

Buzzards Bay National Estuary Program

Bipartisan Infrastructure Law Long-Term Plan and Equity Strategy

Pursuant to Infrastructure Investment and Jobs Act of 2021

A Cooperative Agreement with the U.S. EPA

For work beginning July 1, 2022 to June 30, 2027

Updated May 31, 2023



A Massachusetts Maritime Academy student working with a municipal public works employee on an illicit discharge investigation of a municipal stormwater network.

Acknowledgements

This document was written by Buzzards Bay NEP Executive Director Dr. Joseph E. Costa with input from the Buzzards Bay NEP staff. The May 31, 2023 version was updated from a December 2022 draft previously submitted to the U.S. EPA. Special thanks to Buzzards Bay Action Committee Chair, Norm Hills and former headquarters EPA project coordinator and ORISE fellow Sarah Hamming, for their detailed comments. Additional thanks to Buzzards Bay NEP Regional Planner Sarah Williams for her detailed review of each draft.

Table of Contents

Acknowledgements.....	2
Table of Contents.....	3
Section 1: Introduction and Overview.....	4
Background.....	4
NEP Organization and Governance.....	5
Section 2: Buzzards Bay NEP Equity Plan.....	6
Defining Disadvantaged Communities.....	7
Limitations on the use of Census block groups.....	11
Title 1 Schools.....	12
Limitations on the use of the Supplemental Demographic Index.....	12
Characterization of disadvantaged communities.....	13
Geographic extent.....	13
Distribution of disadvantaged populations.....	15
How the NEP will address questions on the use of race-based factors in funding decisions.....	20
CCMP Action Plan goals relevance to EJ areas.....	21
Funding Goals and Priorities.....	22
Key activities.....	22
Section 3: Activities the NEP will pursue with BIL funds FFY 2022 – FFY 2026.....	22
BIL FFY22 Work Plan Task 1 - Buzzards Bay Municipal Stormwater Collaborative Support.....	22
BIL FFY22 Work Plan Task 2 - Municipal Support Grant Program.....	23
BIL FFY22 Work Plan Task 3 - Technical Assistance to Municipalities for Project Development.....	24
BIL FFY22 Work Plan Task 4 - Targeted Grants to meet EJ and CCMP goals.....	24
Section 4: Funds Leveraged in Support of the Cooperative Agreement.....	25
Section 5: Tracking benefits.....	25
Section 6: BABA requirements.....	25
Build America, Buy America Affidavit for Construction Awards.....	26
Appendix A: Energy and Environmental Affairs Environmental Justice Strategy.....	27

Section 1: Introduction and Overview

Background

The Buzzards Bay National Estuary Program (NEP) has sought to protect and restore water quality and living resources in Buzzards Bay and its surrounding watershed since 1991. This mission was affirmed by the Buzzards Bay NEP Steering Committee in their approval of the *Buzzards Bay Comprehensive Conservation and Management Plan (CCMP) 2013 Update*. A list of CCMP action plans is shown in Table 1.

On November 6, 2021, Congress passed the Infrastructure Investment and Jobs Act of 2021, also known as the [Bipartisan Infrastructure Law](#) (BIL). This legislation represents a significant investment in the nation's resilience and specifically identified National Estuary Programs as key partners for implementation. Under this legislation, each NEP is slated to receive from the U.S. Environmental Protection Agency (EPA) \$909,800 annually for five years (Federal fiscal year funding FY22 to FY26).

The BIL references EPA's underlying authority under CWA §320 to fund the implementation of the NEP CCMPs with annual appropriations distributed to implement the management conference and EPA-approved CCMPs and annual workplans. According to EPA's Bipartisan Infrastructure Law Funding Implementation Guidance¹, for funds distributed under the BIL, NEP projects funded through BIL should seek to:

- accelerate and more extensively implement CCMPs,
- ensure that benefits reach disadvantaged communities,
- build the adaptive capacity of ecosystems and communities, and
- leverage additional resources.

EPA's guidance for BIL funding, and conditions of the award specify 1) that a large portion of the benefits reach disadvantaged communities, and 2) that expenditures comply with the Build America, Buy America (BABA) Act passed by Congress in 2021. EPA has waived the BABA requirements for grants and sub-awards less than \$250,000². NEPs are required to track and report expenditures that benefit disadvantaged communities. This work plan and budget complies with these requirements. EPA has waived the match cost-share requirements for BIL funds to support these goals, expedite project implementation, and promote equity. However, EPA encourages NEPs to leverage BIL funds toward their best value, including aligning them with projects being implemented under BIL funding for other partner programs, or other funding sources. NEPs are required to track and report any leveraged funds or activities.

While the EPA guidance identifies a potential wide range of eligible uses for the BIL funding, as a practical matter, in any given fiscal year the NEP will only be able to act on a subset of pressing issues. This Buzzards Bay NEP BIL FFY22 work plan and budget identifies specific tasks that are consistent

¹ National Estuary Program Bipartisan Infrastructure Law Funding Implementation Memorandum for Fiscal Years 2022-2026, July 26, 2022.

