

MEPA Public Involvement Protocol for Environmental Justice Populations

Effective Date: January 1, 2022

Revised: March 25, 2026

All new Environmental Notification Forms (ENFs) and Expanded Environmental Notification Forms (EENFs) submitted on or after the effective date must ensure compliance with this protocol.

Authority and Background

This protocol addresses the new public involvement requirements for projects undergoing MEPA review as set forth in: (i) **Section 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”); and (ii) the 2021 update to the Executive Office of Energy and Environmental Affairs (EEA) Environmental Justice Policy (the “2021 EJ Policy”). This protocol accompanies corresponding changes to the Environmental Notification Form (ENF), which are incorporated into the template ENF available on the [MEPA Forms webpage](#).¹ This protocol also accompanies the *MEPA Interim Protocol for Analysis of Impacts on Environmental Justice Populations* (hereinafter, the “*MEPA Interim Protocol for Analysis of EJ Impacts*”), which implements requirements related to the content of Environmental Impact Reports (EIRs) as set forth in Section 58 of the Act.

On March 26, 2021, Governor Baker signed into law the Climate Roadmap Act, which enacted a new definition of “Environmental Justice [EJ] Population” for purposes of enhancing public involvement and other aspects of the MEPA review process. The new statutory definition of “EJ population” includes four categories of neighborhoods (defined as census block groups) with certain demographic characteristics based on median income level, percentage of residents who are people of color (*i.e.*, minority), and percentage of residents who have limited English proficiency (LEP). In turn, Section 60 of the Act provides that, “[t]o enable the public to assess the impact of proposed projects that affect their environment, health and safety through the [MEPA] project review process . . . , the secretary [of EEA] shall provide opportunities for meaningful public involvement” by EJ populations.

Starting in 2020, the MEPA Office embarked on an effort to update its EJ related review protocols, in consultation with the EEA EJ Director and other EEA agencies. This effort coincided with parallel efforts to update MEPA regulations at 301 CMR 11.00 et seq. The MEPA Office is issuing this *MEPA EJ Public Involvement Protocol* as one component of its overall MEPA Office EJ Strategy to be implemented in 2021-22. This protocol addresses only the public involvement requirements of the Climate Roadmap Act; other requirements of the Act relative to the content of EIRs will be addressed through a separate *MEPA Interim Protocol for Analysis of EJ Impacts*, which is being issued together with this protocol.

On June 24, 2021, EEA updated the 2017 EJ Policy that was previously in effect. The 2021 update (the “[2021 EJ Policy](#)”),² consistent with the 2017 EJ Policy, requires that projects triggering certain MEPA ENF review thresholds provide opportunities for “enhanced public participation” by surrounding EJ populations,³ and that

¹ <https://www.mass.gov/info-details/mepa-forms>

² <https://www.mass.gov/doc/environmental-justice-policy6242021-update/download>

³ The specific ENF thresholds are 301 CMR 11.03(5)(b)(1)-(2), (5); 301 CMR 11.03(8)(b); and 301 CMR 11.03(9)(b).

projects triggering certain mandatory EIR thresholds conduct an “enhanced analysis of impacts and mitigation,” in addition to enhanced public participation.⁴ The MEPA thresholds to which these EJ requirements apply are those related to wastewater (301 CMR 11.03(5)), air emissions (11.03(8)), and solid and hazardous waste (11.03(9)). This *MEPA EJ Public Involvement Protocol* expands on, but remains consistent with, the requirements of the 2021 EJ Policy. Accordingly, this protocol shall define the public involvement requirements for all MEPA projects filed after the January 1, 2022 effective date.

Protocol

I. Identifying Characteristics of and Likely Effects on EJ Populations

A. Project Location

Consistent with 301 CMR 11.05(7), all ENF/EENFs filed with the MEPA Office will be required to identify the location of the project relative to EJ populations as depicted on the [EEA Environmental Justice Maps Viewer](#) (the “EJ Maps Viewer”),⁵ and include a printout of the project location shown on the EJ Maps Viewer as an attachment to the ENF or EENF submittal. The printout shall identify all EJ Populations within 5 miles of the project, and shall measure this distance from the outer boundaries of the project site.⁶ For linear projects along a right of way (ROW) (such as utility and roadway projects), the distance shall be measured from the edge of the ROW in all directions along the entire length of the project.

B. Characteristics of EJ Populations

Consistent with 301 CMR 11.05(5), in addition to attaching the above printout, the ENF/EENF shall describe the characteristics of the EJ populations within 5 miles of the project site as identified in the EJ Maps Viewer (i.e., the census block group identification number and EJ characteristics of “Minority,” “Minority and Income,” etc.).

