

CLIMATE JUSTICE WORKING GROUP MEMORANDUM

TO: Global Warming Solutions Act Implementation Advisory Committee
FROM: Climate Justice Working Group
RE: Recommendations for 80x50 Study Scenario Planning
DATE: February 24, 2020

The Massachusetts Global Warming Solutions Act (“GWSA”) Implementation Advisory Committee (“IAC”) voted to approve the development of an Equity Working Group in November 2019. The Executive Office of Energy and Environmental Affairs (“EEA”) solicited IAC member volunteers to co-chair the Equity Working Group. Eugenia Gibbons of Green Energy Consumers Alliance and Staci Rubin of Conservation Law Foundation volunteered as co-chairs. Eugenia and Staci convened the working group, which met three times between January and February 2020, and renamed the group as the Climate Justice Working Group (“CJWG”). Members of the CJWG include:

- Shalanda Baker (Northeastern University School of Law);
- Sabrina Davis (Coalition for Social Justice);
- Eugenia Gibbons (Green Energy Consumers Alliance), Co-Chair;
- Hajar Logan (Alternatives for Community & Environment);
- Vick Mohanka (Clean Water Action);
- Claire B.W. Müller (Toxics Action Center);
- Andrea Nyamekye (Neighbor to Neighbor);
- Sofia Owen (Alternatives for Community & Environment);
- María Belén Power (GreenRoots);
- Staci Rubin (Conservation Law Foundation), Co-Chair; and
- Dwain Tyndal (Alternatives for Community & Environment).

The CJWG seeks to establish safeguards with the GWSA to allow for greenhouse gas reductions and the implementation of strategies that explicitly benefit environmental justice populations and redress longstanding burdens in historically marginalized communities. Our focus is on ensuring that in 2030, 2040, and 2050 people, other species, and the environment itself will be thriving and can continue to thrive. The CJWG wants to explore the economic, quality of life, and environmental quality impacts, as well as impacts on adaptation and resilience from the environmental changes stemming from GWSA compliance. Thus, the CJWG wants to ensure that equity is a factor in evaluating the GWSA policy and the 80x50 Study.

The CJWG’s goal is to make sure that Massachusetts is on target for achieving the 2030 and 2050 greenhouse gas emission reductions while ensuring targeted benefits to environmental justice populations and other historically marginalized communities. Some ways to implement these goals are to: invest in democratically controlled structures, put communities of color and low-income communities at the front of the line, assign more weight to policy scenarios that benefit environmental justice populations, facilitate people getting better jobs, invest in public institutions, and ensure that low-income resident contribution to policy costs is not a higher percentage of income compared to middle-income resident contributions.

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EEA seeks input on their 80x50 Study policy framework. The CJWG recommends that more than half (at least 51%) of funds spent under Clean Energy and Climate Plan implementation are allocated to environmental justice populations, as defined in H.4264 pending before the Legislature. The CJWG also wants to explore a scoring system for impacts that quantitatively and explicitly scores the various impacts of the GWSA. Guidance and recommendations on a potential scoring system or a way to measure metrics could come from a subcommittee of experts, such as Climate Ready Boston. The scoring system would allow for a comparison of impacts to ultimately make sure that the GWSA is functioning at the highest strength. The scoring system would also provide transparency.

The following procedural steps must occur: adding to the policy framework outcomes; improving upon the master policy list focusing on people; reflecting on a 10-year review from the justice perspective; establishing new definitions; and having accountability at each step. Public hearings on the topic need to occur to ensure that everyone's voice is heard, and along the same lines, the policy recommendations need to be peer reviewed to ensure meaningful consideration of stakeholder input.

The climate crisis, species loss, pollution, and predatory capitalism have placed increased pressures on our natural and built environment, often leaving the most marginalized communities, especially people of color, low-income residents, and English isolated residents, to bear the worst of the burden of environmental pollution. [EEA defines environmental justice](#) as the principle that all people have a right to be protected from environmental hazards and to live in and enjoy a clean and healthful environment regardless of race, color, national origin, income, or English language proficiency. Environmental justice is 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.