² BIL fund expenditures must comply with the 2021, Build America, Buy America (BABA) Act, P.L. 117-58, Secs 70911 - 70917). Under the act. EPA has required funds grant recipients and their sub awardees do not obligate funds unless all the iron, steel, manufactured products, and construction materials used in the project are produced in the United States. For construction projects, grant recipients

with the BIL Legislation, immediate municipal needs, goals of the Buzzards Bay CCMP, federal Justice40, and the Commonwealth's Environmental Justice policies.

This plan describes how the NEP will manage and direct the nearly \$5 million in BIL funds it will receive over the next 5 years. It describes the key activities the NEP will pursue with BIL funds through all years of BIL funding (FFY 2022 – FFY 2026), and may be amended, modified, or revised at any time. The equity strategy described in this document details how the Buzzards Bay NEP will contribute to the national program-wide goal of ensuring that at least 40% of the investments from BIL funding benefit disadvantaged communities. The 40% target is a national program goal, not an individual NEP requirement. One component of the equity strategy is defining disadvantaged communities that the NEP will target. EPA's guidance allows flexibility in how each NEP defines disadvantaged communities.

NEP Organization and Governance

The Buzzards Bay NEP is a management unit within of the Massachusetts Office of Coastal Zone Management (CZM), within the Executive Office of Energy and Environmental Affairs (EEA). The EEA is a cabinet office of the Commonwealth of Massachusetts. NEP staff are state employees, and the program adheres to all applicable state laws for hiring, procurements, awarding of grants, fiscal management, and meeting state affirmative action and environmental justice (EJ) goals. Expenditures for the NEP program are managed and overseen by the state Comptroller Office and EEA Finance.

The Buzzards Bay NEP Management Conference consists of a Policy Committee and Steering Committee. The Policy Committee heads up the Buzzards Bay NEP’s Management Conference and consists of the Massachusetts EEA Secretary and the U.S. EPA New England Regional Administrator, or their designees. The Policy Committee approves the Buzzards Bay NEP’s annual work plan and budget through the signing of an annual Cooperative Agreement between the U.S. EPA and the Commonwealth of Massachusetts.

The six-member Steering Committee is composed of CZM, the U.S. EPA, the Southeast Regional Planning and Economic Development District (SRPEDD), the Massachusetts Department of Environmental Protection (DEP), and two nonprofits: the Buzzards Bay Action Committee (BBAC), which is composed of municipal officials, and the Buzzards Bay Coalition (Coalition), a citizen-based group. Both the BBAC and the Coalition are offshoots of the Buzzards Bay NEP’s original Citizens Advisory Committee. The Steering Committee advises the Buzzards Bay NEP Executive Director in developing the program’s annual work plan and budget, reviews progress on implementation activities, and assists in building active partnerships.

Table 1. CCMP Action Plans eligible for funding under BIL

- 1: Managing Nitrogen Sensitive Embayments
- 2: Protecting and Enhancing Shellfish Resources
- 3: Managing Stormwater Runoff and Promoting LID
- 4: Improving Land Use Management and Promoting Smart Growth
- 5: Managing Onsite Wastewater Disposal Systems
- 6: Managing Impacts from Boating, Marinas, and Moorings
- 7: Protecting and Restoring Wetlands
- 8: Restoring Migratory Fish Passage and Populations
- 9: Protecting Biodiversity and Rare and Endangered Species Habitat
- 10: Managing Water Withdrawals to Protect Wetlands, Habitat, and Public Water Supplies
- 11: Managing Invasive and Nuisance Species
- 12: Protecting Open Space
- 13: Protecting and Restoring Ponds and Streams
- 14: Reducing Beach Debris, Marine Floatables, and Litter in Wetlands
- 15: Managing Coastal Watersheets and the Waterfront
- 16: Reducing Toxic Pollution
- 17: Preventing Oil Pollution
- 18: Planning for a Shifting Shoreline and Coastal Storms
- 19: Protecting Public Health at Swimming Beaches
- 20: Monitoring Management Action, Status, and Trends
- 21: Enhancing Public Education and Participation

The Buzzards Bay NEP Executive Director also attends the monthly meetings of the BBAC, and quarterly meetings of the Coalition’s Science Advisory Committee to guide program funding and technical assistance. Participation in the Science Advisory Committee helps the NEP understand the research and monitoring needs in the Buzzards Bay watershed and creates a mechanism for identifying existing and emerging issues. The BBAC meetings is a forum to discuss the financial, management, and regulatory needs of Buzzards Bay watershed municipalities, and disseminate information about programs and approaches. The Buzzards Bay NEP works closely with other agencies and organizations on an ad hoc basis to implement specific projects that meet the goals of the Buzzards Bay CCMP.

Section 2: Buzzards Bay NEP Equity Plan

EPA has required that NEP expenditures under Infrastructure Investment and Jobs Act of 2021 help meet national goals of the Justice40 initiative. Similarly, the Commonwealth of Massachusetts, through EEA, maintains a policy of Environmental Justice to better serve the environmental needs of the Commonwealth’s most vulnerable residents. [EEA’s EJ Policy](#) and [Executive Order 552](#) require that EEA agencies develop their own strategies to “proactively promote environmental justice in all neighborhoods in ways that are tailored to their agencies’ mission.” Specifically, agencies are required to consider how to appropriately integrate Environmental Justice considerations into their departments through policies, programs, or other strategies. EEA agencies must also identify and promote agency-sponsored projects, funding decisions, rulemakings or other actions intended to further Environmental Justice throughout the Commonwealth to show how the fair distribution of benefits has been measured.

