Clean Energy Infrastructure Straw Proposal, and Cumulative Impacts Analysis Guidance Straw Proposal- Joint Comments**

Dear Secretary Tepper:

The undersigned community and environmental organizations respectfully submit these comments regarding the Energy Facilities Siting Board's ("Siting Board") Staff Straw Proposals as required by, "An Act promoting a clean energy grid, advancing equity and protecting taxpayers" ("2024 Climate Act"). We welcome and appreciate the opportunity to comment and work alongside the Executive Office of Energy and Environmental Affairs ("EEA"), the Energy Facilities Siting Board ("EFSB"), and the Department of Public Utilities ("DPU") to elicit input from the public on proposed regulations that will be promulgated later this year.

As noted in the various Straw Proposals, there are at least four sets of regulations and guidance required to implement the 2024 Climate Act, making it even more important that the EEA, EFSB, DPU, and other agencies ensure robust public engagement and effective internal coordination. Rather than expecting impacted residents to repeatedly provide similar comments, we urge you to incorporate relevant feedback into other Straw Proposals to ensure consistency and minimize burden on public commenters. For example, several of the undersigned organizations participated in or provided extensive feedback to the Attorney General's

Stakeholder Working Group that published “Overly Impacted and Rarely Heard: Community Voices into the Massachusetts Energy Regulatory Processes,” a report that identified long-standing barriers to public process at the DPU and EFSB and made recommendations to address them.<sup>1</sup> Wherever possible, we urge the EEA, DPU, and the Siting Board to incorporate recommendations from that report into regulations, guidelines, or other materials created to implement the 2024 Climate Act.

Our recommendations on the following topics are included below: Pre-Filing Engagement, DPU Intervenor Fund, Community Benefits Agreements, Site Suitability, and Cumulative Impacts Analysis.

### **Pre-Filing Engagement**

The Pre-Filing Engagement guidance must include more specificity. For example, the Straw Proposal is unclear on how “impacted community” is defined. Additionally, Pre-Filing Engagement requirements should be expanded beyond the “one-mile” mark as indicated in the document.<sup>2</sup> The Guidance should also note that all pre-filing requirements that references ongoing processes (*i.e.*, community benefits, site suitability, and cumulative impact assessments, etc.) should include explicit language that requires full compliance with future guidance rather than considerations. The Pre-Filing Engagement regulations and guidance must also require that Tribal governments and Indigenous Peoples organizations are included in outreach in all phases.

Project proponents should also be encouraged to identify events or meetings that community and/or stakeholder groups are already holding to gauge if those forums provide opportunities to conduct part of their public outreach. These meetings are often in times and places already optimal to the communities they are serving, and would best position project proponents to meet communities where they are at. Such meetings should not supplant required stakeholder meetings in Phase 1 and Phase 2, but complement them.

We support a phased approach to pre-filing outreach and engagement that is targeted at key stakeholders in earlier stages of project design. We appreciate that the process will require a meeting between project proponents and the DPP and OEJE at least twelve or nine months prior to filing (depending on the project size); we request clarification on how the proponent will identify these stakeholders and whether the list of potential stakeholders will be reviewed by relevant state agency staff before outreach begins.

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<sup>1</sup> See Stakeholder Working Group, *Overly Impacted & Rarely Heard* (May 2023), available at: <https://www.mass.gov/doc/overly-impacted-and-rarely-heard-incorporating-community-voices-into-massachusetts-energy-regulatory-processes-swg-report/download>.

<sup>2</sup> Staff Straw Proposal: *Pre-Filing Consultation and Engagement Requirements for Siting and Permitting*, Energy Facilities Siting Board and DPU Division of Public Participation, <https://www.mass.gov/doc/2024-ca-prefiling-proposal-english/download>.

To ensure that the content of stakeholder meetings at all phases is accessible and understandable to attendees, we recommend that explanations of materials and concepts be provided in short, concise, plain terms, and translated into the languages spoken in the proposed host community. Wherever possible, technical and legal terms should be explained in ways that do not require subject matter expertise for a participant to understand. Translation and interpretation of materials should be mandatory for projects located in areas with high levels of limited English proficiency.

