

Massachusetts Environmental Policy Act Office

Environmental Justice Strategy

Table of Contents

Massachusetts Environmental Policy Act Office.....	46
Introduction.....	46
Background.....	47
MEPA EJ Strategy.....	47
Enhanced Public Involvement Requirements for Projects Located Near EJ Populations.....	48
Enhanced Analysis of Impacts on EJ Populations	49
Language Access	50
Public Involvement Efforts by MEPA Office	51
Staff Training and Hiring	52
Metrics	52
Enforcement of this EEA EJ Strategy	53

Massachusetts Environmental Policy Act Office

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Introduction

The Massachusetts Environmental Policy Act (MEPA) Office is part of the Executive Office of Energy and Environmental Affairs (EEA), an agency of the Commonwealth of Massachusetts.

The MEPA Office conducts reviews of environmental impacts of development projects and other activities that require action, such as permitting, siting, or funding, by state Agencies and certain municipal authorities (collectively, “Agency” or “Agencies”). The intent of the MEPA review process is to provide meaningful opportunities for public review of potential environmental impacts before Agency Action is taken on the project, to ensure that all feasible means will be taken to avoid, minimize, and mitigate environmental impacts.

The MEPA Office is committed to incorporating environmental justice (EJ) principles into its programs, policies, and activities. To that end, this MEPA EJ Strategy outlines a framework to implement Sections 56-60 of Chapter 8 of the Acts of 2021: *An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy* (the “Climate Roadmap Act” or “the Act”), which were incorporated into the MEPA statute at M.G.L. c. 30, s. 62 to 62L.

Specifically, MEPA seeks to enhance opportunities for EJ populations to provide meaningful input on MEPA reviews and to improve methods for analyzing project impacts affecting EJ populations. MEPA also intends to take steps to incorporate EJ principles into the internal functions of the MEPA Office through improvements to public education, language access, and staff training and hiring practices.

The MEPA EJ Strategy includes the following elements, which are described in further detail in the sections below:

- Enhance public involvement requirements for projects undergoing MEPA review and located near EJ populations
- Enhance analysis of project impacts on EJ populations, including an assessment of existing environmental burdens and public health consequences and analysis of the additional impacts of projects
- Improve language access and translation/interpretation services related to key actions taken by the MEPA Office
- Improve the MEPA Office’s own public involvement and education efforts outside of individual project reviews
- Conduct staff training and update hiring practices to reflect commitment to EJ principles
- Establish metrics to track progress on successful implementation of this strategy

- Revise MEPA regulations, guidance and other procedures as needed to achieve the above goals
- Revise EJ Strategy as needed but no less than every three years

Background

As defined in EEA’s EJ Policy (updated 2021), “Environmental Justice” refers to the equal protection and meaningful involvement of all people and communities with respect to the development, implementation, and enforcement of energy, climate change, and environmental laws, regulations, and policies and the equitable distribution of energy and environmental benefits and burdens.

The Climate Roadmap Act includes more protections for EJ populations. The legislation explicitly calls for MEPA to implement enhanced public participation protocols and establish a more comprehensive environmental impact review process for projects located near EJ populations. It calls for these reviews to identify existing unfair or inequitable environmental burdens and related public health consequences borne by EJ populations, and address how additional project impacts may cause disproportionate adverse effects or increase the risks of climate change on the EJ population.

Executive Order 552 directed EEA to update the 2002 EJ Policy and directed all Secretariats to appoint an EJ Director and implement an EJ strategy. The Executive Order also required that an Interagency Environmental Justice Working Group be formed to coordinate EJ implementation efforts across Secretariats.

The EEA EJ Policy (updated 2021) similarly directs all EEA agencies to establish their own EJ strategies to incorporate EJ principles into their programs, policies, and activities. The EEA EJ Policy requires that projects triggering certain “review thresholds” in MEPA regulations provide opportunities for “enhanced public participation” by surrounding EJ populations and to conduct an “enhanced analysis of impacts and mitigation.” These requirements will now be implemented through MEPA regulations and guidance to be issued pursuant to the Climate Roadmap Act.

MEPA EJ Strategy

As required by the Climate Roadmap Act, the MEPA Office promulgated amended regulations to implement the provisions of the Act related to MEPA and have issued associated guidance documents. The new requirements relative to environmental justice for new project filings were put in effect on January 1, 2022. The MEPA Office completed a second round of regulatory changes effective January 6, 2023, and is considering a further phase of regulatory development in 2024-25, based on the results of a stakeholder effort led by the MEPA Office in 2021-22 and

by the Massachusetts Department of Environmental Protection (MassDEP) under Section 102C of the Climate Roadmap Act related to the development of a “cumulative impact analysis” framework for air permitting.

Key components of the MEPA EJ Strategy are as follows:

Enhanced Public Involvement Requirements for Projects Located Near EJ Populations

The MEPA Office is committed to ensuring meaningful opportunities for public input into the MEPA review process through the MEPA Public Involvement Protocol for Environmental Justice Populations (effective date of January 1, 2022) (the “MEPA EJ Public Involvement Protocol”).² The MEPA office has aligned this protocol to be consistent with the requirements of the Climate Roadmap Act.