In October 2022, EEA issued a draft [EJ Strategy](#) (attached in Appendix A) that describes how each office and agency within EEA will specifically implement the Commonwealth’s EJ Policy. The EJ Strategy also defines how the Secretary can designate a portion of a neighborhood as an environmental justice population in accordance with law. The state EJ policy and EJ Strategy are supported by an [online interactive map](#). Within the EJ Strategy, CZM identified actions and efforts to implement the EJ Policy. These efforts include:

- enhance communication activities to expand information access for EJ populations,
- better integrate EJ populations into outreach, environmental monitoring, and citizen volunteering activities,
- strengthen technical assistance to proactively address EJ issues and support EJ populations,
- support meaningful engagement and input with EJ populations during planning, public comment, hearings, and information sessions for program activities,
- strengthen EJ criteria used in grant selection,
- engage directly with EJ populations to strengthen access and use of CZM tools and products, and
- support a diverse and inclusive CZM team.

The EEA EJ Task Force held listening sessions and accepted public comments on the draft EJ Strategy until February 17, 2023. The final EJ Strategy will likely be issued in June 2023.

To meet these collective requirements, the Buzzards Bay NEP has developed an Equity Strategy that details how the Buzzards Bay NEP will contribute to the national program-wide goal of ensuring that at least 40% of the investments from BIL funding benefit disadvantaged communities while meeting the state goals, policies, approaches, including the state’s definition of disadvantaged communities.

The Buzzards Bay NEP has conducted an analysis of disadvantaged communities that may benefit from NEP sponsored projects and justify its approach. In the section below we assess the characteristics of Buzzards Bay disadvantaged communities and identify where additional investments can be made that benefit such communities while implementing the Buzzards Bay CCMP.

Defining Disadvantaged Communities

NEPs are encouraged to use a combination of the demographic indicators to determine where disadvantaged communities that benefit from their programs may be located. To support grantees, EPA has developed a [Climate and Economic Justice Screening Tool \(EJScreen\)](#) that includes a five-factor Supplemental Demographic Index (SDI) that combines percentiles of low-income, percent linguistically isolated, percent less than high school education, percent unemployed, and percent low life expectancy into a single metric. EJScreen displays the SDI information at the Census block group level. These individual parameter percentiles are calculated relative to national averages. EPA has determined that if a SDI percentile in a Census block group exceeds 80%, it will be identified as a disadvantaged community for establishing baselines in each NEP's equity strategy, and for tracking Justice40 investments and benefits. EPA's defined disadvantaged communities for the Buzzards Bay watershed are shown in (Fig. 1).

However, the EPA BIL guidance also allows for the fact that individual NEPs may need to use a different definition of disadvantaged communities ("e.g., a partner state agency already has an established definition"). This is the case for the Buzzards Bay NEP. The Commonwealth of Massachusetts' definition of an 'Environmental Justice Population' is statutorily defined in Chapter 8 of the Acts of 2021: "An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy" and in the EJ Policy. The state classification considers only three factors—minority classification, income, and linguistic isolation. Specifically, the state criteria are:

- the annual median household income is not more than 65 percent of the statewide annual median household income,
- minorities comprise 40 percent or more of the population,
- 25 per cent or more of households lack English language proficiency,
- minorities comprise 25 per cent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 per cent of the statewide annual median household income; or
- a geographic portion of a neighborhood designated by the Secretary as an Environmental Justice population in accordance with law.

EEA's designated environmental justice populations fully incorporate EPA's designated disadvantaged community areas (Fig. 2). Although the EEA definition and mapping tool also uses Census block groups as the mapping unit to define EJ populations, the state policy and strategy includes provisions for defining neighborhoods that may be included or excluded from EJ definitions. In the analysis below, the state mapping tool data³ was compared to the EPA SDI data. Proximity to Census block groups was also evaluated. The results of the analysis were used to justify the Buzzards Bay NEP's alternative definitions of disadvantaged communities (Fig. 3).

³ These data, last updated November 12, 2022, were obtained from <https://www.mass.gov/info-details/massgis-data-2020-us-census-environmental-justice-populations>. Block units clipped to the Buzzards Bay watershed and coast where noted.

