

Environmental Justice Council  
Meeting #2  
Thursday, September 15, 2022  
10:30-12:30 pm  
Meeting Minutes

Meeting location: Zoom webinar

Meeting documents: [Agenda, presentation slides](#)

**Council Members present:**

- Peter Maathey
- Marcos Luna
- Ari Zorn
- Caroline Hon
- Melissa Ferretti
- Kalila Barnett
- Patricia “Pat” Spence
- Cheryll Holley
- Namrita Kapur
- Lydia Lowe
- Madeline Fraser-Cook

*No Council Members were absent from this meeting. Madeline Fraser-Cook left the meeting early at 11:33 to attend to other matters.*

**EOEEA Staff present:**

- Rishi Reddi, Director of Environmental Justice
- Vallery Cardoso, Deputy Director of Environmental Justice
- Gary Moran, Undersecretary, Environmental Policy & Climate Resilience
- Caroline Higley, Assistant Secretary for Environment, Strategic Initiatives and Agency Coordination

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**Agenda:**

1. Welcome, Introductions and Overview of Meeting Logistics
  2. Approval of prior meeting minutes
  3. Announcements
    - a. Hybrid Meetings (remote / in-person) to be held in the future
    - b. EJ Maps to be updated and revised by October 1
  4. Presentation by Environmental Justice Round Table
  5. Analysis of definition of “EJ Population”
    - a. EJ in MA historical context: Marcos Luna
    - b. Discussion of the EJC work product
    - c. Process / operation of EJC
  6. Clean Energy and Climate Plan presentation
  7. Questions / comments from the public
  8. Next Steps and Adjourn
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Meeting began at 10:31.

### Welcome, Introductions and Overview of Meeting Logistics:

Rishi Reddi asked the EJ Council Members to introduce themselves. Two new Council Members, Cheryll Holley and Kalila Barnett, were introduced at this meeting.

### Approval of prior meeting minutes:

Rishi asked for a motion to adopt the July 28, 2022 meeting minutes. Patricia Spence motioned to adopt July minutes. Lydia Lowe seconded the motion and Rishi called for a Roll Call Vote. Cheryll Holley and Kalila Bennet abstained from voting because they were not in attendance at first meeting. The remaining members of the EJ Council voted yes to approve the minutes.

### Announcements:

Rishi provided updates to the EJ Council and public. These announcements included:

- c. Progress towards executing hybrid EJ Council meetings (remote / in-person). EEA is in the process of hiring a consultant to handle logistics for hybrid meetings. The hope is that hybrid meetings will happen in the near future.
- d. [EJ Maps](#) to be updated and revised by October 1. Updated maps will incorporate census data.

Lydia Lowe asked for clarification on the census data and group quarters. The City of Boston requested a census of group quarters and Lydia was not sure if other cities in the state have done that. Will EEA GIS be incorporating group quarters into the new data? Rishi responded that EEA is working through this issue right now and will inquire with our GIS coordinator about how we will be dealing with group quarters and inquire specifically about Boston.

### Presentation by Environmental Justice Table:

Rishi asked Maria Belen Power, Associate Director of GreenRoots, to come forward to begin the EJ Table's presentation. Maria Belen introduced the EJ Table and its most recent work.

Maria Belen's portion of the presentation is summarized here:

The EJ table was convened in 2018, but builds on decades of work done by EJ allies and partners across the Commonwealth. The group came together to figure out how to collectively work to define EJ after realizing that EJ was mentioned in about 20 different bills.

Maria Belen introduced the members of the EJ Table. The co-conveners are Alternatives for Community and Environment (ACE), GreenRoots, Neighbor to Neighbor, the Coalition for Social Justice, North American Indian Center of Boston (NAICOB), and they are currently in conversation with Groundworks Lawrence to be a co-convenor. The Conveners represent communities across the Commonwealth. Allies and partners who are part of the EJ table are: Green Energy Consumers Alliance, Environmental League of Massachusetts (ELM), Clean Water Action, Conservation Law Foundation (CLF), Lawyers for Civil Rights, Union of Concerned Scientists, UU Mass Action, Massachusetts Communities Action Network (MCAN).