Upon promulgation of regulations required by the Climate Roadmap Act, the MEPA Office has required all projects required to undertake MEPA review (with limited exceptions) to engage in outreach and community engagement efforts prior to filing with the MEPA Office. All projects will be expected to provide advance notification of the project to community-based organizations (CBOs) and tribes/indigenous organizations included in a reference list maintained by the MEPA Office in consultation with the EEA EJ team.

MEPA’s enhanced public involvement protocol calls for proponents to implement best practices in community engagement, including but not limited to the following measures:

- Holding a community meeting upon request by anyone contacted through advance notification provided, or upon further dissemination of a written project summary as referenced below
- Wide dissemination of a written project summary (with translation into relevant languages) with basic project details
- Hosting a project website or making project information available through other similar electronic means
- Ensure outreach to the public is communicated in clear, understandable language and in a user-friendly format
- Engage in creative outreach by making use of pre-existing groups – such as grassroots organizations and high school groups – and natural areas of congregation – like places of worship, libraries, and farmer’s markets – to disseminate information about new projects, as well as traditional locations such as libraries and government offices
- Use of alternative and/or community-specific media outlets to publicize the project, including local public broadcasting stations, specialized newspapers, social media and community newspapers, and alternative language media

² <https://www.mass.gov/info-details/eea-policies-and-guidance>

- Organizing town hall meetings or other focused community meetings organized by topic, neighborhood, or interest group
- Holding community meetings during weekend or evening hours, at accessible locations near public transportation, and/or through zoom or other similar web-based service if requested or determined to be more effective for reaching EJ populations. In addition, a “hybrid format” could be considered which allows members of the public to join in-person, on Zoom, or by phone, and makes the content of the meeting available afterwards for those who cannot attend.
- Organizing public education efforts for technical aspects of the project, such as fact sheets with visuals that include a summary of the project and associated technologies and processes, using lay-person language and terms in an effort to ensure the community understands the potential impacts of the project and can provide meaningful input, and holding “science fair” type presentations or teach-ins broken by topics
- Considering door-to-door education efforts through the use of flyers or other canvassing methods
- Identifying specific neighborhoods, residents or other communities surrounding the project site that may be affected and considering targeted outreach and engagement strategies directed at such areas
- Establishing a local information repository that is convenient and accessible for the EJ Population where information related to the project can be obtained

The MEPA Office is continuing to consider ways to improve the MEPA EJ Public Involvement Protocol, including by providing individual consultations with project proponents and potentially adding minimum requirements for outreach. Community engagement activities must be documented in MEPA filings, which may be deemed inadequate if MEPA EJ protocols are not followed.

Enhanced Analysis of Impacts on EJ Populations

As required by the Climate Roadmap Act, the MEPA Office has also expanded review of projects within or near EJ populations through the MEPA Interim Protocol for Analysis of Project Impacts on Environmental Justice Populations (effective date of January 1, 2022) (“MEPA EJ Analysis Protocol”). For projects subject to MEPA jurisdiction that meet or exceed any MEPA review threshold, the Climate Roadmap Act requires the preparation of an environmental impact report (EIR), if the project is located within 1 mile of any EJ population or 5 miles if the project will impact air quality. Under new regulations, a project is presumed to impact air quality if it meets or exceeds MEPA review thresholds under 301 CMR 11.03(8)(a)-(b), or generates 150 or more new average daily trips (adt) of diesel vehicle traffic over a duration of 1 year or more (excluding public transit trips).

Consistent with the Climate Roadmap Act, an EIR that is filed for a project located within 1- or 5-miles of an EJ population must include an assessment of existing “unfair or inequitable environmental burdens and public health consequences” borne by the EJ population. The EIR must then analyze the project’s environmental and public health impacts to determine whether it will have a “disproportionate adverse effect” on EJ populations or increase or decrease the risks of climate change.

The MEPA Office has defined in guidance the methodology for conducting the assessments described above. In coordination with the EEA EJ Director, the MEPA Office has consulted key Agencies and offices with relevant expertise relating to analysis of EJ and public health impacts, including the Massachusetts Department of Environmental Protection (MassDEP), Massachusetts Department of Public Health (DPH), Massachusetts Water Resources Authority (MWRA), Office of Technical Assistance (OTA), Massachusetts Coastal Zone Management Office (CZM), and the EEA climate team. The MEPA Office has also sought, and continues to seek, input from a wide variety of external stakeholders through a 20+ member advisory committee formed in September 2021. The MEPA Office is continuing to consider additional regulatory and policy changes to improve and strengthen environmental justice reviews. For instance, the MEPA Office intends to improve the MEPA EJ Analysis Protocol to include assessment of urban heat island effects from projects. The standards for fail-safe review under 301 CMR 11.04 are under review. The MEPA Office will also consider additional ways to incorporate public health data into the MEPA review process.