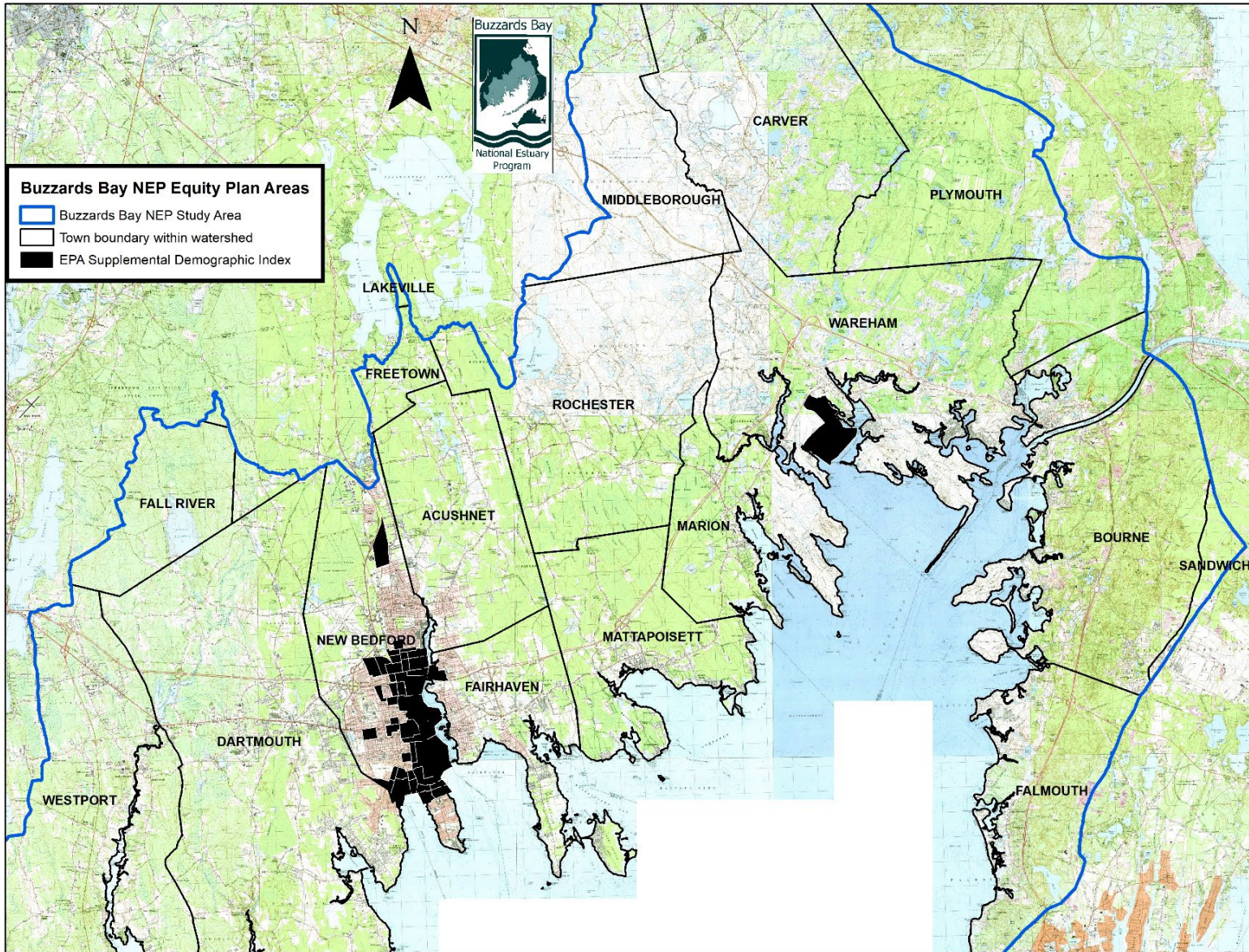


Fig. 1 EPA EJ Screen defined disadvantaged populations (Supplemental Demographic Index mean percentiles equal or greater than 80).

