ENVIRONMENTAL JUSTICE POLICY OF THE EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

"The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose."

Constitution of the Commonwealth of Massachusetts, Article 97.

PREAMBLE

The Executive Office of Energy and Environmental Affairs (EEA) is charged with developing broad energy and environmental policy. EEA policies are implemented through a number of agencies and divisions that fall within the purview of the EEA Secretariat. Those agencies and divisions include the Department of Agricultural Resources, the Department of Conservation and Recreation, the Department of Energy Resources, the Department of Environmental Protection (MassDEP), the Department of Fish and Game, the Department of Public Utilities, the Energy Facilities Siting Board, the Massachusetts Office of Coastal Zone Management, the Massachusetts Bay Estuary Program, the Division of Conservation Services, the Massachusetts Environmental Police, the Massachusetts Environmental Policy Act (MEPA) Office, the Massachusetts Environmental Trust, the Office of Technical Assistance and Technology, the Water Resources Commission, the Licensed Site Professional Board and the Hazardous Waste Site Cleanup Professionals Board.

The Environmental Justice Policy (the Policy), originally issued in 2002, was initially informed by an advisory committee of stakeholders known as the Massachusetts Environmental Justice Advisory Committee (MEJAC), with representatives from local community groups, industry, the faith community, academia, and the indigenous community. MEJAC's direction and vision was critical to the initial development of the Policy. In addition, the Policy was shaped by comments received during a rigorous seven-month comment period, including numerous meetings and discussion sessions with interested parties across the state. Also central to the development of the original Policy was the advice and commitment of the Environmental Justice Working Group, an active, multi-agency stakeholder group at that time comprising the Department of Environmental Protection, the Department of Environmental Management, the Department of Fisheries, Wildlife, and Environmental Law Enforcement, the Department of Food and Agriculture, the Metropolitan District Commission, the Massachusetts Environmental Policy Act (MEPA) Office, the Massachusetts Watershed Initiative, the Office of Technical Assistance, the Division of Conservation Services, the Office of Coastal Zone Management, the Department of Housing and Community Development, and the Department of Public Health.

When the original Policy was formulated, the Secretary of Environmental Affairs noted that many communities, particularly in suburban and rural areas, faced significant challenges while attempting to guide how and where development occurs while preserving the character of their communities. The loss of farmlands, forests and open spaces was also duly noted. While significant progress was made under the old Policy, communities today, particularly those densely populated urban neighborhoods in and around the state's older industrial areas, still face challenges. Residents in these communities are more likely to live next to existing large and small sources of pollution and old abandoned, contaminated sites, which can pose risks to public health and the environment. By ensuring a healthy living environment and

restoring resources that have been degraded in the past, residents can attract new businesses where the infrastructure already exists and create new open spaces that are consistent with the character and needs of their community. This Policy reinforces that all communities must have a strong voice in environmental decision-making regardless of race, income, national origin or English language proficiency and that increased investment in the preservation and enhancement of the Commonwealth's open spaces and urban park network must also remain a priority. In addition, increased attention must be focused on communities that are built in and around the state's oldest areas with a legacy of environmental pollution, particularly in areas that may already have a status of vulnerable health.

In November, 2014, Governor Deval Patrick issued Executive Order 552 to encourage sustained and continued efforts now and into the future to ensure that environmental justice remains a priority for the executive branch. Discussions around an Environmental Justice (EJ) Executive Order (EO) began in 2011 when MassDEP worked with advocates to plan numerous EJ Listening Sessions across the state that involved prioritizing discussions around the establishment of an EJ EO. In 2013, preliminary drafts of the EO were created and thoughtfully discussed between EEA, internal agency representatives, and representatives from The Massachusetts Environmental Justice Alliance. Executive Order 552, among its provisions, directed the Secretary of EEA to update this Policy. Updates to the Policy were led by EEA in consultation with its agencies and other key internal representatives, such as the Department of Public Health. A finalized draft for public comment was created and a 45 day public comment period was invoked. Within the first 30 days, EEA conducted listening sessions across the state, focused on extending the conversation and providing inclusive public participation around finalizing the newly updated Policy. In addition to the Policy update, Executive Order 552 establishes that all Secretariats must have an EJ Strategy specific to their mission that shows how its agencies will promote environmental justice. EEA will create its own EJ Strategy which will be separate from this Policy and both the EJ Policy and EJ Strategy will be reviewed every five (5) years.