Definitions

The CJWG proposes the following definitions for environmental justice principles, environmental justice population, climate justice, equity, and restorative justice, which should be incorporated into the 80x50 Study.

[Environmental Justice](#) Principles (this is a term in pending legislation, H.4264):

- The people's right to be protected from environmental pollution and to live in and enjoy a clean and healthful environment, regardless of race, color, income, class, handicap, gender identity, gender expression, sexual orientation, national origin, ethnicity or ancestry, religious belief or English language proficiency. Environmental justice is the equal protection and meaningful involvement of all people with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies, including climate change policies, and the equitable distribution of energy and environmental benefits, and environmental burdens.

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Environmental Justice Population (this is a term in pending legislation, H.4264 and related to S.453 and S.464):

- For three years following the effective date of the environmental justice bill is a neighborhood that meets one or more of the following criteria: (a) the annual median household income is equal to or less than 65 percent of the statewide median; (b) people of color, minorities, or indigenous people comprise 40 percent or more of the population; (c) 25 percent or more of households lack English language proficiency; or (d) people of color, minorities, or indigenous people comprise 25 percent or more of the population and the median household income of the municipality does not exceed 150 percent of the statewide median income. Where a neighborhood does not meet any of those criteria, but a geographic portion of that neighborhood meets at least 1 of those criteria, the secretary of the executive office of energy and environmental affairs may designate that geographic portion as an environmental justice community upon petition of at least 10 residents of that geographic portion.
- Upon the three-year expiration of the above definition and every five years thereafter, “Environmental Justice Community” means a neighborhood that meets one or more of the above criteria with percent thresholds to be determined by regulations promulgated by the secretary of the executive office of energy and environmental affairs pursuant to chapter 30A of the General Laws following an affirmative majority vote of the Advisory Council. Where a neighborhood does not meet any of those criteria, but a geographic portion of that neighborhood meets at least one of those criteria, the secretary may designate that geographic portion as an environmental justice community upon petition of at least 10 residents of that geographic portion.

Climate Justice (this is not a definition in pending legislation or statute):

- Climate justice focuses on the root causes of climate change – human-made greenhouse gas emissions and related pollution – and making systemic changes that are required to address unequal burdens to our communities and realign our economy with our natural systems. As a form of environmental justice, climate justice means that all humans (some would say species, too) have the right to access and obtain the resources needed to have an equal chance of survival and freedom from discrimination. As a movement, climate justice advocates are leading from the grassroots up to create solutions to our climate and energy problems that ensure the right of all people to live, learn, work, play and pray in safe, healthy, and clean environments, especially historically marginalized communities including people of color, low-income residents, and English isolated residents.

Equity (this is not a definition in pending legislation or statute):

- Equity means treating an individual or community according to their needs, thereby ensuring that historically marginalized people and historically disinvested communities,

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especially people of color, low-income residents, and English isolated residents, gain access to opportunities and resources and discharge the negative consequences of unsustainability. Unless justice, equity, and worker rights are central components of our equitable climate agenda, [the inequality of the carbon-based economy will be replicated in the new pollution-free economy.](#)

[Restorative Justice](#) (this is a different definition from the one in G.L. c. 276B, § 1):

- Restorative justice means repairing harm borne by historically marginalized communities, including people of color, low-income residents, and English isolated residents, by eliminating root causes of degradation and redistributing access to opportunities and resources. Restorative justice is a value-based approach to conflict and harm that prioritizes inclusion, democracy, responsibility, reparation, safety, healing, and reintegration.

Proposed Guiding Questions to Evaluate Scenarios

On January 22, 2020, EEA provided the CJWG with draft guiding questions for our consideration. The CJWG's additional guiding questions are below in red text following each section of EEA's guiding questions.