We suggest that meetings be structured to allow ample time for stakeholders to ask questions and provide feedback on the information presented. In addition to the content identified in the straw proposal, proponents should be required to solicit input from stakeholders to inform the mitigation of impacts that cannot be avoided, no matter the site and route selected. Proponents should also be required to share potential content for a community benefits agreement. This information should be included in the materials shared at the end of Phase one outreach.

The requirement for proponents to respond to and explain how feedback was incorporated is a crucial and long, overdue change. Although the internet can be a useful tool to disseminate information, not all residents have regular access to it. Therefore, in addition to posting materials on the project webpage, hard copies of materials should be made available to local organizations or community groups that were involved in discussions. We request clarification regarding the level of detail that will be provided in the list of stakeholders contacted - will it include only the name of an organization or group or include individual people? Given the current political climate, we urge the DPU to carefully consider whether and how such a list could have unintentional negative impacts on groups and individuals.

Meaningful community engagement is not one size fits all and should be targeted to the needs of the specific host community. At the same time, having an expansive list of options for engagement may result in a check the box exercise. We urge the DPU to consult further with the MEPA office and with EJ and community based organizations that have been on the MEPA EJ distribution list and/or participated in MEPA proceedings since the EJ public involvement strategy and pre-filing requirements took effect. We also request clarification on how the self-attested checklist will be evaluated. We recommend that there be an expectation that DPP will engage with proponents to correct deficiencies.

The overview of Phase two outreach includes a large number of technical concepts or legal terms of art. For example:

- “the proponent may eliminate routes/sites that face insurmountable buildability challenges, collective concerns that document actual or likely harms or deficiencies regarding a proposed route or site that cannot be avoided, minimized, or mitigated, or do not comply with state and federal regulations before moving to Phase 2 outreach.”

- “During Phase 2 outreach, the proponent should describe how the project meets site suitability and cumulative impacts analysis guidance, present estimates of environmental impacts associated with each alternative, and present clear criteria for dismissing certain alternatives or ranking some alternatives over others.”

The inclusion of these details is welcome and necessary. However, both state agencies and project proponents should be required to present it in ways that the general public can understand.

With respect to the timeline for meetings, we recommend that a window of time be provided for the first phase two meeting. We further suggest that the second meeting be held at least 60 days before filing with the EFSB, as 45 days is not sufficient time for many community organizations and groups to provide feedback.

### **DPU Intervenor Fund**

The Straw Proposal should clarify the role of the DPP, what support is available from the DPU, and clarify requirements for funding eligibility. We support the creation of the Intervenor Fund<sup>3</sup> and the goal of increasing accessibility to and meaningful participation in Siting Board and DPU proceedings. We appreciate that the role of the Office of Public Participation is laid out in the straw proposal. We request clarification on the definition/explanation of “meaningful engagement” (as it pertains to grant program goals). It is unclear whether it is based on the DPU’s current intervention standard.

We appreciate the acknowledgement in the straw proposal that resource needs, including legal and other technical assistance, are barriers for smaller stakeholders. We also recommend that DPU carefully consider the ways in which the application process itself could be a barrier to organizations and community groups, as many smaller organizations and groups do not have full time grant writers.

To streamline the process both for applicants and DPU staff responsible for reviewing proposals, DPU should consider the following:

1. How the Office will support stakeholders in the grant application and reporting processes, and whether the Office has the ability to provide technical assistance or to refer stakeholders to appropriate technical assistance providers where necessary (ex: creating budgets, crafting a narrative, and addressing errors or omissions in the application);
2. Allowing organizations to submit links to existing profiles for other grant applications (ex: Candid or Cause IQ) that include up to date 990s, organizational budgets, and other relevant financial information;

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<sup>3</sup> Staff Straw Proposal: Intervenor Support Grant Program, Energy Facilities Siting Board & DPU Division of Public Participation, Staff Straw Proposal on Intervenor Support Grant Program, <https://www.mass.gov/doc/2024-ca-isgf-proposal/download>.