LEGAL AUTHORITY

The standards set forth below apply to EEA actions to the full extent permitted by law. Chapter 21A, Section 2 of Massachusetts General Laws describes the functions and duties of the Executive Office of Energy and Environmental Affairs. Section 2 provides, generally, that "the office and its appropriate departments and divisions shall carry out the state environmental policy and in so doing they shall. . . (1) develop policies, plans, and programs for carrying out their assigned duties... (... (17) analyze and make recommendations...concerning the development of energy policies and programs in the commonwealth...(30) consistent with chapter 21N, oversee state agency efforts to address and diminish the impacts of climate change by coordinating state agency actions to achieve the greenhouse gas emissions limits established in chapter 21N...." Executive Order 552 was issued to "...encourage sustained and continued efforts across Massachusetts in order to ensure that environmental justice remains a priority for the Executive Branch..."

APPLICABILITY

This Policy applies to all agencies, offices, commissions, boards and other entities that fall within the purview of the Executive Office of Energy and Environmental Affairs. Those include the Department of Agricultural Resources, the Department of Conservation and Recreation, the Department of Energy Resources, the Department of Environmental Protection, the Department of Fish and Game, the Department of Public Utilities, the Energy Facilities Siting Board, the Massachusetts Office of Coastal Zone Management, the Massachusetts Bay Estuary Program, the Division of Conservation Services, the

Massachusetts Environmental Police, the Massachusetts Environmental Policy Act (MEPA) Office, the Massachusetts Environmental Trust, the Office of Technical Assistance and Technology, the Water Resources Commission, the Licensed Site Professional Board and the Hazardous Waste Site Cleanup Professionals Board.

DEFINITIONS

***Environmental justice* is based on the principle that all people have a right to be protected from environmental pollution and to live in and enjoy a clean and healthful environment regardless of race, income, national origin 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 energy, climate change, and environmental laws, regulations, and policies and the equitable distribution of energy and environmental benefits.**

"Cleaner Production" means a manufacturing process or approach to manufacturing production that is based on toxics use reduction and pollution prevention and that strives to incorporate the following components: waste reduction, non-polluting production, energy efficiency, safe and healthy work environments, and environmentally sound products and packaging.

"Equal Protection" means protection of all groups of people, regardless of race, income, ethnicity, class, gender, or handicap from an unfair share of environmental pollution from industrial, commercial, state and municipal operations or limited access to natural resources, including green space (open space) and water resources, and energy resources, including energy efficiency and renewable energy generation.

"Energy Benefits" means access to funding, training, renewable or alternative energy, energy efficiency, or other beneficial resources disbursed by EEA, its agencies and its offices.

"Environmental Benefits" means access to funding, open space, enforcement, technical assistance, training, or other beneficial resources disbursed by EEA, its agencies, and its offices.

"Environmental Justice (EJ) Population" means a neighborhood whose annual median household income is equal to or less than 65 percent of the statewide median or 25% of its population is Minority, Lacking English Language Proficiency, or its childhood cancer/lead poisoning or asthma rates are statistically significantly higher than the statewide averages.

"Lacking English Language Proficiency" refers to households that, according to federal census forms, do not have an adult proficient in English.

"Low Income" means median annual household income at or below 65 percent of the statewide median income for Massachusetts, according to federal census data.

"Meaningful Involvement" means that all neighborhoods have the right to participate in partnership with government in energy, climate change, and environmental decision-making including needs assessment, planning, implementation, compliance and enforcement, and evaluation, and neighborhoods are enabled and administratively assisted to participate fully through education and training means, and encouraged to develop environmental, energy, and climate change stewardship.

"MEPA" is the Massachusetts Environmental Policy Act, M.G.L. Ch.30, Sections 61-62I. Under the MEPA statute, EEA reviews the potential environmental impacts of state agency actions that exceed

certain regulatory thresholds. MEPA involves public review and comment, and is subject to strict statutory deadlines on the length of reviews.

"Minority" refers to individuals who identify themselves on federal census forms as non-white or Hispanic.

