

Environmental Justice Council
Meeting #1
Thursday, July 28, 2022
9:30-11:30 am
Meeting Minutes

Meeting location: Zoom webinar

Meeting documents: Agenda, presentation slides

Council Members present:

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|-----------------|-------------------------|
| • Peter Maathey | • Caroline Hon |
| • Namrita Kapur | • Ari Zorn |
| • Madeline Cook | • Melissa Ferretti |
| • Lydia Lowe | • Patricia “Pat” Spence |
| • Marcos Luna | |

No Council Members were absent from this meeting.

EOEEA Staff present

- Secretary Bethany Card
 - Rishi Reddi, Director of Environmental Justice
 - Vallery Cardoso, Deputy Director of Environmental Justice
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Agenda:

1. Welcome by Secretary Card
 2. Convening and Overview of Meeting Logistics
 3. Introduction of EJ Council Members
 4. Swearing-In of Council Members
 5. Overview / Discussion of EJ Council’s Statutory Responsibilities
 6. Presentation & Discussion of Proposed Process to Meet Statutory Responsibilities
 7. Review of ‘EJ Population’ Definition in MA
 8. Next Steps and Adjourn
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Meeting began at 9:44; Start was delayed due to difficulty with Vietnamese and Haitian Creole interpretation channels, which appeared to be resolved by the start of meeting, but later inquiry showed may not have been the case. Interpretation channels were successfully available for Spanish, Portuguese, Cape Verdean Creole and Mandarin.

Welcome:

EOEEA Environmental Justice (“EJ”) Director and presenter, Rishi Reddi, provided instructions to the public about the language channels available on the Zoom platform. She announced the

Environmental Justice Council (“Council”) members and introduced EOEAA Secretary Bethany A. Card.

Secretary Bethany A. Card welcomed the council members. She discussed that the Council is mandated to serve pursuant to Chapter 8 of the Acts of 2021 “An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy.” She further discussed the role of the council to advise EOEAA and its offices by helping to develop strategies to combat climate change, conducting a comprehensive analysis of the EJ definition, raising visibility to EJ issues, and extending advice and recommendations to the administration. Secretary Card mentioned some of the initiatives undertaken by the administration, including the EJ Task Force. She discussed the importance of the work the Council will be doing and thanked them for their service.

Convening and Overview of Meeting Logistics:

Rishi Reddi provided instructions to the public on how to navigate the Zoom platform. She mentioned that interpretation services are provided in several languages to promote inclusive public participation and that the Council operates under the Open Meeting Law. She went over the meeting details and informed the public that the translated presentation slides will be available on the Council’s website for download within a reasonable time.

Introduction of Council members:

- **Madeline Fraser Cook** – Vice President of Local Initiatives Support Corporation.
- **Melissa Harding-Ferretti** – President and Chairwoman of Herring Pond Wampanoag Tribe. She is also an elected Select Board member for the town of Bourne.
- **Caroline Hon** – MA Head of Gas Network Strategy and Planning at National Grid.
- **Namrita Kapur** – Operates in philanthropy and a lecturer at Yale School of Management.
- **Lydia Lowe** - Executive Director of Chinatown Community Land Trust in Boston.
- **Marcos Luna** – Professor of Geography and Sustainability at Salem State University.
- **Peter Maathey** – Innovation Integration Leader at Pacific Life and on the Board of the Whittier Street Health Center.
- **Patricia Spence** – President of Urban Farming Institute.
- **Ari Zorn** – Environmental Activist and cannabis entrepreneur, Board Member of the Berkshire Environmental Action Team (BEAT), and Founder of Friends of Smiley’s Pond.

Swearing-In of Council Members:

Sean Pierce conducted the swearing-in of the Council members.

Overview and Discussion of Council's Statutory Responsibilities:

Rishi Reddi explained that the Council was created by legislation for the purpose of providing recommendations to EOEEA to ensure EJ Principles are met. She read the definition of EJ Principles according to the statute. She also mentioned the importance of meaningful public participation that would influence government decisions. She highlighted some of the major initiatives at EOEEA (MEPA, CECF, Cumulative Impact Assessment) and indicated that the EEA-wide EJ Strategy will be available for public comment soon. She also read the specific responsibilities of the Council.