3. Given the digital divide, whether notification via e-mail and having web only submission should be the default for all applications and groups;
4. Allowing awardees the option of a verbal report to DPU staff, which can be transcribed by DPU; and
5. Should a written report be required, extending the grant reporting window to 60 days, as 30 days may not be sufficient for organizations and community groups with limited overall capacity and/or part time or volunteer staff.

In the same vein, we request that DPU clarify how a “smaller” organization will be defined and what information will be collected to assess whether organizations qualify for this designation. For both this assessment and the evaluation of financial hardship, we recommend that an organization’s organizational budget and 990 not be the only data points considered, as a total budget does not necessarily reveal whether an organization would have the financial capacity to intervene absent grant support. We support case-by-case provision of grant funds up front to organizations or groups that demonstrate financial hardship.

We ask DPU to ensure that technical terms and legal concepts are clearly defined and explained in ways that are understandable to a member of the public who is neither a lawyer nor a technical or subject matter expert. For example,

1. To know whether a group is eligible for funding, an applicant would have to understand the different types of participation in a proceeding (*i.e.*, how would an individual know whether they would be considered an informal limited participant?);
2. Explanations relating to appropriations of funds and the assessments on utility companies include lots of jargon and may be confusing for people who are not well versed in these areas;
3. Terms like “low or moderate income”, “historically marginalized communities,” and “overburdened and underserved communities” should be defined and these definitions should align with other regulations and guidance implementing the 2024 Climate Act.

We further request clarification on how the DPU will evaluate:

1. Eligibility of EJ focused organizations or community groups- presumably, they would fit into category (ii); the regulations or guidance should make this clear;
2. Whether a group of individuals is “specifically and substantially affected by a proceeding.” Is this based on the DPU’s current intervention standard? Stakeholders who are not well-versed in this area may not know how to appropriately answer this question; and
3. How prior intervention will be evaluated and whether it will weigh in favor of or against a grant award?

Including information like this not only supports greater transparency, but will allow applicants to strengthen their submissions for funding.

## **Community Benefits Agreements and Community Benefit Plans:**

Community Benefit Agreements (“CBAs”) and Community Benefit Plans (“CBPs”) should be utilized as tools to bring power back to those that have been marginalized by directly benefiting from development and can help developers avoid push-back from residents. It is beneficial for all stakeholders for developers to articulate the meaningful and measurable benefits they bring to a community and to commit to enforcement and accountability systems to ensure benefits are actually delivered on. Consequences must be significant enough that they are not just the cost of doing business.

### **Demonstrate Net Positive to Community**

CBAs/CBPs should justify why a project should be built and demonstrate a clear commitment that the development is a net positive to a community. Developments affect communities both directly through a project’s impacts but also through opportunity cost. Developers should consider what the community needs are that could be met at a particular development location. CBAs/CBPs can allow developers to build support and eliminate opposition to a project through genuine community engagement and partnership.

### **Negotiating CBAs<sup>4</sup>**

CBAs must be inclusive, enforceable, transparent, and the negotiation process should include coalition-building.<sup>5</sup> Effective CBAs should include elements negotiated between developers and a coalition representing community members, in addition to any development agreement negotiated between the developer and municipal officials.<sup>6</sup> CBAs should have “broad-based community input, gained through public meetings, workshops and surveys” to determine and prioritize community goals.”<sup>7</sup>

- When developing a CBA, the following can be considered:<sup>8</sup>
  - Community Organizing – is the coalition inclusive of diverse stakeholders?
  - Public meetings – How have issues been framed?

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<sup>4</sup> Community Benefits Plans (CBP) in Energy Infrastructure Siting, Executive Office of Energy and Environmental Affairs (EEA) Office of Environmental Justice and Equity (OEJE) (Draft For Policy Development Purposes) (April 2025), <https://www.mass.gov/doc/2024-ca-cbp-slides-english/download>.

