

Environmental Justice Council

Meeting #1

Thursday, July 28, 2022

9:30-11:30 am



Agenda

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|----|---|---------------|
| 1) | Welcome by EEA Secretary Beth Card | 9:30 - 9:40 |
| 2) | Convening and Overview of Meeting Logistics | 9:40 - 9:50 |
| 3) | Introduction of EJ Council Members | 9:50 - 9:55 |
| 4) | Swearing-In of Council Members | 9:55 - 10:05 |
| 5) | Overview / Discussion of EJ Council's Statutory Responsibilities | 10:05 - 10:20 |
| 6) | Presentation & Discussion of Proposed Process to Meet Statutory
- Responsibilities, including Review of 'EJ Population' Definition in MA | 10:20 - 11:20 |
| 7) | Next Steps and Adjourn | 11:20 - 11:30 |



Welcome from Secretary Beth Card

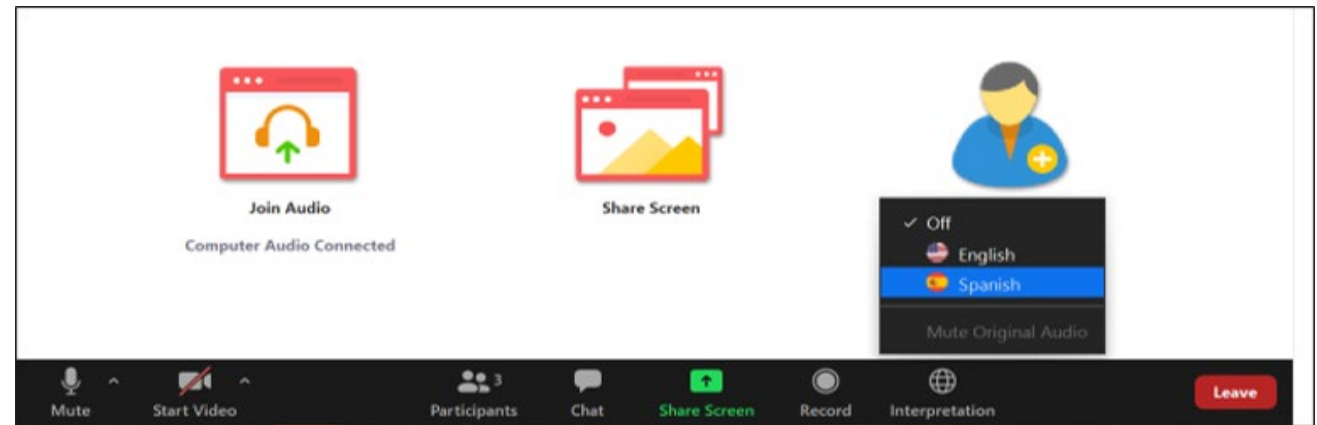
Convening and Overview

Logistics for Today's Meeting

Logistics: Language Interpretation is being offered in: Español, Kreyòl ayisyen 普通话, Kriolu, Português, & Tiếng Việt

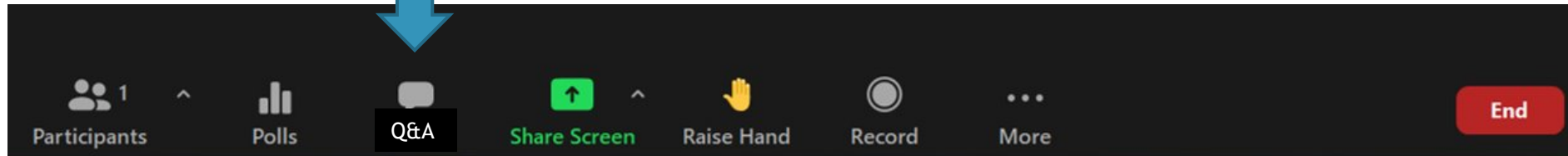
- ▶ To participate in English, click the “Interpretation” icon and select English.
- ▶ Para entrar no canal em português, clique no ícone “Interpretation” e selecione “Portuguese”
- ▶ Si alguien desea interpretación en español, haga clic en “Interpretation” y seleccione “Spanish”
- ▶ Pou rantr nan chanèl kreyòl ayisyen an, klike sou ikòn “Interpretation” an epi chwazi “Haitian Creole”
- ▶ 要以普通话参加会议，请单击口语图标并选择 “Chinese”
- ▶ Pa partisipa na Kriolu, klika na ikone “Intirpretason” y silisone “Cape Verdean Kriolu”.
- ▶ Để vào kênh bằng tiếng Việt, hãy nhấp vào biểu tượng “Interpretation” và chọn “Vietnamese”

- Please speak slowly.
- All attendees must select a language channel, even if viewing the presentation in English.
- If you would like a translated version of the slides, please go to the EJC website at: <https://www.mass.gov/service-details/environmental-justice-council-ejc-meetings>



Logistics: Remote Meeting Details

- ▶ All lines will be muted during the presentation.
- ▶ The line will be open for oral comments after the presentation.
- ▶ If you have a clarifying question or a logistical issue, please type it into the Q&A box.



Logistics: Open Meeting Law



EJ Council is subject to the Open Meeting Law (OML)

Open Meeting Law, M.G.L. c. 30A, §§ 18 through 25



The Council shall not deliberate outside of these public meetings.

A deliberation is communication, in any form, between a majority (quorum) of the members of a public body.