- GHG Reductions: How does this policy contribute to the system transformation necessary to achieve 2050 goals?
 - o What key metrics will it impact?
 - o What is the anticipated magnitude of this change?
 - o Are these GHG emissions likely to be real, permanent, quantifiable, verifiable, and enforceable?
 - o Are there concerns regarding leakage to other states?

Have historically marginalized communities participated meaningfully in the policymaking process with enough support?

Does the policy make achieving GHG emissions reductions affordable to historically marginalized communities, including low-income households?

Are polluters contributing the financial share that is proportionate to their GHG emissions contributions?

How does the policy promote neighborhood-based or collective ownership of energy generation, storage, and distribution systems?

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How does the policy target distribution of benefits to environmental justice populations?

How will the policy set the floor for targeting investments to historically marginalized communities, including environmental justice populations?

How are we balancing the need to respond to the change to target investments and sustainable solutions and cease maintaining the status quo?

How does the policy support workers, such as low-wage, union, and contract workers, towards a just transition, with adequate severance pay, extended healthcare benefits, clean energy job training opportunities, and priority hiring?

How will the policy decrease the growing wealth divide based on race; color; religion; national origin; ethnicity; ancestry; citizenship or immigration status; English language proficiency; genetic information; sex; gender identity or gender expression; sexual orientation; age; disability; medical condition; familial status; pregnancy; status as a veteran or member of the armed forces, and any other characteristic enumerated in General Laws Chapter 151B §4?

How does the policy contribute to reduced air pollution and reduced heat island effect in historically marginalized communities and in communities that experience high heat exposure?

- Implementation:

- o Is it necessary to enact this policy between now and 2030? If so, why?
- o What authority does the Commonwealth have to enact this policy?
- o What agency or agencies will be responsible for implementing this policy?
- o How can this policy enhance restorative justice in the Commonwealth?

Does the policy center economic, social, and health benefits for historically marginalized communities, especially for environmental justice populations?

Is there an independent oversight entity that is comprised of individuals from historically marginalized communities, such as environmental justice populations, and have decision-making power over implementation actions?

Is there a requirement to report, at least monthly, on the implementation progress and present that information publicly in multiple languages?

Are low-wage workers benefiting from implementation?

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Are we maximizing co-benefits?

Are individuals and communities who must pay for implementation receiving concurrent benefits?

How does the policy contribute to restorative justice?

How does the policy contribute to improved safety, air quality, and public health in historically marginalized communities, especially people of color, low-income residents, and English isolated residents?

Does the proposal include the development of new consumer technologies or the broad adoption of existing technologies that are not already widely known and available to all consumers?

Does the adoption of a new consumer technology replace older technology and with no increased cost burden for low-income households, or with no other adverse consequences that exacerbate inequities in class, race, or other inequities?

- Technical Feasibility: How does this policy support the use of the best-available technology today, while remaining flexible for future changes in technology?

Does this policy rely on technology that has harmful outcomes, particularly for historically marginalized communities, such as environmental justice populations?

- Economic Impacts: What is the anticipated economic impact of this policy?
 - o What costs are associated with this policy?
 - o Are there equity concerns regarding how costs and benefits might be distributed? If so, how can they be rectified?
 - o What revenue generation is associated with this policy?
 - o What job impacts are associated with this policy?

What are the costs of not implementing the policy?

Are economic benefits tied to enforcing fair labor standards? Supporting a diverse workforce? Preventing privatization of public services?

Does the proposal include any taxes, fees, or penalties? If yes then, then how will environmental justice populations, working class communities, women,

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differently abled, older adults, and people of color be protected from this new financial burden?

- Quality of Life Impacts: Does this policy positively impact the Commonwealth's communities by improving public health, mobility, infrastructure and/or services? If so, how?
 - o Are there equity concerns regarding how these benefits might be distributed? If so, how can they be rectified?