The ENF/EENF shall also list all languages identified in the [Languages Spoken in Massachusetts Map Viewer](#) as spoken by 5 percent or more of residents who identify as not speaking English “very well” (i.e., have limited English proficiency).⁷ Because language access responsibilities of the Commonwealth under Title VI of the Civil Rights Act of 1964 and Executive Office for Administration and Finance (A&F) Bullet #16 extend beyond the requirements of the Climate Roadmap Act, languages should be identified for the project for each census tract located in whole or in part within the “designated geographical area” (as defined in 301 CMR 11.02) around the project site, regardless of whether such census tract contains any designated EJ populations. All identified languages should be used for purposes of providing public involvement opportunities under Part II.

With the approval of the EEA EJ Director, the Proponent may modify the list of languages to be used for purposes of conducting public involvement activities, if information made available through local school districts, local boards of health, or other knowledgeable local sources provide more accurate data that are better tailored to the project site. The Proponent may choose to increase the number of languages beyond

⁴ The specific EIR thresholds are 301 CMR 11.03(5)(a)(1), (6); 301 CMR 11.03(8)(a)(1); and 301 CMR 11.03(9)(a)

⁵ <https://mass-eoea.maps.arcgis.com/apps/webappviewer/index.html?id=1d6f63e7762a48e5930de84ed4849212>

⁶ The EJ Maps Viewer allows the user to draw a radius around a particular location.

⁷ <https://mass-eoea.maps.arcgis.com/apps/webappviewer/index.html?id=dffdbf9c109647fc9601f7524c1fd9f4>

those identified in the Languages Spoken in Massachusetts Maps Viewer without the approval of the EEA EJ Director. If the list of languages identified in the Languages Spoken in Massachusetts Map Viewer has been modified as described herein, the ENF/EENF shall include a list of approved languages for the project, or, if the list has been expanded by the Proponent without input from the EEA EJ Director, shall provide a list of the additional languages that will be used to provide public involvement opportunities under Part II. If a project is exempt from the requirements of Part II, this shall be specified in the ENF/EENF.

C. Likely Effects on EJ Populations

Consistent with 301 CMR 11.05(5), the ENF/EENF shall describe whether the project is “reasonably likely” to negatively affect EJ populations located within the designated geographic area around the project site.

In describing the project’s likely effects on EJ populations, the ENF/EENF shall discuss both the project’s anticipated benefits, as well as its adverse environmental impacts and related public health consequences, using the analysis required in 301 CMR 11.07(6)(n) and the *MEPA Interim Protocol for Analysis of EJ Impacts* as a frame of reference. While MEPA review thresholds at 301 CMR 11.03 provide a guide for a discussion of impacts, the ENF/EENF shall not limit the discussion to impacts that meet or exceed MEPA review thresholds, and, instead, shall address all direct and indirect potential environmental impacts of the project, with a focus on whether such impacts and related public health consequences are likely to extend to EJ populations located within the designated geographic area around the project site. The discussion of likely effects included in the ENF/EENF may take the form of a narrative and need not be exhaustive; however, it must contain a reasonable level of specificity and more than a conclusory statement that the project will have a “net benefit” for the EJ population.

II. Measures to Enhance Public Involvement Prior to Filing ENF/EENF

Section 60 of the Climate Roadmap Act, now codified as M.G.L. c. 30, § 62J, requires that, “[i]f a proposed project affects an environmental justice population,” the Secretary of EEA shall require additional measures to improve public participation by the EJ population. Such measures shall include, as appropriate: “(i) making public notices, environmental notification forms, environmental impact reports, and other key documents related to the secretary’s review and decisions of a project review available in English and any other language spoken by a significant number of the affected environmental justice population; (ii) providing translation services at public meetings for a significant portion of an affected environmental justice population that lacks English proficiency in the project’s designated geographic area; (iii) requiring public meetings be held in accessible locations that are near public transportation; (iv) providing appropriate information about the project review procedure for the proposed project; and (v) where feasible, establishing a local repository for project review documents, notices and decisions.”

Section 60 indicates a broad intent to enhance opportunities for public involvement in reviews of MEPA projects that affect EJ populations. To effectuate this statutory purpose—and to align with the new EIR requirement in Section 58 of the Act —any MEPA project within the “designated geographic area” around one or more EJ populations that is required to submit an EIR in accordance with 301 CMR 11.06(7)(b) must undertake measures to provide public involvement opportunities by the identified EJ populations. **Any project consisting of one single family home shall be exempt from the requirements of Part II, but must comply with Part I.**

To ensure that EJ populations have ample opportunity to meaningfully engage in MEPA project reviews, best practice dictates that Proponents take early steps to provide public involvement opportunities, starting well before the filing of the ENF/EENF with the MEPA Office. Best practices for such pre-filing outreach and community engagement are described below. It is important to note that the Proponent's efforts to provide opportunities for public involvement for EJ populations, including any changes made to the project to address any concerns raised by or on behalf of such EJ populations, will be considered when determining whether to approve a request for expedited review procedures under 301 CMR 11.06(8) and (13). To that end, the ENF/EENF must include a detailed description of public involvement activities conducted by the Proponent.