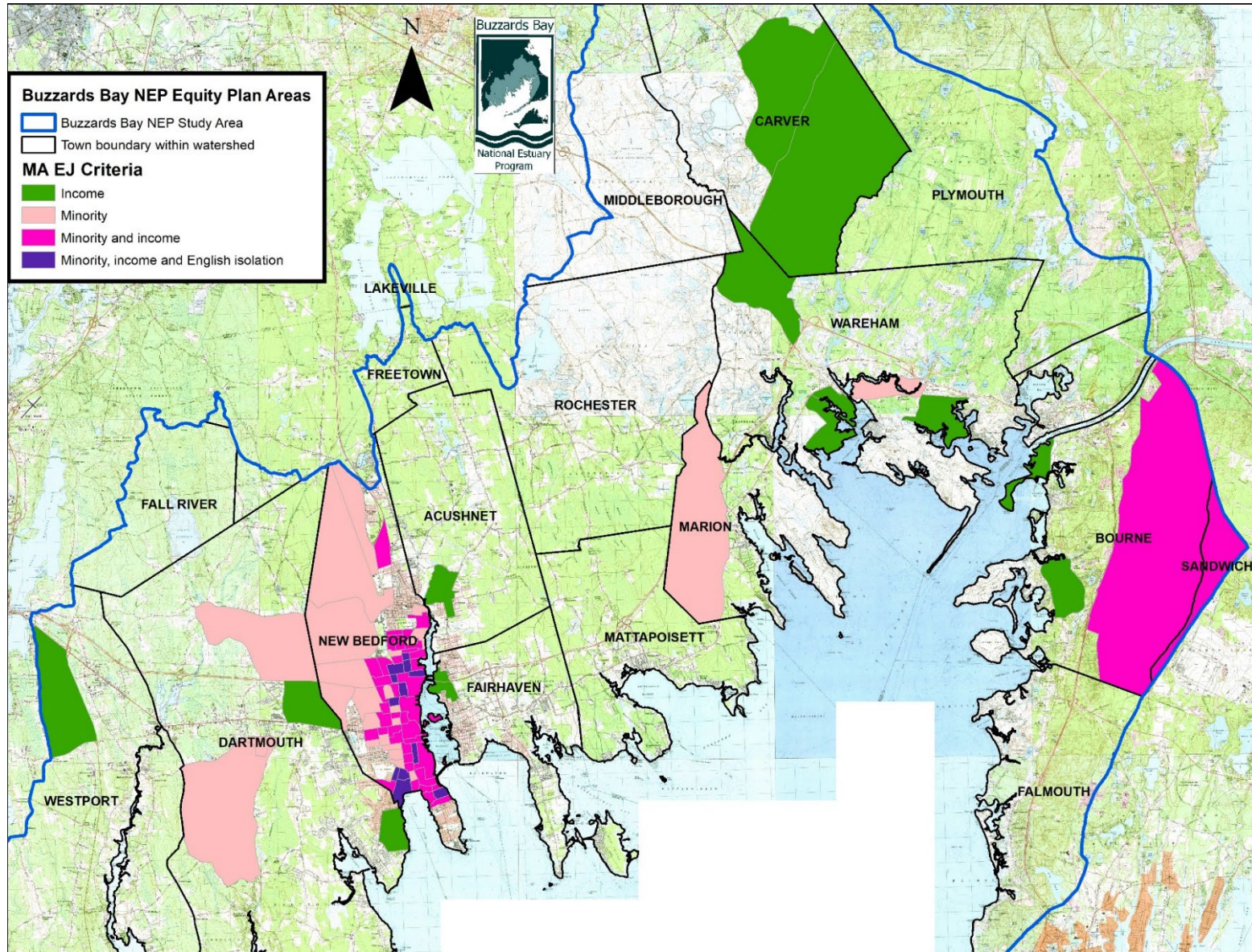


Fig. 2 Census block groups defined as [Massachusetts 2020 Environmental Justice populations](#) in the Buzzards Bay watershed.

