

Transition Rules for Public Involvement Requirements for Environmental Justice Populations
Effective as of June 24, 2021

Section 60 of Chapter 8 of the Acts of 2021: *An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy* (the “Climate Roadmap Act”) (adding new Section 62J to M.G.L. c. 30), directs the Secretary of the Executive Office of Energy and Environmental Affairs (EEA) to provide opportunities for meaningful public involvement by environmental justice (EJ) populations during the MEPA review process. Section 60 also specifies certain requirements for environmental notification forms filed with the MEPA Office.

To implement Section 60 of the Climate Roadmap Act and new M.G.L. c. 30, § 62J, the MEPA Office, on behalf of the Secretary, has issued for public comment a [DRAFT] *MEPA Public Involvement Protocol for EJ Populations* (the “MEPA EJ Public Involvement Protocol,” which is a revision of a prior draft protocol referenced as the “MEPA Interim Protocol for EJ Outreach”). The MEPA Office is accepting comments until July 30, 2021, and anticipates issuing a final protocol to be effective by October 1, 2021.

The following transition rules address public involvement requirements for EJ populations between **June 24, 2021**, when the Climate Roadmap Act goes into effect, and the effective date of the MEPA Public Involvement Protocol (currently anticipated to be October 1, 2021). These transition rules seek to ensure compliance with minimum requirements imposed by the Climate Roadmap Act until more detailed guidance through the final MEPA Public Involvement Protocol becomes effective.

Transition Rules

For new projects filed between **June 24, 2021** and the effective date of the MEPA Public Involvement Protocol (currently anticipated to be October 1, 2021), all Environmental Notification Forms (ENFs) and Expanded Environmental Notification Forms (EENFs) filed with the MEPA Office must provide a narrative identifying environmental justice (EJ) populations within 1 mile of the project site and describing whether the project is reasonably likely to negatively affect such EJ populations. If the project is anticipated to affect air quality, the ENF/EENF shall identify EJ populations within 5 miles of the project site and describe whether the project is reasonably likely to negatively affect such EJ populations.

This [EJ mapping tool](#), which has been updated to reflect the new definition of “environmental justice population” in the Climate Roadmap Act, shall be used to identify EJ populations for purposes of complying with these transition rules.

If the ENF/EENF indicates that the project is reasonably likely to negatively affect EJ populations, the ENF/EENF shall describe any measures taken to promote public involvement by such EJ populations prior to filing the project with the MEPA Office, as well as any additional steps the Proponent intends to take during the course of MEPA review.

Proponents are strongly encouraged, at a minimum, to conduct pre-filing outreach to EJ populations within 1 mile of the project site. Proponents also must be prepared to provide language translation (oral interpretation), as needed, during the MEPA Site Visit in any language(s) spoken by a significant portion of potentially affected EJ populations as determined in consultation with the MEPA Office. The Secretary may require additional measures to promote public involvement, as appropriate, in the Scope for any Environmental Impact Reports (EIRs) required for projects filed during this transition period.

These transition rules apply to new project filings (ENF/EENFs) submitted between **June 24, 2021** and the effective date of the MEPA Public Involvement Protocol (currently anticipated to be October 1, 2021). However, Proponents making other filings during this transition period (DEIRs, FEIRs, NPCs, PCNs, etc.) are encouraged to comply.