<sup>5</sup> *Community Benefits Agreement 101 Webinar*, Department of Energy, <https://www.youtube.com/watch?v=Nig-YWjpnkE>.

<sup>6</sup> Key Reforms; Community Benefits Agreements, Good Jobs First, <https://goodjobsfirst.org/key-reforms-community-benefits-agreements/#:~:text=After%20a%20CBA%20is%20signed,officials%20and%20by%20community%20groups>.

<sup>7</sup> See Patricia E. Salkin & Amy Lavine, *Understanding Community Benefits Agreements: Equitable Developments, Social Justice and Other Considerations for Developers, Municipalities and Community Organizations*, 26 UCLA J. ENVTL. L. & POL’Y 291, 292 (2008).

<sup>8</sup> *Id.*

- Parties – How many community groups will be parties to the agreement?
- Benefits – What are the benefits to the community?
- Monitoring – What is the implementation process?
- Enforcement – Is the CBA incorporated into a development agreement?
- Remedies – What are remedies in case of a breach?

Negotiations with developers must include coalition groups from the start, and coalition groups must have a clear vision of what they want from the developer.<sup>9</sup>

Below are recommendations for how CBAs/CBPs should be integrated in the siting and permitting process:

- CBAs and CBPs should be completely integrated with other elements of the siting and permitting process, from pre-filing engagement to cumulative impact analyses (CBA/Ps should directly address concerns identified in an impact analyses).
- The EFSB should review and require at least a CBP if not a CBA, and permits should be conditioned upon regular reporting on progress and status of implementation of an agreement or plan components.<sup>10</sup>
- CBAs should be preferred over CBPs as they can and should be a demonstration of community co-creation, input, and buy-in on a project.
- The CBAs and CBPs should include legally binding elements: Plans can and should include legally binding elements with stipulations for accountability.<sup>11</sup>
- Guidance on CBPs and CBBAs must establish standards to ensure affected parties are not left out of the conversation. These standards should be integrated with the pre-filing engagement requirements and outreach must be targeted not just through public channels.<sup>12</sup>
- In addition to those listed in the Straw Proposal, components that should be required in a CBA and CBP include:
  - Identification and mapping of stakeholders;
  - The beneficiaries of the project, in particular any financial beneficiaries;
  - Overview of potential impacts informed by a cumulative impact analysis;
  - Commitments to address and reassess potential impacts on an ongoing basis; and
  - Project profit amounts.

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<sup>9</sup> Anxhela Mile, *5 Lessons for Communities in Negotiating New Energy Infrastructure*, Conservation Law Foundation Blog (June 24, 2024), <https://www.clf.org/blog/5-lessons-negotiating-community-benefit-agreements/>.

<sup>10</sup> The EFSB could require that certain components of community benefit agreements threaten the status of permits. For example, if a developer commits to air quality monitoring and mitigation measures but does not deliver, potentially risking the health and well-being of members of the community.

<sup>11</sup> For example, if a project commits to plant X trees or provide X dollars for a cause, if they do not meet those thresholds, there is legally enforced payment to and for the community.

<sup>12</sup> The standards should be informed by cumulative impact analysis (i.e. if a project affects air quality, that may produce a wider geographically impacted stakeholder group).

This information will empower communities who find it difficult to negotiate CBAs when they have little information about what is at stake financially and what the actual numbers and margins are that guide the scope of a CBA.

### **Site Suitability**<sup>13</sup>

A recent analysis by the Union of Concerned Scientists (“UCS”), GreenRoots, Conservation Law Foundation (“CLF”), and Alternatives for Community & Environment (“ACE”) showed that energy infrastructure siting has put a disproportionate burden on EJ populations across the Commonwealth. While close to 50 percent of Massachusetts’s neighborhoods (2,604 of 4,985 block groups) classify as an EJ population, more than 80 percent of existing polluting electricity generating units—with their associated health risks—are located in or within one mile of an EJ population.<sup>14</sup> However, it is not only polluting electricity generating units that impact host communities. Site suitability methodology and guidance can help to ensure that infrastructure is sited more equitably, when paired with a thorough cumulative impacts analysis and robust community benefits agreement.