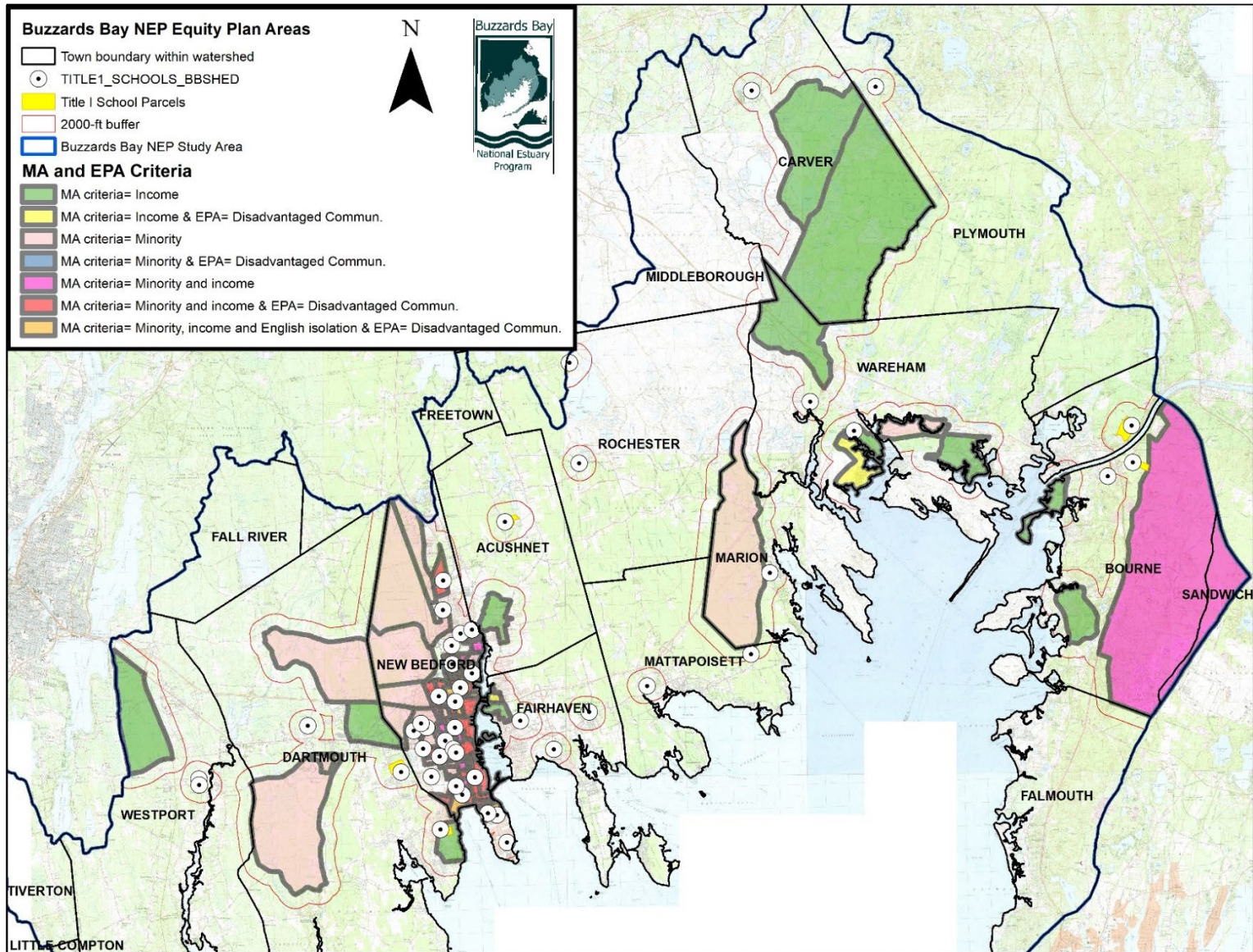


Fig. 3 Buzzards Bay NEP Equity Plan target areas within the Buzzards Bay watershed study area. Data from Massachusetts 2020 Environmental Justice Populations Viewer, MA Department of Education Title 1 schools, and the U.S. EPA Supplemental Demographic Index. The EPA populations are wholly a subset of the state designations.

Limitations on the use of Census block groups

The U.S. Census subdivides the entire U.S. land area into Census blocks (illustrated in Fig. 4 for a portion of New Bedford). A U.S. Census block is the smallest geographic unit for which the Census Bureau tabulates data. In cities, these blocks may correspond to individual residential city blocks, but in suburban and rural areas a block can cover a large area, sometimes covering square miles. While in a residential area in an urban area a city block may be a Census block, elsewhere they are defined by roads, railroad lines, highways, transmission lines, and waterbodies. Generally, Census blocks conform to municipal boundaries. Some Census blocks, like parks, may have no households or residents, and they may sometimes be arbitrarily aggregated by the Census to one adjacent block group or another.

Census blocks are aggregated into statistical units called Census block groups, to achieve a population of 600 to 3000 people (Fig. 4). Census block groups are the smallest unit for which demographic data is reported, such as income, racial identity, and education. Like Census blocks, the boundaries of Census block groups can be artificial and arbitrary and may not coincide with neighborhoods, communities, and demographic characteristics of the populations in individual blocks. Thus, a Census block group might include both disadvantaged Census blocks and more affluent Census blocks. For example, a community park serving disadvantaged populations, may be inadvertently excluded from a designated disadvantaged community designation block group (true in the federal designation for Brooklawn Park in Fig. 4). To partly overcome these limitations, in its GIS analysis, the NEP evaluated Census populations within 2000 feet of these block groups, as a way of assessing potential restoration sites that are within easy walking distance from the disadvantaged population.