"Neighborhood" means a census block group as defined by the U.S. Census Bureau but not including people who live in college dormitories or people under formally authorized, supervised care or custody (i.e. in federal or state prisons); for health data, neighborhood means census tract.

"Supplemental Environmental Project" means an environmentally beneficial project in the settlement of environmental enforcement cases as set forth in " Policy on Supplemental Environmental Projects," Department of Environmental Protection Policy ENF-07.001.

"Vulnerable Health" means health of populations where children's health indicators are statistically significantly greater than expected/statewide rates.

STATEMENT OF PURPOSE

It is the policy of the Executive Office of Energy and Environmental Affairs that environmental justice shall be an integral consideration to the extent applicable and allowable by law in the implementation of all EEA programs, including but not limited to, the grant of financial resources or technical assistance, the promulgation, implementation and enforcement of laws, regulations, and policies, the provision of access to both active and passive open space, and the diversification of energy sources, including energy efficiency and renewable energy generation.

Nationally, the need for environmental justice has been most widely recognized in communities of color and low-income communities. This Policy builds on federal environmental justice guidelines in ways that reflect the needs and circumstances specific to Massachusetts. It targets EEA resources to service those high-minority/low-income neighborhoods in Massachusetts where the residents are most at risk of being unaware of or unable to participate in environmental, energy, or climate change decision-making and/or health impacts. Working with these EJ populations, EEA will take direct action as part of the implementation of this Policy to restore degraded natural resources, to increase access to open space and parks, to address environmental and health risks associated with existing and potential new sources of pollution, to appropriately address climate change, and to improve overall quality of life by:

- Enhancing opportunities for residents to participate in environmental, energy, and climate change decision-making;
- Enhancing the environmental review of new or expanding significant sources of environmental burdens in these neighborhoods;
- Ensuring that residents are prepared for and resilient to the effects of climate change (such as heat island effect or flooding) and ensuring that these effects are minimized during development;
- Ensuring that existing facilities in these neighborhoods comply with state environmental, energy, and climate change rules and regulations;
- Ensuring these neighborhoods benefit from positive impacts of environmental programs, grants and investments; and
- Encouraging investment in economic growth in these neighborhoods where there is existing infrastructure, in particular where an opportunity exists to restore a degraded or contaminated site and encourage its clean, productive and sustainable use.

This Policy is not intended to eliminate or in any way minimize EEA's responsibility to address environmental justice concerns that are raised outside the designated EJ populations. Moreover, this Policy is intended to reinforce and enhance EEA efforts to comply with the existing legal mandates in Title VI of the federal Civil Rights Act of 1964, which apply to all recipients of federal financial assistance, including all EEA agencies. These mandates preclude any EEA agency or program from using criteria or methods of administration, which have the effect of subjecting individuals to discrimination because of their race, color, or national origin. 40 C.F.R. § 7.35(b). They also preclude any EEA agency or program from deeming a site suitable or locating a facility where it will have discriminatory effects on the basis of race, color, or national origin. 40 C.F.R. § 7.35(c). The legal requirements of Title VI of the federal Civil Rights Act of 1964 and 40 C.F.R. Part 7, Subpart B ("Nondiscrimination in Programs Receiving Federal Assistance from the Environmental Protection Agency") imposed on recipients of federal financial assistance are incorporated into this Policy by reference.

EJ Populations

EJ populations are those segments of the population that EEA has determined to be most at risk of being unaware of or unable to participate in environmental decision-making or to gain access to state environmental resources. They are defined as neighborhoods (U.S. Census Bureau census block groups or for health data, census tract levels) that meet *one or more* of the following criteria:

- The median annual household income is at or below 65 percent of the statewide median income for Massachusetts; *or*
- 25 percent of the residents are minority; *or*
- 25 percent of the residents are lacking English language proficiency; *or*
- Childhood cancer/lead poisoning or asthma rates are statistically significantly higher than the statewide averages.

As required by Executive Order 552, EEA shall review and revise, as needed, the definition of "EJ Populations" in this Policy. This review shall include consultations with the Interagency Environmental Justice Working Group and interested parties across the state. Thereafter, this definition shall be reviewed every ten (10) years.