Introduction of EJ Council Members

- ▶ Madeline Fraser Cook
- ▶ Melissa Harding-Ferretti
- ▶ Caroline Hon
- ▶ Namrita Kapur
- ▶ Lydia Lowe
- ▶ Marcos Luna
- ▶ Peter Maathey
- ▶ Patricia Spence
- ▶ Ari Zorn



Swearing-In of Council Members

Led by:

Sean Pierce

Director of Boards and Commissions,
Office of Governor Charlie Baker and
Lieutenant Governor Karyn Polito

Overview / Discussion

EJ Council's Statutory Responsibilities

Overview of EJ Council (EJC) Responsibilities:

Under Chapter 8 of the Acts of 2021 “An Act Creating a Next-Generation Roadmap for MA Climate Policy”

- ▶ **Section 62L: Creation and Function of EJ Council:**
 - ▶ "There shall be an environmental justice council to advise and provide recommendations to the secretary of energy and environmental affairs on relevant policies and standards to achieve the environmental justice principles."
- ▶ **Section 56: “Environmental justice principles”,** is defined under the Act as:
 - ▶ principles that support protection from environmental pollution and the ability to live in and enjoy a clean and healthy environment, regardless of race, color, income, class, handicap, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief or English language proficiency, which includes:
 1. the meaningful involvement of all people with respect to the development, implementation and enforcement of environmental laws, regulations and policies, including climate change policies; and
 2. the equitable distribution of energy and environmental benefits and environmental burdens.

Link to Act: <https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter8>

Major Environmental Justice (EJ) Initiatives at EEA

Examples of initiatives on which EJC may be consulted:

- ▶ Cumulative Impacts Analysis in permitting programs
- ▶ Massachusetts Environmental Policy Act (MEPA) implementation with EJ protocols for public participation and analysis
- ▶ Clean Energy and Climate Plan (CECP) implementation with equity lens
- ▶ EEA-wide EJ Strategy development
- ▶ Grant Programs Equitable Access (training, focused criteria, more...)
- ▶ Other Key Agency Actions & Initiatives, Regulations, Enforcement

Overview of EJ Council (EJC) Responsibilities:

Under Chapter 8 of the Acts of 2021 “An Act Creating a Next-Generation Roadmap for MA Climate Policy”

► **Section 62L: Analysis and Accuracy of EJ Population Definition**

- The EEA secretary shall consult with the EJC before making any substantial adoptions, revisions or amendments to any regulation related to the definition of environmental justice population
- The EJC shall conduct a comprehensive analysis every 5 years to ensure the definition of environmental justice population achieves the objectives of the environmental justice principles
 - As part of the analysis, said council shall provide advice and make recommendations to the secretary on any necessary changes to the percentage thresholds included in this definition and any related regulation.
- The secretary shall consider the recommendations of the council regarding any proposed changes to the percentage thresholds. Proposed regulations shall be adopted only after the approval of the council by a majority vote in the affirmative of those members so voting.
- The EJC may recommend and provide advice to the secretary on proposed substantial legislative or regulatory changes related to this definition at any time prior to conducting a comprehensive analysis.

Process for EJ Population Definition

Comprehensive Analysis: Current MA Definition

- ▶ “Neighborhood”, a census block group as defined by the United States Census Bureau,
- ▶ “Environmental justice population”, a neighborhood that meets 1 or more of the following criteria:
 - i. the annual median household income is not more than 65 per cent of the statewide annual median household income;
 - ii. minorities comprise 40 per cent or more of the population;
 - iii. 25 per cent or more of households lack English language proficiency; or
 - iv. minorities comprise 25 per cent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 per cent of the statewide annual median household income;
- ▶ Exemptions: people who live in college dormitories and people who are under formally authorized, supervised care or custody, including federal, state or county prisons.

EJ Population Definition Comprehensive Analysis: Components of Definition for Potential Consideration

- ▶ Accuracy of language data in US census tracts
- ▶ Census block groups that extend into water
- ▶ State forests/Logan Airport populations
- ▶ Discussion of prisons and dorms with regard to EJ block groups, considering census data limitations
- ▶ Annual median household income threshold of 150% for municipality
- ▶ Feasibility of tribal 'geographic interest' map overlay
- ▶ Other issues

Meeting Logistics: Proposed Timeline

- ▶ September 2022:
 - ▶ Logistics for EJC Meetings
 - ▶ Analysis of definition of EJ populations
- ▶ October 2022:
 - ▶ Analysis of definition of EJ populations (continued discussion)
- ▶ November 2022:
 - ▶ Incorporation of comments and development of EJC proposal
- ▶ December 2022:
 - ▶ Discussion on EJC proposal
- ▶ January 2023:
 - ▶ Overview of Cumulative Impact (CI) initiatives within EEA
 - ▶ Overview of air permitting and cumulative impacts
- ▶ Additional topics to address throughout meetings:
 - ▶ MEPA-related issues
 - ▶ CECP equitable implementation
 - ▶ EEA EJ Strategy

Meeting Logistics:

Proposed Meeting Details

- ▶ Schedule and frequency of meetings
- ▶ Timing for EJC meetings (day or night)
- ▶ Remote or in-person meetings
- ▶ Recording of meetings (yes or no?)
- ▶ Language accessibility
 - ▶ Translation services provided for: Spanish, Portuguese, Simplified Chinese, Haitian Creole, Vietnamese, Russian, Khmer, Arabic, French, and Cape Verdean Creole
 - ▶ Interpretive services provided for: Spanish, Portuguese, Mandarin, Haitian Creole, Vietnamese, and Cape Verdean Creole
 - ▶ Can support additional translation/interpretation services if requested at least 48 hours in advance of the meeting
- ▶ Questions/Perspectives?



WHAT'S
NEXT?

Next Steps & Adjourn

- ▶ Proposed next meeting: Wednesday Sept 14, 2022, 10:30 to 12:30pm or 6:00 to 8:00pm
- ▶ Information on the EJC and its meetings can be found at <https://www.mass.gov/orgs/environmental-justice-council-ejc>