Council members raised questions about the current definition of Environmental Justice Population and discussed some of the intricacies that may be present when defining Environmental Justice Population. The council discussed what formula to consider for defining Environmental Justice Population.

Namrita Kapur asked a question about the issues coming up that point to evaluating the EJ definition. For example, in the Town of Lexington there is an EJ Community, but Senator Barrett in Lexington has said it doesn't feel like one. Rishi responded that she'd like to talk more about this issue.

Lydia Lowe asked why a municipality's median income (the 4th criteria in the EJ definition) is important. Lydia also mentioned the criteria "minorities comprise 40 per cent or more of the population", stating that many communities are becoming dispersed. Rishi responded that this comment relates to Namrita's question in terms of the balance between income and minority population of a neighborhood. In the old definition of EJ, there was only the first three criteria.

Marcos Luna raised the concern that eastern state income may not be comparable to western state income. Additionally, there are great income variations within smaller areas, so how do you come up with consistent criteria for variations in communities?

Lydia Lowe mentioned that the formula should have more inclusive demographics that include a historic analysis, assuming that part of the definition involves the extent a community has faced environmental justice historically.

Rishi Reddi commented that we need to consider how dynamic MA populations are. How accurate will this definition be in a given year?

Ari Zorn mentioned language barriers and other environmental issues such as children that can't access the river during heat waves, people living in contaminated areas, and housing access.

Rishi commented on Lydia's earlier point that we need to look at the historical point in the context of cumulative impacts, which is how we are looking at permitting issues and other issues into the future at EOEEA's agencies.

Caroline Hon raised for consideration of the question of whether it is better to be broad in a more inclusive way in the definition or begin small and add on to the definition as the Council progresses in its analysis.

Rishi Reddi pointed out to the Council that the statute requires that a comprehensive analysis be conducted every 5 years. She also mentioned the Secretary's authority to remove Block Groups or subparts of Block Groups from identification as EJ neighborhoods and can also identify sub-block groups as EJ neighborhoods upon a petition of the residents there.

Madeline Fraser Cook made comments regarding having a clear process for inclusive community engagement and community input, as well as understanding what community engagement is and being open with the community about what that process is. Madeline commented on the importance of the way a community sees itself and if its members feel reflected in the definition. There's a need for qualitative and quantitative balance.

Vallery Cardoso read a question that was typed into the Zoom Q&A box from a member of the public. The question asked who created the EJ definition. The member of the public also commented that words such as "lack" seem to center white people.

Marcos Luna responded that there has been an EJ policy for 20 years. He provided an overview of the history of the definition and stated that the original definition is demographic, based on minority status, income, and limited English proficiency.

Discussion of Proposed Process to Meet Statutory Responsibilities:

Rishi stated that the proposed timeline to complete the comprehensive analysis is end-of-year and named a number of logistical decisions that needed to be made regarding time, type, frequency, location of meetings and language services available. Members of the Council agreed with the proposed agenda, but Council Member Marcos Luna, raised concerns that the timeline is ambitious, and more time may be required to allow for robust public input and discussion.

Melissa Harding-Ferretti also commented that we will need more time.

Madeline Fraser Cook and Ari Zorn agreed with Marcos Luna comments. Patricia Spence expressed preference for having hybrid meetings for Council members to get acquainted in person.

Caroline Hon also agreed with having hybrid meetings.

Peter Maathey agreed to the agenda.

Lydia Lowe commented that the timeline needs to allow for community participation and agreed to hybrid meetings, as well as alternate time of meetings.

Madeline Fraser Cook added comments that timeline is aggressive and may need to be revisited and suggested alternate time frames so that we are inclusive of people's schedules.

Rishi asked the Council if meetings should be recorded. Lydia Lowe expressed preference for recorded meetings since it's already public. Ari Zorn expressed preference for recorded meetings. Vallery Cardoso commented that public comments in Q&A box expressed support for recording meetings.

