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October 20, 2021

Tori Kim, Director  
**Massachusetts Environmental Policy Act Office**  
100 Cambridge Street, Suite 900  
Boston, MA 02114

**Re: MEPA Regulatory Updates**

Dear Director Kim:

On behalf of the Massachusetts Port Authority (Massport), we are pleased to have been invited to participate in the MEPA advisory committee process and to have the opportunity to provide comments on the proposed updates to the MEPA regulations. We understand that the MEPA Office is in the process of revisiting the MEPA regulations at 301 CMR 11.00 and its policies in order to implement the new requirements of the *2021 Climate Roadmap Act* (Act). The Act requires the Executive Office of Energy and Environmental Affairs (EEA) to revise the MEPA regulations to codify changes related to environmental justice, greenhouse gas (GHG) emissions, and climate resiliency planning. In order to meet the statutory deadline of December 21, 2021, the MEPA Office has initially focused on incorporating the new environmental justice requirements into the MEPA regulations. A second phase of rulemaking is anticipated to occur in 2022 and would focus on incorporating the other elements of the Act related to GHG emissions and climate resiliency into the MEPA regulations.

Massport supports the MEPA Office's efforts to update its regulations and policies to ensure that environmental justice and climate planning and resiliency considerations are more formally incorporated into the statewide environmental review process. We also agree that this is a good time to review the selected administrative and procedural elements. We look forward to continuing our collaboration with the MEPA Office and other stakeholders on the proposed updates and discussing other key policies, thresholds, and definitions as they become available during the review process.

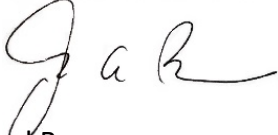
The proposed regulatory revisions modify the filing and content requirements for Environmental Notification Forms (ENF) and Environmental Impact Reports (EIR). One significant change is the addition of "public health impacts" to the current review that may cause "Damage to the Environment". We recommend that the MEPA Office define and provide additional guidance on the term "public health impacts" as it is referenced throughout the revised regulations but is not a defined term. We believe that such impacts should be defined in a manner that is consistent with other regulatory thresholds addressed in the current MEPA regulations.

In accordance with the Act, the proposed regulatory amendments also call for the MEPA Office to provide more meaningful opportunities for public review of potential environmental impacts of projects. The revised MEPA Public Involvement Protocol for EJ Populations (Protocol) was issued for comment on June 23, 2021 and was planned to take effect on October 1, 2021. Massport understands that due to public comment and feedback received on the Protocol that the effective date has been deferred for further discussion with the MEPA Advisory Committee and additional stakeholder input. While Massport has already implemented the interim EJ outreach measures, we support the implementation extension to ensure that the Protocol meets the intent of the Act and is reflective of public input and current best practices. We appreciate the MEPA Office's recent invitation for Massport to present its public involvement practices to the MEPA Advisory Committee and are hopeful this may prove useful in the development of MEPA's updated Protocol.

As always, we appreciate the ongoing spirit of collaboration with the MEPA Office, and look forward to additional dialogue on these topics as you move forward with the regulatory update process. Please do not hesitate to contact Brad Washburn at 617-568-3546 or [bwashburn@massport.com](mailto:bwashburn@massport.com) if you wish to discuss any of our comments.

Sincerely,

**Massachusetts Port Authority**



Joel Barrera

Director, Strategic and Business Planning

cc: S. Dalzell, B. Washburn, F. Leo/Massport