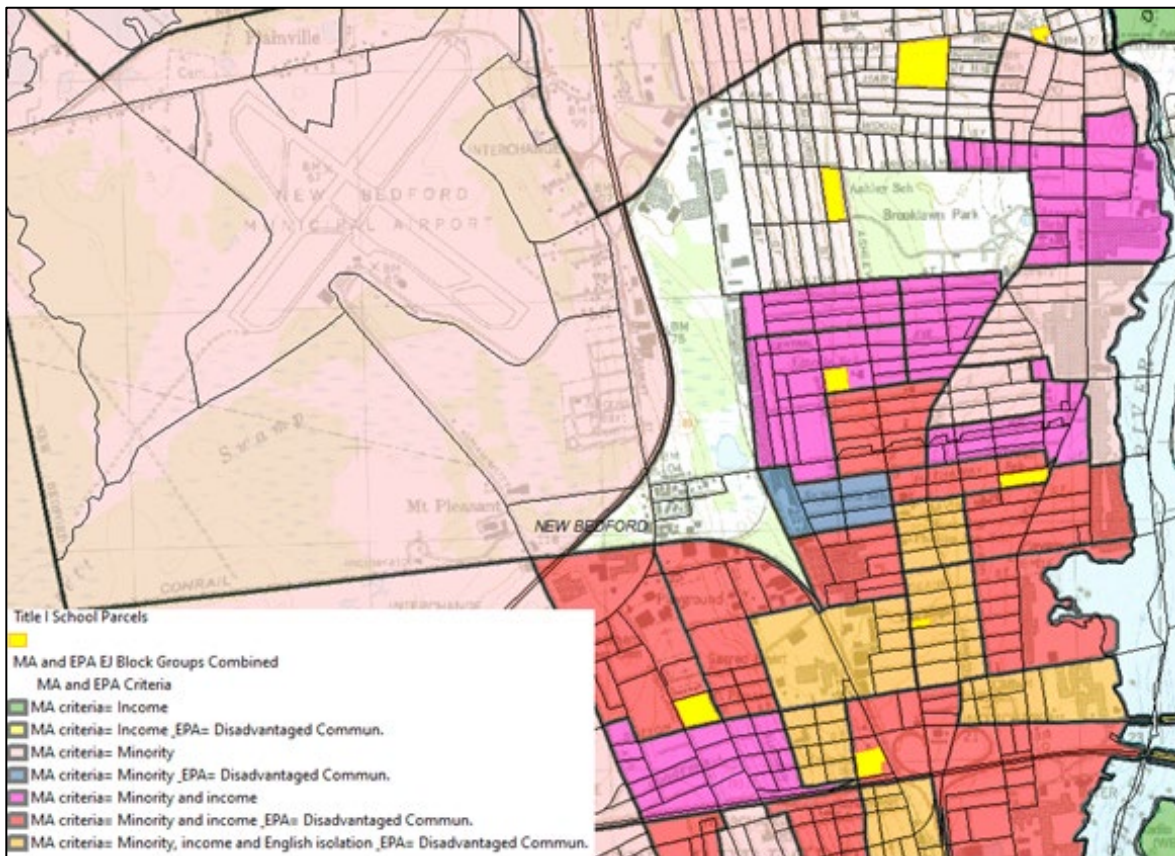


Fig. 4 Representative area of New Bedford from Fig. 3 showing the relationship between Census blocks (fine black lines) and Census block groups (bold black lines). Note Brooklawn Park (top right) is not included in the Census blocks designated as disadvantaged communities.

Title I Schools

Other NEPs are including support to Title I schools in their equity strategy. Title I schools are schools in which children from low-income families make up at least 40 percent of enrollment. As shown in Table 2, Title 1 schools are predominantly found in the City of New Bedford. However, every Buzzards Bay community predominantly in the watershed has at least one Title 1 school. Table 3 shows the acreage of those properties in each town.

Table 2. Title 1 Schools in the Buzzards Bay watershed.

Municipality	Charter	Elementary	Middle	Secondary	High School	Grand Total
Acushnet		1				1
Bourne		1			1	2
Carver		1				1
Dartmouth		3				3
Fairhaven		2	1			3
Marion		1				1
Mattapoisett		1				1
New Bedford	2	17	3	3	1	26
Plymouth		1				1
Rochester		1			1	2
Wareham		1				1
Westport		1				1
Total	2	31	4	3	3	43

Table 3. Property acres of Title 1 schools in the Buzzards Bay watershed

Municipality	No. of Title 1 Schools	Property Acreage
Acushnet	1	62.7
Bourne	2	193.49
Carver	1	22.24
Dartmouth	3	144.22
Fairhaven	3	69.68
Marion	1	9.51
Mattapoisett	1	21.37
New Bedford	26	126.48
Plymouth	1	19.9
Rochester	2	78.03
Wareham	1	14.86
Westport	1	37.64
Total	43	800.12

Limitations on the use of the Supplemental Demographic Index

The EPA, with its EJ screening tool, adopted an SDI mean percentile value of 80 or greater to define whether the geographic area of the Census block group is a disadvantaged community for targeting federal investment. The SDI is calculated from individual percentile scores from five metrics (income,

less than high school education, language isolation, unemployment, and life expectancy). The federal index omits a minority score for populations as this was determined to violate Constitutional protections. The percentile scores of the SDI are based on national averages, rather than state averages, so in states with higher costs of living (like Massachusetts), income will tend to have lower scores than in states with lower costs of living. On a broader level, any composite indexes only have the potential to remove any specific environmental justice population from consideration, not add them. For example, a block group may have high scores in several metrics, but if one metric has an anomalously low score--whether real or related to statistical uncertainty within the block group data, then that block group may not be designated a disadvantaged community by EPA. Because EPA's life expectancy scoring was based on a non-Census study of life expectancy at the Census tract level (an aggregation of many Census block groups groups), there is uncertainty associated with score of that metric at the block group level. Fig. 5 illustrates the challenge of defining disadvantaged population without the consideration of race.

In contrast to the EPA approach, the Commonwealth of Massachusetts recognizes that block groups with a preponderance of either low income, minority, and linguistically isolated populations each represent a separate disadvantaged community that warrants efforts to meet the Commonwealth's EJ policy goals. This approach avoids taking statistical means of individual criteria, which can only diminish the identification of disadvantaged populations. The Massachusetts approach expands the geographic extent of environmental justice efforts. The distinction between the two approaches is elucidated further below in the characterization of Buzzards Bay watershed disadvantaged populations.

Characterization of disadvantaged communities

Geographic extent

Table 5 is a summary of land area in Buzzards Bay watershed municipalities⁴ that contain Census block groups with EJ communities or Title 1 school properties as shown in Fig. 3. As shown, among the 16 municipalities, only three were identified by EPA as containing disadvantaged communities within the watershed (New Bedford, Wareham, and Fairhaven). The combined area of these Census blocks (clipped to the coast) constitutes only 1.2% of the Buzzards Bay watershed. In contrast, 9 of the 16 municipalities include communities designated by the Commonwealth of Massachusetts as containing EJ populations, with an area constituting 18.8% of the watershed. Among the municipalities with no identified EPA and MA EJ populations, three have a Title I school in the Buzzards Bay watershed (Mattapoisett, Plymouth, and Rochester). When projects within walking distance of environmental justice populations are considered as conferring benefits to those communities (defined as being within 2000 feet of a disadvantaged community), 32% of the Buzzards Bay watershed area is included.