Rishi Reddi asked Council about feasibility of mid-September deadline. Peter Maathey proposed starting with meeting twice a month and maybe scale back to accommodate meeting deadline. Melissa Harding Ferretti agreed.

Madeline Fraser Cook proposed scaling down the length of one of the two monthly meetings.

Patricia Spence agreed that one meeting could be shorter.

Lydia Lowe mentioned that two meetings a month may be overwhelming considering the amount of work that will need to be done ahead of the meetings.

Through Q &A channel, public member(s) suggested adding a telephone line because some residents may not have internet broadband and, adding closed captioned and ASL interpretation. Public also commented that transportation and timing of meetings should be considered and that remote hybrid would be more accessible for ASL.

Rishi Reddi mentioned that public input form will be available soon on the Council's website and suggested that the public use the form to provide further input.

Additional questions/comments were provided by the public (some were vocalized directly from the members of the public, while others were typed in the Q&A box and read by Vallery Cardoso). These questions/comments are:

- Future virtual meetings should include a telephone line, ASL interpreters, and closed captions.

- Swahili language can be added as requested when public hearing affects that population. Central Massachusetts Regional Planning Council (CMRPC) does this in areas where there is a regional concentration of languages and they are undertaking regional programs.
- Patricia Rocker commented on a concern with Indigenous community representation. Stated that we need to recognize that there are large number of Indigenous communities. Also commented that the state needs better Indigenous representation. Not only focus on federally-recognized Tribes. Various Indigenous communities can separate for a variety of reasons, and that historical structure of some of MA indigenous communities was dispersed. Stated that some indigenous groups do not feel well-represented by Massachusetts Commission on Indian Affairs.
- Communities of Color are disproportionately affected by environmental pollution beyond income inequality.
- Ability for communities to review the definition is critical.
- If you decide to hold in-person meetings, please consider people with disabilities.
- Please consider meeting across the state so rural communities have access.
- Member of public Alana Feaster- If members of the community wanted to submit paperwork to the council how would we do that? Rishi responded that this can be submitted through the EJ Council webpage form, which will be operating soon.

Action Items:

1. Council to consider public participation and its influence on policy and decision-making.
2. Council to consider the definition of Environmental Justice Population relative to EJ Principles.
3. EEA-wide EJ Strategy to be made available for public comments soon.
4. Council to deliberate on holding meetings in geographically diverse communities throughout the Commonwealth at next meeting.
5. Council to deliberate on remote-hybrid, location, and timing of meetings at next meeting. Council will also discuss language service, ASL and closed captioning availability.
6. EOEEA to upload Council meeting minutes to website, including translation.

Adjournment:

Meeting was adjourned at 11:30 a.m. A precise date for the next meeting was not set. Vallery Cardoso will send Council doodle calendar poll to Council to schedule the next meeting.

Summary of questions submitted through Q&A on Zoom:

Q1. Will this meeting be recorded?

A. This meeting was not recorded, but future EJC meetings will be recorded.

Q2. Please consider ASL and closed captioning.

A. All future meetings will include American Sign Language (ASL) interpretation. The Zoom platform includes closed captioning. On the bottom of the screen, select the "CC Live Transcript" button and then select "Show Subtitle".

Q3. If there was a specific request for an additional language, would the council consider adding it? For instance, if there was a particular EJ concern in a community that speaks Swahili, a prevalent language in the Worcester /Central Mass Area. At CMRPC we are translating materials for our regional plan in Swahili. I understand the challenge of limited resources.

A. Yes, as resources allow and in a manner consistent with our language access policy, we will accept requests for interpretation and translation in additional languages up to 48 hours before meeting start. We will attempt to accommodate requests that come in less than 48 hours before meeting start.

Q4. If you decide to hold in person meetings, please consider that remote and/or hybrid meetings may be more accessible for people with disabilities. For in person, please consider both ASL and CART services, transportation options, timing, etc.