Maria Belen then asked Sofia Owen to present the next portion of the presentation.

Sofia Owen, Staff Attorney and Director of EJ Legal Services Program at ACE, provided an overview of the history of EJ progress in MA starting in 1994 with the Massachusetts EJ Assistance Network, anchored by ACE. Sofia's comments are summarized here:

The MA EJ Assistance Network brought together communities, lawyers, licensed site professionals, hydrologists, public health professionals and others. This group led ACE to encourage the state to form the EJ Advisory Council to help develop the 2002 EJ policy.

- **2002:** the EJ Council was formed to help create the state's EJ policy.
- **2009:** ACE created the MA EJ Alliance, which led to the creation of MA Executive Order (EO) 552.
- **2009-2010:** ACE convened the EJ Alliance, a group comprised of 20 grassroots organizations from across the state. This group engaged Governor Deval Patrick to encourage him to issue an EJ EO and to fill the vacant EJ Director position. The group began drafting an EJ EO to present to the Executive Office of Energy and Environmental Affairs (EEA).
- **2011-2012:** ACE assisted the Massachusetts Department of Environmental Protection (MassDEP) in planning 5 EJ listening sessions across the state. An EJ EO was a demand at every session.
- **2013:** ACE submitted an EO draft to EEA. Governor Patrick's staff worked with the EJ Alliance on the EO.
- **2014:** The MA EJ Alliance met with EEA, from winter to spring 2014, to continue discussions on the EJ EO. The MA EJ Alliance also met with DEP to discuss increasing their attention to EJ populations. MA Office of Housing and Economic Development (HED), EEA, and MassDOT were involved in the discussions on EO. The EO was signed in 2014.
- **2015:** EEA released a state EJ policy update in January. In the update, the state reviewed, and updated, demographic data used to determine EJ neighborhoods. In May, state agencies missed a deadline to implement EJ strategies and the EJ Director role was still vacant. The Director role remained vacant for more than 3 years.
- **2018:** EJ Table was formed.

Sofia then passed to Staci Rubin, Vice President, Environmental Justice at CLF, who spoke on the EJ definition criteria. These comments are summarized here:

During the early part of the last legislative session, the EJ Table was looking at whether to define EJ populations based on demographic criteria or demographic criteria in addition to exposures to brownfields or hazardous facilities or otherwise.

The EJ Table worked with legislative sponsors Rep. Miranda, Rep. DuBois, Rep. Madaro, Senator DiDomenico, and Senator Eldridge on the law ["AN ACT CREATING A NEXT-GENERATION ROADMAP FOR MASSACHUSETTS CLIMATE POLICY"](#). They also worked with data and mapping experts such as Dr. Marcos Luna. The EJ Table was the lead advocate for the Climate Law.

One concern discussed was balancing the desire to assure that the EJ designation for communities of color was protected and broadly applicable as well as the concern about not having an over inclusion of wealthier communities. The group looked at numerous studies and experiences of people and this showed that race is the primary predictor of living near a hazardous polluting or dangerous facility. The 4th criteria of race + income was meant to ensure that communities of color were protected, but only up to a certain income level.

The group then wanted to consider whether to look at exposures in addition to demographics, but found it difficult to do that, so the group determined thresholds (percentages) to tie to demographic criteria.