Serving EJ Populations

Many EJ populations are located in densely populated urban neighborhoods, in and around the state's oldest industrial sites, while some are located in suburban and rural communities. These high-minority/low-income neighborhoods sometimes encompass only a small portion of the land area of the Commonwealth but they host, or are in close proximity to, many of the state's contaminated and abandoned sites, regulated facilities, and sources of pollution. Given the environmental and health risks and impacts on quality of life associated with such conditions, this Policy identifies below a number of specific services to be provided to EJ populations by the Secretary, EEA agencies and other related state agencies. These services are designed to enhance public participation and engagement, target compliance assessment and assistance efforts, address health disparities, enhance the review of significant new or expanding facilities presenting potential adverse impacts to public health or the environment, and encourage economic growth through the cleanup and redevelopment of brownfields sites.

<u>Office of the Secretary</u>

ORIGINAL

1. **The Director of Environmental Justice.** The Director is established within the Office of the Secretary. The Director acts as the initial point of contact on all environmental justice matters and shall coordinate the implementation of this Policy, track progress and prepare annual reports for public distribution. The Director shall also serve as the Chair and convener of the Interagency Environmental Justice Working Group established by Executive Order 552.

2. **EJ Training.** EEA shall develop a plan to provide environmental justice training to EEA and other secretariat employees on ways to appropriately and effectively implement the Policy to ensure that EJ remains a priority for all EEA agencies. The following staff must receive environmental justice training: a) EEA agency staff serving as EJ points-of-contact; b) EEA agency staff disbursing grants to municipalities, individuals, and organizations for the provision of open space, river maintenance or restoration, education, and technical assistance; c) MEPA staff; and d) the Interagency EJ Working Group.

3. **Fact Sheets.** EEA shall develop fact sheets on MEPA, the Massachusetts Parkland Acquisitions and Renovations for Communities (PARC) and the Massachusetts Local Acquisitions for Natural Diversity (LAND) programs, the Massachusetts Environmental Trust, and other programs to inform residents in neighborhoods where EJ populations reside that these programs exist and how they function. Working with the agencies, the Director shall determine the languages in which said fact sheets shall be published.

4. **EJ Organization and Mailing List.** Working in coordination with the Governor's Environmental Justice Advisory Council, the Director shall develop a list of EJ community and advocacy organizations and an "EJ Mailing List" consisting of these organizations and interested members of EJ populations, and others. This list will be distributed by EEA to all Secretariats to be incorporated into mailing lists for newsletters and other general outreach information, including maintaining subsequent updated versions.

5. **Alternative Media Outlets.** EEA shall develop a list of alternative information outlets to be made available to EEA agencies seeking public comments and to project proponents who may be asked to publish public notices for projects that are in or may otherwise impact EJ populations. EEA shall continually maintain this list by adding new outlets, as needed, for newly identified EJ areas, keeping contact information up to date, and by deleting outlets that are no longer in business or relevant for this purpose.

6. **Information Repositories.** In addition to using normal governmental information repositories, EEA, upon request, shall consider the use of alternative information repositories in neighborhoods where EJ populations reside, including Non-Governmental Agency establishments.

7. **Interagency Environmental Justice Working Group.** Executive Order 552 calls for the establishment of an Interagency Environmental Justice Working Group made up of designated EJ Coordinators from each Secretariat. The Interagency Environmental Justice Working Group seeks to maximize state resources, research, and technical assistance to further the goals of Executive Order 552 and this Policy. The Interagency Environmental Justice Working Group is chaired by EEA's Director of Environmental Justice and will convene periodically to ensure environmental justice concerns are properly evaluated and addressed.

8. **EJ Maps.** MASSGIS has prepared detailed maps based on 2010 U.S. Census data to identify EJ populations to be serviced by this Policy. MASSGIS will update these maps at least every ten (10) years as new U.S. Census data becomes available, including but not limited to, data from the American Community Survey (ACS) database.

9. **EJ Website.** EEA shall establish and update accordingly an online EJ repository for information about

the Commonwealth's environmental justice activities, initiatives and resources.

