



July 29, 2021

MEPA Office
Tori Kim, Director
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Comment on Proposed MEPA EJ Outreach Protocol Provisions

Dear Ms. Kim,

We at Fore River Residents Against the Compressor Station welcome EEA's efforts to bring MEPA policies into compliance with the Next Generation Climate law and the 2017 EJ Policy. We support this process in hope that the final policy will end the structural injustice that we have witnessed over decades to residents of the Fore River Basin, and of the Commonwealth, both human and more-than-human. Our concerns about the current draft, and suggestions for change follow:

First, and most important, the entire process is upside-down. This is true across the United States, but Massachusetts could be a leader in environmental justice policy by modeling a right-side-up EJ Policy. Such a policy would not begin with project proponents, but with the EEA developing relationships with EJ communities *prior* to hearing from proponents, listening to residents about what kinds of development they need and desire in their communities, and working with them to match appropriate project proponents. If it is clear that a project will be a long-term polluter in an already-overburdened EJ community (as opposed to only during construction), it should not be sited there. Period. No purported Public Involvement Protocol will make it morally or environmentally acceptable, nor should such "meaningful involvement" be allowed to serve as cover for the siting of such a project.

If the upside-down EJ Protocol continues as proposed, the project siting process will continue to be largely adversarial, as proponents, whose primary purpose is to generate profits, are imposed upon residents of sacrifice zones trying to prevent dangerous, polluting projects in their neighborhoods. A Public Involvement Process in this context is too little, too late. In our experience, it has also been partial and perfunctory, with community concerns, including documented data, belittled, minimized, hidden, or ignored. We believe the upside-down nature of the current process is why many commenters have noted that a 45-day letter of intent and two-week prior to filing community meeting is inadequate. A process that begins with the community, rather than with proponents, is the only way to address that concern properly.

Second, MEPA policy must be enforceable. The current MEPA EJ proposal contains more "shalls" than prior ones, a step forward. However, it still includes many "encourages" with regard to what proponents need to do. Please change "encourages" to "shall" or "requires" throughout the policy. Please provide operational definitions of "reasonably likely to impact EJ communities" (p.3) and "meaningful engagement."

Third, a just EJ policy needs accountability and consequences for violations. Please add specific consequences, including denial or revocation of permits, when proponents or their agents hide or misrepresent potential pollution or other damage to EJ communities. Just as important, please add specific consequences for individuals or agencies within MassEEA who aid proponents in skirting EJ provisions, or who are aware of improprieties and do not report them to EEA and the public.

Fourth, be sure that language in the new protocol does not have loopholes that allow projects in/near EJ communities to avoid an EIR, and hence, MEPA and NEPA reviews. For example, the Weymouth compressor station proponents avoided MEPA by segmenting the project, and claiming the EIR would be done with the subsequent Access Northeast Project. Yet, when Access Northeast was withdrawn, Atlantic Bridge was able to continue without MEPA review. The new policy must prevent proponents from avoiding proper environmental review. The new policy should also allow for review of projects that may have skirted the MEPA process in the past, as was the case with the Weymouth compressor station.

Finally, the EJ Engagement Policy needs to require proponents and EEA to use the latest flood maps when evaluating project siting near EJ communities (and *all* communities), and include flooding from storm surge and wind - not sea level rise alone. In the siting of the Weymouth compressor station, outdated flood maps were used, and wind and storm flooding were not properly considered, creating ongoing risk to the lives of residents in local EJ communities from a storm-caused catastrophic incident at the facility.

We conclude by commending you again for committing to meet the requirements of the latest Mass. climate and environmental justice law and policy. As a community that is still suffering the health, mental health, and safety impacts of the old policy's shortcomings, we are deeply committed to supporting you in the creation of a truly just EJ Protocol and its implementation.

Sincerely,

Betsy J. Sowers

(The Rev.) Betsy J. Sowers

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EJ Coordinator for the Fore River Residents Against the Compressor Station