Sofia told the EJ Council that it has the ability to influence the percent thresholds of what can qualify as an EJ population. Staci also talked about the requirement for community to petition to opt in a smaller subset of a geography that meets one of the EJ criteria. The EJ Council can help determine what that opt in process looks like. One question for the EJ Council to consider, is who is missing from the EJ population designation. For example, a Cape Verdean community in East Freetown, wants to receive the EJ population definition (a one mile stretch of land with many environmental hazards). The EJ Table was unable to figure out the data and thresholds to get East Freetown in, but hope they can petition to opt in. The EJ Table hopes the EJC will think about how we can ensure broad protection on the basis of

demographics for EJ population designation and think through a narrower set of locations that meet multiple criteria that would be eligible for targeted funding. Also hope that the EJC will influence the cumulative impact process that is going on with agencies.

Sofia then passed to Andrea Nyamekye, formerly of Neighbor to Neighbor, to talk about the Climate Law and why it matters. Andrea's comments are summarized here:

Now that there is an EJ law, it requires procedural and substantive justice. It requires language access and substantive justice, such as acknowledging disproportionate burdens and redressing these burdens. Prior to EJ law, agencies were not required to consider the distribution of benefits and burdens when addressing permits for energy facilities or to consider EJ populations when addressing transit service.

Andrea passed back to Maria Belen to close out the EJ Table's presentation. Maria Belen reinforced EJ Table's desire to work with the EJ Council to advance EJ across the Commonwealth. Maria Belen has emailed the EJC members to meet in groups of 3 or 4 to abide by Open Meeting Law (OML).

### Analysis of definition of "EJ Population":

A Brief History of EJ Policy was presented by Dr. Marcos Luna, Professor of Geography & Sustainability and Coordinator of the graduate Geo-Information Sciences program at Salem State University.

Rishi opened the floor for the EJ Council to discuss its work product. The general discussion is summarized below:

Rishi - What form should the work product of this council take? Should what we present at the end of analysis be a written report? An oral report? Or something in between? How do we get there? Do we break into small groups?

Pat Spence - Written documents are important, but when we can, we should bring someone in to hear what we are saying, that would be very personal for these recommendations.

Rishi - Role of this EJC is to advise secretary and senior staff.

Kahlila - In addition to the Secretary, is there a process for getting work products out to the public?

Rishi - Context for our work is that any report that advises the Secretary and her staff is a public document, so it's available to everyone.

Rishi - Any additional thoughts can be emailed directly to Val (Vallery Cardoso), please don't cc the other members of the council on that email. Deliberations between the council can only happen in this formal meeting, under the Open Meeting Law.

Rishi - Given what you have heard, what additional work/research needs to happen to make decisions about percentage of populations in EJ groups?

Cheryll Holley - "Opt in" provision for EJ communities as stated in the statute. What does that mean? Sometimes people of color can be low income yet living in nice neighborhoods. So, what does this point mean to communities especially in the central and western parts of the state?

Rishi - It's true that the opt-in provisions can help to clarify the reality for the non-eastern parts of the state.

Marcos - A community can petition the Secretary to be included in the definition of EJ Population. The details are not yet figured out.

Cheryll - So would a Tribe be able to do this?

Marcos - Communities identified are geographically defined. Opt in seems to follow geographical definition.

Melissa - Goes back to when we discussed that Herring Pond, and other Tribal peoples, live in resort communities like Cape Cod. Perhaps we can create an overlay of reservation and traditional homelands on this map. Many people who qualify and should be identified. How do we identify these communities? Not just about Tribal communities.

Cheryll Holly - Not all communities can be identified by geography.

Rishi - This is a core issue, especially with regard to the Tribes. Although the indigenous population is identified in the EJ Policy as a minority, that does not translate into how we record that data on the EJ maps. So how can we address this issue? What additional information is needed?

Melissa - A big question for Tribal communities. It is an issue for each Tribal Nation and is very personal to that Tribe.

Cheryll - Tribes are already having this conversation.

Lydia Lowe - Agree with other people about combo of written and oral for work product. For some of the work that needs to happen, appreciating how complex this is. Feel a need to learn more because I only know my community. Are there maps of different types of pollution and history and current status of tribal communities? There is a lot to learn.

Rishi - Every one of us has a different area of expertise. How we use those areas and make decisions together is the trick of this group.