A. Advance Notification

As of January 30, 2026, any project that is located within a designated geographic area around one or more EJ populations must provide advance notification of the project no later than 45 days, and no earlier than 90 days, prior to filing (consistent with 301 CMR 11.05(4)(b)). Such advance notification must be provided to community-based organizations (CBOs) and tribes based on a recommended list provided by the EEA EJ Director (the "EJ Reference List"). The EEA EJ Director and the MEPA Office shall be copied on the advance notification at MEPA-EJ@mass.gov—note that only one copy of the advance notification shall be sent to this email address. The Proponent is encouraged to supplement this list by conducting its own local research into additional CBOs, tribes or other neighborhood leaders who may have an interest in projects undertaken at the project site.

The advance notification shall take the form of a completed "Environmental Justice Screening Form," available on the [MEPA Forms webpage](#),⁸ and shall be sent through electronic means at the designated email addresses provided on the EJ Reference List. Unless the Proponent has information to indicate that a particular CBO does not wish to receive the advance notification, all CBOs on the EJ Reference List must be contacted. Circulation to all "tribal contacts" on the EJ Reference List is mandatory for all projects.

Consistent with 301 CMR 11.05(4), the Proponent's failure to provide advance notification as required herein shall allow the Secretary to require an extension or repetition of the ENF review. The Secretary may also reject an ENF as incomplete if the Proponent has failed to provide advance notification as required, or has undertaken no measures to provide public involvement opportunities by EJ populations prior to filing the ENF.

To the extent any languages have been identified for the designated geographic area (as described in Part I above) the Environmental Justice Screening Form shall be translated into each language identified and attached to the notification sent to each addressee from the EJ Reference List, as well as the copy sent to the EEA EJ Director and MEPA Office. If the list of languages has been modified with or without approval of the EEA EJ Director, as described in Part I, the modified list of languages shall be utilized.

B. Community Outreach and Engagement

As noted, all MEPA projects that are subject to the requirements of this Part II shall undertake measures to promote public involvement through meaningful community outreach and engagement. The CBOs and tribes

⁸ <https://www.mass.gov/info-details/mepa-forms>

listed in the EJ Reference List may serve as a resource in efforts to solicit feedback from EJ populations. The specific forms of outreach and community engagement should be tailored to the specifics of each project and the residents and neighborhoods that characterize the applicable EJ populations surrounding the project site. Best practices in community engagement and consensus building should be consulted, including but not limited to the following:

- https://www.epa.gov/sites/default/files/2015-02/documents/ej_guidance_nepa_ceq1297.pdf
- <https://environment.transportation.org/education/environmental-topics/environmental-justice/>
- https://www.environment.fhwa.dot.gov/env_topics/environmental_justice.aspx

A non-exhaustive list of specific outreach and engagement strategies is included below. The Proponent is encouraged to implement as many of these strategies as is feasible and appropriate for the project. However, it is the strong expectation of the MEPA Office that all projects subject to this Part II will, at a minimum, conduct one or more community meetings, if requested by those contacted through the advance notification in Part II.A., prior to filing the ENF/EENF. The Proponent must provide a description of public involvement strategies as part of the ENF/EENF, and specifically state how CBOs and tribes were informed of ways to request a community meeting.

Potential public involvement strategies include:

- 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
- Ensuring outreach to the public is communicated in clear, understandable language and in a user-friendly format
- Engaging 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 non-English and/or community-specific media outlets to publicize the project, including local public broadcasting stations, specialized newspapers, and community newspapers
- Disseminating information through social media channels
- 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

To the extent written project summaries or meeting notices are provided as part of public involvement efforts, the Proponent must translate such materials in all the languages identified in Part I above, and circulate them at or about the same time that English language materials are circulated. If in-person or remote meetings are held, the Proponent must provide oral interpretation services at such meetings in the languages identified in Part I above, provided that the Proponent may require that requests for oral interpretation be made in advance with sufficient time to allow for cancellation of the service by the Proponent without incurring a cancellation fee. If an advance request is required, the Proponent must include in the meeting notice a translated offer to provide oral interpretation services with instructions on how to request the service. The Proponent should make best efforts to provide translation/interpretation services in any other languages requested by members of the public to the extent necessary to ensure meaningful engagement by such individuals. In addition, if any identified census tract located in whole or in part within the designated geographic area around the project indicates that a particular language is spoken by more than 10% of residents in that census tract, it is strongly recommended that the proponent arrange for an oral interpreter to be present at the in-person or remote community meeting, without the need for advance requests.

