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## **Feedback on Proposed Standards and Guidelines for Community Benefit Plans and Agreements**

First, we thank the Office of Environmental Justice and Equity (OEJE) for developing these crucial Standards and Guidelines. We appreciate the emphasis on meaningful community involvement and co-creation of benefits, the recommended step by engagement process which includes multiple touch points, and the critical distinction between mitigation and benefits.

We offer the following feedback to strengthen the document and ensure it fulfills the mandate and spirit of the 2024 Climate Act to advance equity, environmental justice, and meaningful community involvement.

Our comments are framed by a core principle: Community Benefit Plans (CBPs) and Community Benefit Agreements (CBAs) must be more than a formality, they must be powerful, enforceable tools to rectify historical inequities, mitigate cumulative impacts, and ensure that the clean energy transition truly benefits the communities that have borne the burdens of our energy system for decades.

### **1. Mandate CBPs and CBAs in the Consolidated Permit Process**

The guidance correctly identifies the importance of CBPs and CBAs but should more explicitly mandate and build upon the successful precedent set by the Commonwealth's offshore wind procurement. Rather than be an optional way of demonstrating meaningful engagement, developers should be required to submit either a Memorandum of Understanding (MOU) with a government entity memorializing commitments in a CBP or a signed CBA with the community. In the offshore wind process, bidders were “expected to negotiate and execute a MOU with DOER and MassCEC to memorialize the commitments made in the bid package regarding economic development, environmental justice, and DEI Plans.”<sup>1</sup>

The 2022 Climate Law mandated benefits for environmental justice (EJ) populations and low-income ratepayers in the Section 83C offshore wind process. These benefits were not optional, they were a critical part of the bid evaluation. The EFSB's siting and permitting process

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<sup>1</sup> [Microsoft Word - 83C Rd4 RFP \(8.30.23\) - Amended following DPU Approval\\_Final for Posting](#) Pg 39

should build upon this approach. OEJE's guidance should explicitly state that a finalized CBP with a MOU or a signed CBA is a mandatory, non-waivable component of a final permit decision for all applicable projects. Merely encouraging CBPs replicates the power imbalance that has historically left EJ communities behind. This creates a publicly accessible, state enforceable record of promises, providing an additional layer of accountability beyond a non-binding CBP.

## **2. Include Financial Penalties for Projects that Fail to Deliver Benefits in Signed CBP/CBAs**

The guidance notes that the EFSB does not approve or enforce CBAs. However, the EFSB has immense authority that must be leveraged to ensure community benefits are real and reliable. The EFSB must use its power to "approve with conditions" to bind applicants to their most critical commitments around both mitigation as well as benefits. The EFSB should place enforceable conditions in the consolidated permit that directly tie these commitments to significant financial penalties. These penalties should not be simply the cost of doing business, and should be more than the cost of the commitments within a CBP/CBA. This is the most direct way to ensure that promises are kept.

Further, the EFSB should not simply accept a CBP as part of the application record. It must actively review and provide public comment on the adequacy of CBPs and CBAs, questioning whether the benefits are proportional to the project's scale, whether sufficient community engagement was conducted and whether it is responsive to the cumulative impacts identified in the CIA. The OEJE standards and guidelines can serve as reference points for evaluation.

## **3. Define Meaningful Benefits as Addressing Cumulative Impacts and Community Needs, not just New Harms**

We strongly support the guidance's emphasis that benefits should be defined by the community and that a project's responsibility extends beyond mitigating its own new, direct impacts. For the privilege of profiting within a community, a new project must do its part to address the historic, current, and future burdens that community faces. **Benefits should not be restricted to mitigating only the new impacts of the project.** A project sited in an area with a legacy of air pollution and poor health outcomes has a responsibility to contribute to solutions, such as funding for health clinics, energy efficiency upgrades for residents, or community led environmental monitoring. The CBP or CBA must clearly articulate how the proposed benefits address the cumulative context, as revealed in the Cumulative Impact Analysis (CIA).

A critical, and often overlooked, community benefit is direct funding for CBP/CBA monitoring and compliance. Communities lack the resources to track complex project commitments over years. Providing dedicated funding for community experts or third party monitors is essential for true accountability and should be a standard, recommended component of every CBP or CBA

## **4. Require Financial Transparency**

The guidance identifies potential barriers but should offer a clearer solution to the central point of negotiations, the cost of meaningful benefits. The primary barrier is a lack of transparency around project finances. Communities cannot negotiate realistic yet meaningful benefits if they are kept in the dark about a project's total costs, profit margins, and financial beneficiaries. OEJE should explicitly recommend that project applicants provide a summary of project economics to community negotiating partners. This allows for good faith negotiations where communities understand the financial constraints and can advocate for benefits that are both significant and feasible.

The 2024 Climate Law enshrines the principle that the privilege of building energy infrastructure for profit comes with responsibilities to the public good, including environmental justice, labor rights, and community protection. Without strong, enforceable CBPs and CBAs, the costs of pollution, health impacts, and economic displacement will continue to be borne disproportionately by EJ communities. If communities have a clear understanding of a project's financial boundaries, they can help design benefits that minimize ratepayer impact while still being transformative. A well-negotiated CBA is an investment in community health, resilience, and equity.

## **Conclusion**

We urge OEJE to strengthen this guidance by:

1. Mandating CBPs/CBAs as a required part of the application.
2. Empowering the EFSB to use permit conditions to enforce high priority community benefit commitments.
3. Defining meaningful benefits and maintaining the distinction between mitigation and benefits
4. Promoting financial transparency as a key to good faith negotiations.

Thank you for the opportunity to comment. We look forward to working with you to ensure these Standards and Guidelines become a powerful tool for justice and equity in the Commonwealth's clean energy future.

Respectfully,

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Berkshire Environmental Action Team (BEAT)  
Birchwood Sustainable Development  
Brookhaven Residents' Climate Change Committer  
Canton Residents for a Sustainable Equitable Future  
Church of the Covenant  
Clean Water Action  
Climate Code Blue  
Concerned Citizens of Franklin County  
Community Land & Water Coalition, Inc.

Dalton Democratic Town Committee  
Environmental League of Massachusetts  
First Parish UU of Medfield Green Sanctuary Committee  
Green Dalton Committee  
GreenRoots  
Jancek Home Improvements LLC  
Longmeadow Energy and Sustainability Committee  
Longmeadow Pipeline Awareness Group  
Lutherans Restoring Creation  
Massachusetts Climate Action Coalition  
Massachusetts Climate Action Network  
Massachusetts Mothers Out Front  
Partnership for Policy Integrity  
Pipe Line Awareness Network for the Northeast  
Progressive Massachusetts  
Responsible Solar Massachusetts  
RESTORE: The North Woods  
Revitalize CDC  
Sierra Club Massachusetts  
Save Massachusetts Forests  
Solar United Neighbors  
South Coast Neighbors United  
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