A. We are in the process of hiring a consultant to assist with logistics for hybrid meetings. We anticipate hybrid meetings of the EJ Council will begin in late October. These considerations will be discussed with the consultant once they are hired.

Q5. If you meet in person, would you move the meeting around the commonwealth so that we can reach geographically diverse EJ communities? Please make sure you connect with rural communities. Broad band can be a challenge for those in rural communities.

A. Hybrid meetings will be hosted in different locations across the Commonwealth with different options for participating virtually and telephonically. We are in the process of hiring a consultant to handle logistics for hybrid meetings to ensure they are as accessible as possible, with a consideration for geographically diverse areas of the commonwealth.

Q6. I have a series of questions related to public comments/input: will the comments sent via chat/Q&A be compiled and included in the meeting minutes? Would it be possible to make the public questions public instead of only visible by the council members/EEA staff? Will the questions that are asked by the public be answered by EEA staff to the extent that they are empirical/factual questions? Will those minutes be included on the website?

- A. Questions submitted on the Q&A become public in the Zoom Q&A box only once they are answered by the EJC or any panelists. However, all questions sent via Q&A, whether or not they were answered during the meeting, are summarized and answered here in the meeting minutes. Questions that were duplicative were summarized into one question that appear in these minutes. Questioners with specific empirical or factual questions may be asked to submit those questions through the submission process that appears on the EJC webpage if they are not pertinent to EJC discussion or because of time constraints. The online submission box is checked on a routine basis. Minutes will be posted here: <https://www.mass.gov/event/july-28-2022-meeting-of-the-environmental-justice-council-ejc-2022-07-28t093000-0400-2022-07-28t113000-0400>

Q7. How do you get on the EJ Council?

- A. Individuals are recommended to the Governor's Office for participation on the EJ Council, and undergo an approval process which includes a background check.

Q8. Why is a gas company person allowed in an EJ Council?

- A. Each member of the EJ Council brings a unique perspective to the Council due to their diverse experiences and background. Representatives from utility companies can provide a perspective that may not be seen by others. Additionally, this is an opportunity to get utilities involved in implementing EJ principles into their actions.

Q9. Since the Ma. EEA Gateway to Climate Change legislation and Barnstable County Climate Action Plan focus on land and the Massa. Ocean Plan jurisdiction begins 0.3 miles from land, who is responsible for climate EJ issues in coastal embayments (0.0-0.3 miles from the coast)?

- A. EEA has an Environmental Justice Task Force (EJTF) with representatives from each of our agencies and offices. Tyler Soleau (tyler.soleau@mass.gov), Assistant Director at Coastal Zone Management (CZM), is a member of the EJTF and may be a good contact for you.

Q10. Who/what body created the EJ population definition, including the language and words used? What is the process for amending the language to be less deficit-based and more inclusive? Words like "lack" and "minority" are deficit-based and center white people.

- A. The EJ population definition has evolved from the work of the Massachusetts Environmental Justice Advisory Committee, which was convened in 2000, then was adopted into the 2002 and 2017 EEA EJ policies, and was codified in slightly different form in *An Act Creating a Next Generation Roadmap for MA Climate Policy* passed in March 2021. The EJ Council is tasked with reviewing the EJ definition.

Q11. How do communities elevate projects that we hope will be reviewed by this council?

- A. The primary purpose of the EJC, as stated under the statute is: “There shall be an environmental justice council to advise and provide recommendations to the secretary of energy and environmental affairs on relevant policies and standards to achieve the environmental justice principles.... The environmental justice council shall conduct a comprehensive analysis... to ensure the definition of environmental justice population achieves the objectives of the environmental justice principles.” However, questions and comments about specific projects can be sent to the EJC here: <https://www.mass.gov/forms/submit-a-question-or-comment-to-the-environmental-justice-council>
- Q12. Energy burden should be a variable in the definition of EJC. We have significant income and cost of living disparities in Massachusetts making energy burden something worth exploring.
- A. Thank you for this input. Energy burden will be discussed as the EJC continues its conversations.