C. Pre-Filing Consultation

Any project that meets or exceeds any mandatory EIR threshold and others that seek to avail themselves of expedited review procedures under 301 CMR 11.06(8) and (13), are encouraged to schedule a pre-filing consultation meeting with the MEPA Office and the EEA EJ Director to discuss the outreach and community engagement strategies for the project. Requests for such joint pre-filing consultations may be made as indicated on the [MEPA website](#).⁹

In certain circumstances, the MEPA Office, in consultation with the EEA EJ Director, may designate projects as requiring a higher level of pre-filing community engagement, based on the following factors:

- Whether any municipality or census tract surrounding the project site exhibits “vulnerable health criteria” as defined by the [Massachusetts Department of Public Health \(DPH\) EJ Tool](#),¹⁰ or the DPH EJ Tool indicates the existence of multiple other sources of pollution affecting the identified EJ populations within the designated geographical area;
- Whether the project’s impacts appear likely to adversely affect the identified EJ populations within 1 mile of the project site, and whether any mitigation is considered for such impacts;
- Whether the project’s location is subject to acute climate change risks

⁹ <https://www.mass.gov/info-details/schedule-a-pre-filing-meeting>

¹⁰ <https://matracking.ehs.state.ma.us/Environmental-Data/ej-vulnerable-health/environmental-justice.html>

If a project is so designated, the MEPA Office will contact the Proponent to request a pre-filing consultation within 20 days of receiving advance notification of the project under Part II.A.

Any project that falls within any of the categories of projects requiring “enhanced outreach” under the 2021 EJ Policy must schedule a pre-filing consultation, and will be expected to undertake comprehensive measures to engage EJ populations prior to filing.

III. Public Involvement Requirements After Filing ENF/EENF

For any projects subject to the requirements of Part II above, the Proponent shall continue to promote meaningful public involvement by EJ populations after filing the ENF/EENF by maintaining a distribution list that includes the CBOs and tribes identified on the EJ Reference List and the EEA EJ Director (unless any CBO, tribe or the EEA EJ Director elects not to be included), as well as any other individual or entity that specifically requests to be placed on the distribution list during pre-filing consultations or during the course of MEPA review. The Proponent shall use the distribution list to circulate notices of the MEPA Site Visit, summaries of supplemental information submitted to the MEPA office, and any other relevant notices or materials generated during the course of MEPA review. The notice of the MEPA Site Visit shall be translated into any languages identified in Part I above. For other documents, the Proponent shall make best efforts to translate the document, or a summary thereof, upon request by any member of the public. The proponent may require that the request be made with sufficient time to allow for written translation prior to the event or deadline to which the materials relate.

In addition to maintaining a distribution list, the Proponent should submit with its filing a plan to maintain the same level of outreach and community engagement throughout the MEPA review process. As an example, if certain non-English language media were identified as an effective way to communicate with the applicable EJ population, the Proponent should continue to use the same means to convey information about the project during the course of MEPA review. The Proponent should also consider holding additional community meetings as needed, or upon request, at key milestones in the project review, such as when the Proponent is preparing the filing of a final EIR. Specific strategies for outreach and community engagement may be included in the Secretary’s Scope for an EIR.

IV. Public involvement Requirements for Other MEPA Filings

For Notices of Project Change (NPC), DEIRs, and FEIRs, where the initial ENF/EENF was submitted prior to the effective date of this protocol, the Secretary will determine on a case-by-case basis the need for enhancing public involvement opportunities to meet the spirit of the Climate Roadmap Act. The Secretary will consider the nature and level of impacts associated with the filing, the extent of community engagement conducted to date, and the passage of time since the conclusion of the prior MEPA review (*i.e.*, filings made after a long passage of time may require more public involvement efforts as the public may be unaware of the proposed project or project change). As a general matter, additional requirements for public involvement will be considered for filings that involve EIR-level impacts or projects located within EJ populations, and will consist, at a minimum, of circulation of the filing to the MEPA Office and EEA EJ Director (at MEPA-EJ@mass.gov) and CBOs and tribes on the EJ Reference List. At the discretion of the MEPA Office, a MEPA Site Visit may be held during the MEPA review period, and other applicable provisions of Part III may be applied.