We request clarification on how the agencies will approach situations where the objectives of the methodology and guidance may be in conflict. For example: “ensuring communities who already bear a disproportionate environmental and public health burden do not carry a disproportionate burden of energy infrastructure” and encouraging energy infrastructure development in desirable areas, including in the existing built environment; on previously developed, impacted, or otherwise lower conservation-value lands and/or in areas of anticipated and otherwise desirable new development and load growth” are not necessarily complementary. How will this tension be addressed?

We also request that where interrelated processes (including the development of the cumulative impacts analysis standard) may impact the development of the methodology and criteria for site suitability, that those processes be explained in ways that are accessible to the general public. Where additional regulations are required, we urge EEA to use relevant feedback received in this process to inform the development of those regulations. We suggest that additional materials be created to explain the methodology to the public in ways that do not require technical or subject matter expertise. For example, people may not be familiar with GIS tools or the MILUS initiative. EFSB/EEA should develop 1-2 case studies (one for linear infrastructure, one for point-source projects) to demonstrate how the proposed Site Suitability

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<sup>13</sup> Site Suitability Methodology for Clean Energy Infrastructure Straw Proposal, Executive Office of Energy and Environmental Affairs, Commonwealth of Massachusetts, <https://www.mass.gov/doc/2024-ca-site-suitability-proposal-english/download>.

<sup>14</sup> Paula García et al., *Siting for a Cleaner, More Equitable Grid in Massachusetts*, Alternatives for Community & Environment, Conservation Law Foundation, GreenRoots, and the Union of Concerned Scientists (2024), <https://doi.org/10.47923/2024.15371>.



scoring and Cumulative Impacts Analysis would be integrated and work in practice. These case studies should be reviewed and discussed at future stakeholder meetings.

We recommend that a separate category be added to the methodology that considers impacts on tribal governments and Indigenous populations, as indigenous peoples have a special relationship with the Commonwealth of Massachusetts which is molded by covenants, treaties, legislative acts by the General Court, and executive order. Executive Order 126 “Massachusetts Native Americans” enumerates the parties that state agencies will directly deal with in cooperation. These include the tribal governments, Massachusetts Commission on Indian Affairs, and the North American Indian Center of Boston.<sup>15</sup> Indigenous peoples must play an important role in helping the Commonwealth achieve its renewable energy and greenhouse gas reduction goals. We call on EEA and the Governor to convene a separate set of conversations with tribal governments and native-led organizations to ensure that the issues unique to Indian Country are discussed, including but not limited to: site suitability, the expansion of offshore wind, and guidance/best practices on issues relating to the potential disturbance of burial sites and other cultural or historic landmarks.

Feedback related to specific criteria is offered below:

*Development potential:* We understand that additional infrastructure is necessary to meet the state’s climate goals and to make an equitable energy transition. However, we are concerned that reliance on scoring based on a site’s ability to meet load growth with conventional resources will lock us indefinitely into the status quo of costly, centralized infrastructure disproportionately overburdening EJ populations. The scoring criteria should enable careful siting of needed infrastructure including distributed energy resources, virtual power plants and microgrids. In addition to managing load growth, projects that credibly demonstrate the ability to deter or defer the need for expensive infrastructure investments, reducing the risk of overbuilding while increasing local grid resilience, should be given greater weight.

We appreciate the goal of repurposing previously developed land for suitable development. However, if infrastructure is to be sited on brownfields, landfills, or other previously developed areas, will scoring consider whether remediation of environmental or public health hazards would be required prior to construction?

*Metrics:* If metrics like “grid alignment” (as suggested in the straw proposal- distance from an existing substation, or one planned for in the electric distribution companies ESMPs or CIPs) are going to be used, we request that DOER ensure that investments proposed by the

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<sup>15</sup> Exec. Order 126: Massachusetts Native Americans, <https://www.mass.gov/executive-orders/no-126-massachusetts-native-americans>.