EEA Agency Services

General Requirements

10. **Secretariat EJ Strategy.** EEA agencies shall develop their own strategies to proactively promote environmental justice in all neighborhoods in ways that are tailored to the agencies' mission. In doing so, EEA agencies shall consider how to appropriately integrate environmental justice considerations into their departments through policies, programs, or other strategies. In addition to the particular services already specified below, EEA agencies shall identify and promote agency-sponsored projects, funding decisions, rulemakings or other actions intended to further environmental justice throughout the Commonwealth. These strategies will be consolidated into one Secretariat EJ Strategy and will be finalized by a date established by the Secretary.

11. **Senior-Level Commitment.** All EEA agencies shall designate EJ points-of-contact to actively support the Director of Environmental Justice and the Interagency Environmental Justice Working Group.

Enhancing Public Participation

12. **Agency Public Involvement and Community Engagement Programs.** As part of EEA's EJ strategy, all EEA agencies shall establish an inclusive, robust public participation program for key agency actions that focuses agency resources on outreach activities that enhance public participation opportunities for agency activities that potentially affect EJ populations. Each EEA agency must create a Public Involvement and Community Engagement Strategy for key activities, including a plan for federally-funded activities with applicable obligations under Title VI of the Civil Rights Act. In developing these public involvement and community engagement strategies, agencies shall consider the following outreach efforts:

- Scheduling public meetings or hearings at locations and times convenient for neighborhood stakeholders, and in consideration of public transportation availability;
- Encouraging permit applicants to hold pre-application meetings with the local community, and providing them with EJ Fact Sheets and EJ Organization contact lists;
- Translating public notices and other key public engagement documents into other languages in areas with persons of limited English language proficiency;
- Offering interpreters and translated documents at public meetings as appropriate and upon request;
- On a case-by-case basis:
    - Establishing one or more local information repositories that are convenient and accessible for the impacted community, as well as providing availability of information on-line;
    - Gathering community-specific local media contacts (based on the culture of the community);
- Utilizing alternative dispute resolution techniques where appropriate to prevent and/or address community concerns;
- Providing timely notices to neighborhoods potentially impacted by a decision, and providing clear guidance on applicable grievance/appeal procedures; and
- Providing information and assistance to EJ populations regarding grant applications and facilitation about environmental, energy, or climate change regulations to assist them with compliance and sustainability.

13. **Enhanced Public Participation Under MEPA.**[1] As part of the Secretary's commitment to Environmental Justice, enhanced public participation will be required for the following projects as they undergo review in accordance with MEPA:

- (1) Any project that exceeds an Environmental Notification Form (ENF) threshold for air, solid and hazardous waste (other than remediation projects), or wastewater and sewage sludge treatment and disposal[2]; and
- (2) The project site is located within one mile of an EJ Population (or in the case of projects exceeding an ENF threshold for air, within five miles of an EJ Population).

Enhanced public participation may include use of alternative media outlets such as community or ethnic newspapers, use of alternative information repositories, and translation of materials or interpretation services prior to and during public meetings where the relevant EJ Population uses a primary language other than English in the home.

Enhancing the Review of New MEPA Projects in EJ Populations

14. **Enhanced Analysis of Impacts and Mitigation Under MEPA.**[3] In addition to the enhanced public participation requirements specified in section 13 above, enhanced analysis will be required as part of the Environmental Impact Report (EIR) scope for projects that:

- (1) Exceed a mandatory EIR threshold for air, solid and hazardous waste (other than remediation projects), or wastewater and sewage sludge treatment and disposal; *and*
- (2) Are located within one mile of an EJ Population (or in the case of projects exceeding a mandatory EIR threshold for air, within five miles of an EJ Population) [4]. The project proponent may submit actual air modeling data on the project's area of potential air impacts in its EIR scope to modify the presumed five-mile impact area referred to in condition (2) above.

Enhanced analysis of impacts and mitigation may include analysis of multiple air impacts; data on baseline public health conditions within the affected EJ Population; analysis of technological, site planning, and operational alternatives to reduce impacts; and proposed on-site and off-site mitigation measures to reduce multiple impacts and increase environmental and energy benefits for the affected EJ Population.

15. **Review of Thresholds.** As required by Executive Order 552, MEPA shall seek and consider stakeholder input on which thresholds are appropriate for enhanced participation and/or enhanced analysis.