What are the economic, racial, and gender demographics of those living in the area that will be impacted by the policy? Please also include workers, older adults, youth, and persons with disabilities.

Does the policy reduce the heat island effect, hazardous conditions, air pollution, and negative public health outcomes for historically marginalized communities?

- Environmental Quality: Does this policy improve overall environmental quality?
 - o Improvement of water quality?
 - o Increased access to green space?
 - o Increased biodiversity or ecosystems services?
 - o Are there equity concerns regarding how these benefits might be distributed? If so, how can they be rectified?
- Adaptation and Resilience: Are there ways to align this policy with the Commonwealth's adaptation priorities? If so, what are they?

Is there a way to target resilient infrastructure upgrades to communities most burdened by the heat island effect, coastal flooding, or stormwater flooding?
- Overall Assessment: Should this policy be amended in any way to improve its ability to contribute to the decarbonization pathway? Relative to other approaches considered, why should/should not this policy be prioritized?

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Proposed Scoring System

The right column proposes a scoring system that favors climate justice outcomes by weighting certain factors. The magnitude is still weighted less than the potential effect on historically marginalized communities. EEA must evaluate each scenario based on its ability to both reduce GHG emissions and deliver on the justice and equity priorities. Scenarios that deliver climate justice outcomes should rank higher. EEA should also reference [Climate Ready Boston](#) to see how the City of Boston weighted various criteria.

Category	Criterion	Informed By	Prioritization of Criterion (1 - least important, 3 - most important)
GHG Reductions	Key Metric	Sector models	1
	Magnitude	Sector models, LEAP	2
	Real, permanent, quantifiable, verifiable, and enforceable	Legal Analysis, GWSA IAC consultation	2
	Leakage	Literature review, GWSA IAC consultation	1
	Effect on historically marginalized populations	MA EJ Viewer, Climate Justice Working Group	3
Implementation	Timeframe	Sector models, LEAP, GWSA IAC consultation	1

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	Authority	Legal analysis, policy workshops	1
	Implementing Agency	Legal review, policy workshops	1
	Restorative Justice	GWSA IAC Climate Justice Working Group consultation	3
	Maximizing Co-Benefits and Benefits for Historically Marginalized Communities	Climate Justice Working Group	3
Economic Impacts	Cost	Sector models and LEAP	2
	Revenue Generation	Sector models and LEAP	2
	Jobs	IMPLAN	1
	Distribution of benefits	GWSA IAC Climate Justice Working Group consultation	2
	Fair Labor Standards	Community Labor United tool, Climate Justice Working Group	3

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	Protect and Benefit Historically Marginalized Communities	MA EJ Viewer, Climate Justice Working Group	3
Quality of Life Impacts	Public Health	GWSA IAC Climate Justice Working Group and ASC consultations	2
	Mobility	Literature review, GWSA IAC and ASC consultations	2
	Infrastructure and Services	Literature review, GWSA IAC and ASC consultations	1
	Distribution of benefits, Demographics	GWSA IAC Climate Justice Working Group consultation	2
Environmental Quality	Water Quality	Literature review, EEA staff consultation	1
	Green Space Access	Literature review, EEA staff consultation	1
	Biodiversity and ecosystem services	Literature review, EEA staff consultation	1

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	Distribution of benefits	GWSA IAC Climate Justice Working Group consultation	2
Adaptation and Resilience	Sector models, literature review, ASC consultation, EEA Mitigation team consultation, target resilient infrastructure upgrades, reduce heat island effect, improve safety	Literature review, EEA staff consultation, GWSA IAC Climate Justice Working Group consultation	2
Overall Assessment		Review of all criteria	

Conclusion

The CJWG seeks feedback from IAC members. The CJWG seeks to continue meeting with EEA to discuss implementing our recommendations and to ensure that these recommendations result in active considerations of equity and justice for the 80x50 Study and future GWSA implementation.

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