EDCs are actually needed and non-wire alternatives are adequately considered, to avoid additional unnecessary burdens on EJ populations and host communities.

*Climate change resilience*: We support evaluation of flooding and sea level rise, ensuring that the location selected for new energy infrastructure won't flood over the lifespan of the project. We also encourage the adoption of DER/microgrid alternatives that improve local resilience by keeping the lights on and powering critical infrastructure, even when the grid is experiencing blackouts due to extreme weather conditions.

*Carbon storage and sequestration*: We support sequestering carbon and avoiding carbon emissions on natural and working lands. EEA should explicitly state that engineered carbon dioxide removal options are not a solution that will be considered in this category.

*Criteria on Environmental/Social Burdens and Benefits*: We recommend that terms like social and environmental burden/benefit and vulnerable population be defined so that there is a shared understanding of what these critically important concepts mean. More specificity is necessary to ensure that criteria measuring social and environmental benefits and burdens are reflective of the needs of EJ populations and the other communities on the frontlines of the energy transition. We suggest that DPH's Vulnerable Health EJ Criteria should be included.<sup>16</sup> The social and environmental burdens and benefits criteria should be given a higher weight than a facility's development potential so that a community's existing burdens are taken into account. Project weighting should also consider incremental social and environmental benefits alongside any social or environmental burdens to ensure that net impacts on communities are fully captured. The impact of a project replacing or accelerating the retirement of an emitting resource on surrounding communities should be measured based on explicit criteria, such as improved air quality (decreases in pollution) in the surrounding community and increased reliability without overbuilding.

*Job Creation*: Suitability scoring should carefully weigh the benefits of local job creation separately from other social and environmental benefits. The creation of local jobs alone should not merit greater weight in scoring.

*Ineligible Areas*: EEA should expand ineligible areas to include impacts on people. In addition to the potential categories for ineligible areas such as wetland resource areas or the BioMap Core Habitat, EEA should consider EJ and vulnerable populations and social and environmental burdens in determining ineligible/no build areas. The impacts to people should be considered just as thoroughly as impacts to the natural environment.

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<sup>16</sup> MA DPH Environmental Justice Tool, <https://www.mass.gov/dph/ej-tool>.

*Additional Issues to Clarify:* We request more information about the proposal being considered by EEA to authorize EFSB and DOER to assess mitigation fees and to establish a trust fund. In addition to addressing conservation, biodiversity and climate resilience, the fund should also be able to be used to mitigate impact to people (i.e. EJ communities and vulnerable populations). Utilities should not be able to recover the cost of their contributions to this fund through their customers.

We request clarification regarding the screening tool or calculation that will be developed for site suitability and for cumulative impact analyses. Will EJ populations, community based organizations, and other organizations that work with the groups that could be considered vulnerable populations be included in discussions? Is there an existing tool that can be used or one that is already in development (ie- the mapping tool being developed for the Attorney General to implement the Environmental Justice Trust Fund)? How will the roll out of this screening tool/calculation be impacted by the disappearance of federal data and mapping tools (ex: climate change, environmental justice, and public health)?

### **Cumulative Impacts Analysis**

Considering cumulative impacts is critical to break the historic practice of overburdening communities that have hosted industrial infrastructure and felt the negative effects of that infrastructure for decades or more while benefiting less from that infrastructure. The undersigned worked hard to ensure that Cumulative Impact Assessments (“CIAs”) would be required for clean energy infrastructure under the 2024 Climate Act and that the definition adequately describes what is expected of the project proponent in order to ensure that existing conditions in a potential host community are assessed holistically. We appreciate the extensive work that has already been done to implement the CIA requirement, and offer the following feedback to strengthen the regulations and guidance:

The EFSB has the express statutory authority to approve, approve with conditions, or deny a consolidated permit; therefore, the results of a CIA should enable the board to more equitably site energy facilities. We request that the regulations and guidance include the following:

- An application will not be considered complete unless pre-filing requests relating to the scope and nature of the CIA are satisfied;
- An insufficient CIA is grounds for the denial of a permit, as it is an indication that not all efforts were taken to avoid, minimize, or mitigate burdens on a host community;<sup>17</sup>
- An explanation of the applicability of the CIA requirement for non-clean energy infrastructure.