16. **Collaboration with the Director of EJ.** For any projects designated in an EJ Population, as defined by this Policy, the MEPA Office shall commit to collaborating with the Director of Environmental Justice on ways to ensure that appropriate measures are taken by project proponents in addressing any potential environmental impacts the project may have on the existing EJ population. This will include, but not be limited to identifying applicable languages for the translation of public notices and urging proponents to work with active EJ organizations in the project's designated area.

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[1] Projects that have filed an Environmental Notification Form prior to October 1, 2002, shall not be subject to Sections 13 or 14, unless there is a subsequent material chance in the proposed project.

[2] The applicable MEPA thresholds for an ENF are codified at 301 CMR 11.03(5)(b)(1), 301 CMR 11.03(5)(b)(2), 301CMR 11.03(5)(b)(5), 301 CMR 11.03 (8)(b), and 301 CMR 11.03(9)(b).

[3] Projects that have filed an Environmental Notification Form prior to October 1, 2002, shall not be subject to Sections 13 or 14, unless there is a subsequent material change in the proposed project.

[4]The applicable MEPA thresholds for an EIR are codified at 301CMR 11.03(5)(a)(1), 301 CMR 11.03(5)(a)(6), 301 CMR 11.03(8)(a)(1), and 301 CMR 11.03(9)(a).

17. Enhanced Public Participation and Analysis of Impacts and Mitigation Under the Energy Facilities Siting Board ("Siting Board")

The Siting Board shall continue to use enhanced public participation procedures in its review of energy facility petitions based on the defined project parameters used by MEPA, noted in Section 14 above. The Siting Board shall continue to require petitioners to translate public hearing notices into languages relevant to affected environmental justice populations and to publish such notices in both English and foreign-language media outlets as well as to post notices in community locations that reach EJ populations. In addition, the Siting Board shall continue to require that translators be available at public comment hearings for project locations where EJ populations are present.

The Siting Board is required by statue to assess air, water resource, wetlands, solid waste, visual, noise, local and regional land use, and cumulative health impacts for jurisdictional generation facilities. Decisions issued by the Siting Board include measures to mitigate impacts for the affected communities. The Siting Board considers the term "cumulative health impacts" to encompass the range of effects that a proposed facility could have on human health due to exposure to noise, electromagnetic fields and substances emitted during construction and operation of the facility, as well as possible effects on human health unrelated to substances. The Siting Board considers these effects in the context of existing baseline health conditions and existing background conditions and, when appropriate, likely changes in the contributions of other major emissions sources.

Targeting Compliance, Enforcement and Technical Assistance

18. **Outreach.** All EEA agency staff serving as EJ points-of-contact shall work to ensure that inclusive public participation and meaningful outreach is exhibited when working with EJ populations. The EJ points-of-contact shall work with their agencies to identify when a community will require more comprehensive planning and engagement due to their status as an EJ population.

19. **Targeted Compliance, Enforcement, and Assistance.** Environmental compliance and enforcement and assistance agencies (including MassDEP) shall develop targeted compliance initiatives for neighborhoods where EJ populations reside and where local environmental and public health conditions warrant increased attention.

20. **Community Based Projects.** EEA shall develop and maintain a list of community-based projects which may be used by agencies and external parties when considering opportunities for mitigation projects (e.g., Supplemental Environmental Projects stemming from MassDEP enforcement actions).

21. **Compliance Assistance.** On a regular and ongoing basis, EEA agencies shall assist federal agencies, local boards of health and other municipal offices, and community-based organizations in neighborhoods where EJ populations reside in addressing compliance matters related to the EEA agency's jurisdiction.

22. **OTA Services.** On a regular and ongoing basis, EEA's Office of Technical Assistance (OTA) shall offer services to new and expanding facilities in neighborhoods where EJ populations reside through its "Right from the Start" program to give advice on toxic use reduction.

23. **Public Health.** EEA and MassDEP shall meet regularly with DPH to coordinate on environmental issues potentially affecting public health, including matters related to exposures from multiple sources of pollution and efforts focused on EJ communities.

Investments in the Economy and Open Space

EEA and its agencies shall consider environmental justice as a criterion for awarding grants and prioritizing program funding to applicable recipients. Furthermore, EEA and its agencies shall continue to prioritize EJ communities through attentive planning practices and thoughtful consideration when permitting and developing.