Caroline Hon - Any comparisons with other states about thresholds? If so, can that information be shared?

Rishi - Yes, we do stay in contact with other states and assess what has been done there, but we have to keep in mind that that each state is quite unique. NJ and California have been an example in this field.

Pat Spence - There is so much, and I don't feel ready to go into a break out group, but we are just learning who we all are and I don't want to miss out on understanding each other's perspectives.

Peter - Discovery and research on what exists. Have there been any proposals or data that we can reflect on? How do we know when we have arrived at a decision? Would like to see it laid out. And a repository of information in one place so we can go through it all. How do we all get to the same point of understanding?

Kahlila - If we get to working groups, what support is available? Do we schedule them on our own? How will it be managed? If there is an expert in a specific area, are we allowed to consult with them?

Rishi - If anyone has any further thoughts, please submit to Vallery by 9/21 in time for the next meeting.

Rishi - I am pulling together a set of written and video resources so that the Council can use them. So that we can all be on the same page moving forward.

### Clean Energy and Climate Plan presentation:

Hanh Chu, GWSA Program Manager provided briefing on Clean Energy and Climate Plan for 2050. The following question was asked and response provided:

Marcos - To what extent does the decarbonization plan have metrics regarding equity in terms of how its implemented? Is there a plan for measuring this?

Hanh – We are working on an online dashboard where we'll be tracking progress of goals and commitments of plan. Current alpha version of dashboard doesn't have equity metrics but that is something that we want to pursue for the beta version that will be released next year. Hanh's team has engaged with the GWSA Implementation Advisory Committee (IAC) about some of the metrics they'd like to see, and they also brought up the importance of measuring implementation from an equity perspective so they have some suggestions of equity metrics. The Climate Justice Working Group of the IAC in 2020 also provided suggested metrics. Will be reviewing over the next year to see of those metrics, which ones we vsm find reliable data for and track on an annual or regular basis .

Marcos - If possible, ask that any data collected always be tied to geography some way that can be reported. Also, if at a household level, some basic anonymized information about who is being served by those things.

No other questions were asked after Hanh's presentation.

### Questions/Comments from the public:

Rishi asked for Vallery if there were any comments from the public in the Zoom Q&A box. No questions were in the Q&A box, but a member of the public did raise their virtual hand to speak. The question came from Melanie Gárate. Melanie asked how the council imagines the new administration will impact the work that this council will be doing. Rishi responded that the EJ Council will continue as an institution and that we will learn of the priorities of the new administration. Melanie also asked the EJ Council to keep the public informed of any changes.

Patricia Spence asked how we will include our elders in this work. When we look at EJ, it happens to our parents and grandparents, so how do we include them? Especially considering that they may be in a different place technologically. Rishi responded that virtual meetings are not ideal, but it does make meetings more accessible to particular groups. Zoom does have a call-in option. The elderly is an important group and they do come up in several conversations as members of climate vulnerable populations and public health vulnerabilities.

### Next Steps and Adjourn:

Rishi announced that the next meeting of the EJ Council will be held on Tuesday, September 27 at 12pm. The meeting will be hosted virtually on Zoom. The agenda items for that meeting are: What will the work product be and how do we arrive there and an introduction to the EEA's EJ Task Force.

Rishi stated that any feedback on agenda items can be sent to Vallery.

Namrita commented that the information that is given to the EJ Council is about where the definition is failing us the most and that over inclusion is a better path than under inclusion. Namrita asked where is the definition not working well and can the EJ Council get some data on that. Rishi responded that there is information out there, and one of the things this group will be doing is sifting through that information and ground truthing it to see how it could affect the definition.

Rishi opened the floor to ask for a motion to adjourn. Namrita motioned to adjourn and Cheryll seconded the motion. Rishi called names for a roll call vote. Every member voted yes to adjourn. Meeting adjourned at 12:32 9/15/2022.