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<sup>17</sup> M.G.L c 164, § 69H (per St. 2024, c. 239, § 60).

In addition to the indicators proposed during the May 5th stakeholder session, we suggest that the following be required in a CIA:<sup>18</sup>

- A public scoping process to ensure the community affected by the project is involved in determining the CIA indicators.
- Population characteristics should include cultural and historic preservation and its proximity to proposed energy projects;
- Analysis of anti-displacement measures on unfairly burdened populations for any clean energy infrastructure project;
- Weight on proximity of the project to school districts/residential areas;
- Evaluation of alternative locations that promote an equitable and just energy grid (rooftops, parking lots, and other low impact solar sites);<sup>19</sup>
- Historic burdens from pollutants and displacement should be quantified and given higher weight when calculating overall cumulative impact from the proposed site; and
- The proposed project's impact on
  - Energy burdens.
  - Power stressors (e.g., distribution and disparities in power outages)
  - Air pollution emissions from inefficiencies in electric transmission and distribution systems.
  - Other Air pollution emissions.
  - Energy poverty.
  - Energy insecurity.
- Baseline data on inequities:
  - Utilities' investments in green technologies and home energy efficiency improvements in low-income and disadvantaged communities.<sup>20</sup>
  - Household's risk of pipes freezing and heat stroke.<sup>21</sup>

To ensure that implementation is grounded in the needs of the communities most burdened by energy infrastructure, we recommend that OEJE and other offices engage directly and on an ongoing basis with relevant stakeholders in those communities to further refine key concepts (ex: the proposed definitions of terms like “cumulative impact,” “disproportionate adverse effect,” “unfair or inequitable environmental burdens”), as well as the regulatory framework and screening tools being considered.

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<sup>18</sup> 2024 Climate Act Stakeholder Session 4, Hybrid Meeting (May 5, 2025), <https://www.mass.gov/doc/2024-ca-session-4-slides-english/download>.

<sup>19</sup> Siting for a Cleaner, More Equitable Grid in Massachusetts, ACE, CLF, GreenRoots, UCS, <https://www.ucs.org/sites/default/files/2024-03/MA-infrastructure-fact-sheet-3-21.pdf>.

<sup>20</sup> Sheinberg, R., Pierce, G., Pincetl, S. *et al.* Lessons learned from Los Angeles's just energy transition initiative. *Nat Energy* (2025). <https://doi.org/10.1038/s41560-025-01759-z>

<sup>21</sup> Luling Huang, Destenie Nock, Shuchen Cong, Yueming (Lucy) Qiu, Inequalities across cooling and heating in households: Energy equity gaps, *Energy Policy*, Volume 182, 2023, 113748, ISSN 0301-4215, <https://doi.org/10.1016/j.enpol.2023.113748>

## **Conclusion**

The undersigned appreciate the opportunity to provide comments and hope that the agencies will incorporate these recommendations. We look forward to working alongside the agencies as guidance gets further implemented and encourage the agencies to continue to include public participation throughout the process.

The 2024 Climate Act must balance the need to speed up permitting of small and large scale renewable energy facilities while also ensuring that EJ population are meaningfully included throughout the process and that energy siting does not further exacerbate burdens on host communities. Please do not hesitate to follow up with us if we can provide further information and/or clarity.

Very truly yours,

- Alternatives for Community & Environment
- Arise for Social Justice
- Environmental League of Massachusetts
- GreenRoots, Inc.
- Salem Alliance for the Environment (SAFE)
- Sierra Club Massachusetts
- Union of Concerned Scientists
- Unitarian Universalist Mass Action