Promoting Brownfields Revitalization as Environmental Restoration

EEA shall continue to prioritize EJ communities in its collaborative work with state, local, and federal partners to maximize Brownfields remediation and redevelopment programs, including work with the Department of Housing and Economic Development, MassDevelopment, the Massachusetts Office of the Attorney General, the Department of Revenue, the Massachusetts Department of Transportation, the Department of Energy Resources, the U.S. Environmental Protection Agency, the U.S. Department of Housing and Urban Development, and other municipal, regional, non-profit, and private sector stakeholders.

Promoting Economic Partnerships

EEA has and shall continue to work with the Executive Office of Housing and Economic Development (HED) on promoting economic partnerships. Specifically, EEA shall work with HED to promote economic development projects that incorporate cleaner production practices in neighborhoods where EJ populations reside. This will include, but not be limited to collaboration with the following key agencies:

24. **EACC.** With the assistance of HED, EEA shall formally request that the Economic Assistance Coordinating Council (EACC) adopt a proposal that would encourage new and existing manufacturing operations that are seeking incentives through the Economic Development Incentive Program to consult with OTA on cleaner production manufacturing practices.

25. **MOBD.** The Massachusetts Office of Business Development (MOBD) will coordinate with EEA to more effectively link the issues of economic and environmental justice at the neighborhood level.

26. **DHCD.** EEA shall work closely with the Department of Housing and Community Development (DHCD) to maximize the benefit of its resources on issues of growth and community development in neighborhoods where EJ populations reside.

Promotion of Open Space

27. **Targeted Open Space Resources.** EEA shall endeavor to target its resources to more effectively create, restore, and maintain open spaces located in neighborhoods where EJ populations reside.

28. **PARC and LAND Programs.** EEA has amended the PARC and LAND program regulations to incorporate environmental justice into the award scoring system.

29. **Riverways and MET.** EEA shall work with the Department of Fish and Game's Division of Ecological Restoration and the Massachusetts Environmental Trust (MET) to develop systems for

incorporating environmental justice as a criterion for awarding grants with the goal of having these systems in place by the next funding cycle for these grant programs.

30. **ILC.** The Interagency Land Committee (ILC), comprised of representatives from the Department of Agricultural Resources (DAR), the Department of Conservation and Recreation (DCR), the Department of Fish and Game (DFG), and EEA who administer all land and park grant programs and the agency land acquisition programs, shall make it a priority to promote preserving and restoring open spaces in neighborhoods where EJ populations reside.

31. **Urban Forestry.** To help improve the environmental quality of urban neighborhoods, EEA shall, in partnership with DCR, implement the Urban Forestry and Greening the Gateway Cities programs to increase urban forest canopy in EJ neighborhoods through grants, training, and tree planting initiatives.

32. **Adaptation.** EEA agencies shall consider the current and future impacts that climate change will have on EJ populations. In doing so, EEA agencies shall take appropriate measures towards ensuring that EJ populations are equally protected from hazards and health risks imposed by future climate changes and properly informed of appropriate measures taken to increase their adaptive capacity. Furthermore, EEA agencies shall collaborate with other Secretariats when awarding grants around climate resiliency to ensure that vulnerable populations are considered in the process.

DISCLAIMERS

This Policy is not intended to supersede existing law or regulation. EEA agencies shall implement this Policy consistent with, and to the extent permitted by, existing law. This Policy is intended only to improve the internal management of EEA agencies and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against EEA, its agencies, its officers, or any person. This Policy shall not be construed to create any right to judicial review involving the compliance or noncompliance of EEA, its agencies, its officers, or any other person with this Policy. This Policy is not intended to regulate agencies outside the EEA secretariat, except to the extent that those agencies have decisions pending before EEA agencies.

EFFECTIVE DATE

Secretary Matthew A. Beaton hereby adopts this Environmental Justice Policy which will be effective immediately upon execution. Every five (5) years the Secretary will review the Policy and its implementation and may, after soliciting public input, amend the Policy to more effectively serve its purposes.

EXECUTION

Executed this XXX at Boston, Massachusetts.

By: _____

Matthew A. Beaton
Secretary for Energy and Environmental Affairs