Language Access

The MEPA Office is committed to expanding language access and translation/interpretation services for key actions taken by the Office. As noted above, the MEPA Office has issued an EJ public involvement protocol, which will include information on how to identify relevant languages for purposes of providing translation and interpretation services. These language services will apply to notices, documents and community meetings that pertain to the proposed project. The MEPA Office also intends to explore IT solutions to facilitate language access, such as the potential procurement of a Zoom account that allows for interpretation channels and exploring the use of web-based translation services. The MEPA Office is committed to securing “on call” translation services for day-to-day work, either independently or with other EEA Agencies or divisions.

The following written documents generated by the MEPA Office offer opportunities for translation services to enable those with limited English proficiency to fully engage in the MEPA process:

	Document	Responsible Entity
1	Materials used for prefiling outreach and community engagement (including written project summaries)	Proponent
2	Environmental Notification Form (ENF, or project filing) submitted to MEPA Office	Proponent
3	Notice of project published in Environmental Monitor (web-based publication managed by MEPA Office)	MEPA
4	Post date/time/location of site visit in Environmental Monitor	MEPA
5a	Supplemental information submitted to MEPA Office (<i>if applicable</i>)	Proponent
5b	Email notice of comment period extensions and supplemental information to Agencies/towns/community-based organizations/individuals who attended site visit (<i>if applicable</i>)	MEPA
6	Issue MEPA Certificate and publish in Environmental Monitor	MEPA
7	Issue MEPA advisory ruling	MEPA
8	Issue MEPA fail safe determination	MEPA

Public Involvement Efforts by MEPA Office

In addition to requiring enhanced public involvement efforts by project proponents, the MEPA Office is committed to improve its own engagement with EJ populations in the course of conducting agency activities outside of individual project reviews. Additional efforts to be considered or already underway by the MEPA Office include the following:

- In consultation with the EEA EJ team, continue to maintain an updated list of CBOs and tribes/indigenous organizations to provide as a resource for project proponents
- Conduct periodic trainings and/or presentations to the public (with recorded videos that can be accessed by those who cannot attend), with robust outreach to EJ populations, regarding MEPA's purpose and ways to meaningfully participate in and influence the MEPA process. Such trainings will be organized in consultation with EEA EJ team.
- Explore enhancements to MEPA public comment portal to allow submission of requests to receive ongoing notification of project developments
- Revise environmental notification form (ENF) to include requirements related to EJ

- Update MEPA webpage and make it more accessible to communities across the Commonwealth

The MEPA Office is committed to improving transparency and accessibility of the MEPA review process to the general public, including to EJ populations. Recent enhancements include making full project filings available through the Environmental Monitor³ and posting a monthly tracker of “advance notifications” of MEPA projects submitted under 301 CMR 11.05(4)(b).⁴ The MEPA Office is also planning to provide public trainings about the MEPA process and will consider other ways to improve transparency.

Staff Training and Hiring

The MEPA Office is committed to providing staff training to ensure that analysts and staff understand the MEPA EJ Strategy and associated regulations and guidance, so that they can independently implement EJ requirements during the MEPA review process. Such trainings will be mandatory, include both written and in-person instruction, and be reflected in staff evaluations so as to ensure completion.

In addition, the MEPA Office will work with the EEA HR office to promote diversity in hiring and promotional practices. MEPA acknowledges the importance of having an agency workforce that reflects the racial, ethnic, and socio-economic diversity of the residents of Massachusetts, including the key role that such a workforce plays in advancing equitable decisions regarding environmental and energy permitting, siting, and regulatory development. MEPA commits to incorporating diversity hiring practices, including using criteria in job-postings that require successful applicants to demonstrate knowledge and understanding of the needs of vulnerable populations, environmental justice neighborhoods, and underserved areas.

Metrics

As required under the EEA EJ Policy (updated 2021), MEPA will develop metrics to track progress of the EJ strategies described in this document. In the first year, these metrics will focus on progress in successfully implementing the requirements of the Climate Roadmap Act, and will include, as feasible:

- Number of MEPA projects located within 1 mile and 5 miles of EJ populations, together with breakdown of “ENF” and “mandatory EIR” projects
- Number of MEPA projects utilizing best practices for community engagement
- Number of MEPA projects providing mitigation for EJ impacts
- Number of MEPA projects providing language services

³ <https://eeaaonline.eea.state.ma.us/EEA/MEPA-eMonitor/home>

⁴ <https://www.mass.gov/guides/environmental-justice-protocols-and-resources>

The MEPA Office will consider additional metrics to track its own progress in implementing this strategy, including:

- Number and types of documents generated by the MEPA Office for which language translation is provided
- Number of EJ trainings held for staff
- Number of public trainings or recorded seminars held or produced regarding MEPA review procedures and ways to participate in MEPA reviews

Enforcement of this EEA EJ Strategy

For any environmental justice concerns, complaints, compliments or ideas, or to find out more about our agency environmental, energy and climate justice efforts, please contact EEA's Office of Environmental Justice as outlined on Page 19 of this EEA EJ Strategy.

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