Another way to characterize where environmental benefits can be conferred to disadvantaged communities can be understood by examining proximity of the coastline to disadvantaged communities. As shown in Table 4, only 17.3 of the Buzzards Bay 443.2 miles of coastline (3.9%) abut EPA disadvantaged communities. In contrast, under the state definitions, 41.7 miles of coastline (9.4%) abut MA EJ communities. When the areas within walking distance of the state disadvantaged areas are included, including Title 1 schools, then the length of coastlines doubles to 18.9% of the coast.

⁴ Kingston and Lakeville are excluded from the analysis because of their inconsequential area within the Buzzards Bay study area, as well as those portions of Tiverton, RI and Little Compton, RI which do not have identified EPA designated disadvantaged communities.

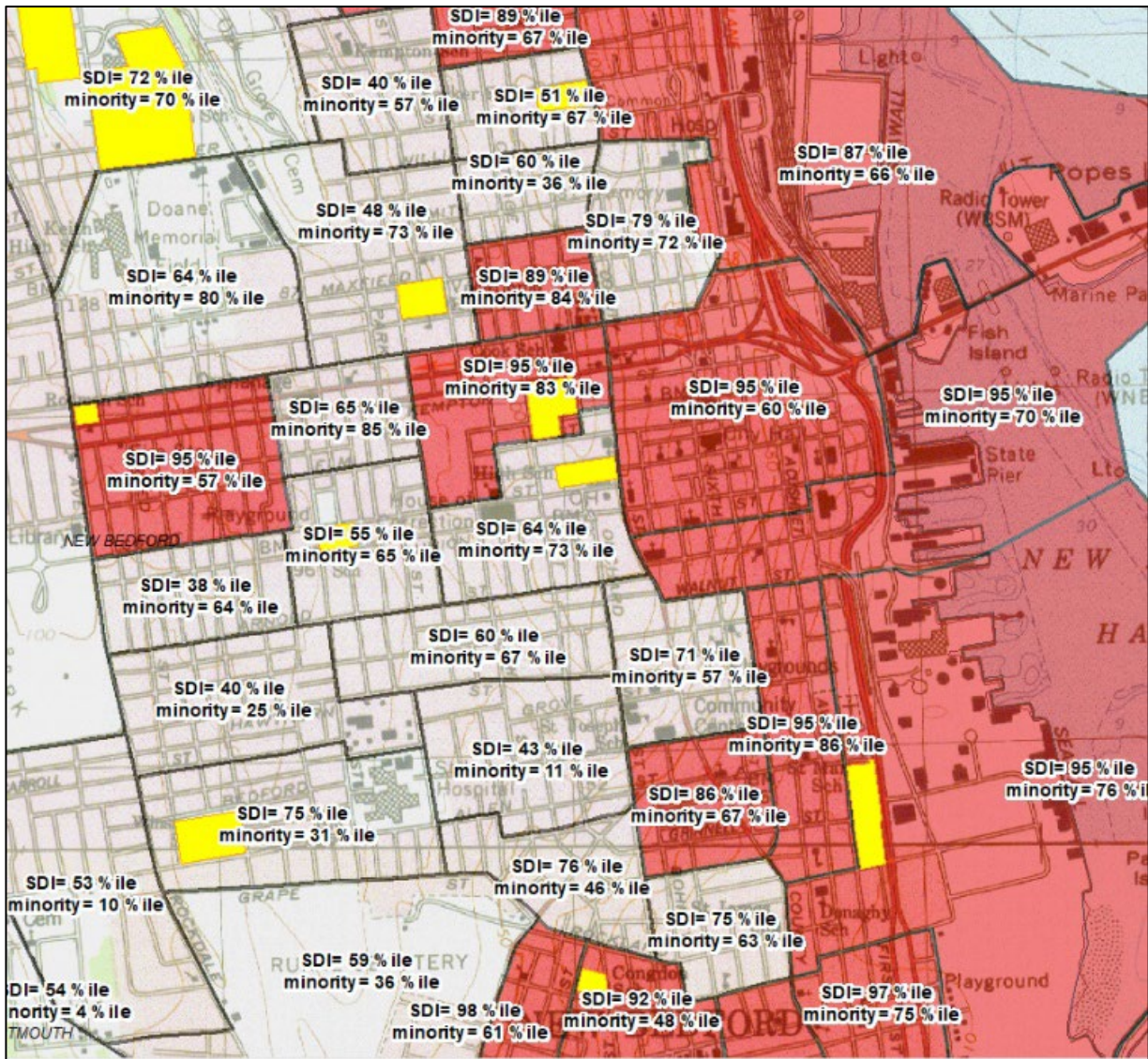


Fig. 5 Detail of EPA Census block groups in central New Bedford showing SDI scores (red shaded block groups defined as a disadvantaged community) and minority percentile versus national statistics. The entire area is a state defined EJ area. Note the preponderance of Title 1 schools (yellow polygons) throughout this area.

Table 4. Length of municipal coastlines within the Buzzards Bay watershed identified with disadvantaged populations, as defined by EPA, Commonwealth of Massachusetts, and in the Buzzards Bay NEP equity plan.

Municipality	Coastline (mi)	EPA EJ		MA EJ		BBNEP+ Buffer ^a	% in 2000 ft Buffer
		Coastline	% EPA EJ	Coastline	% MA EJ		
Acushnet	2.137	0	0.0%	0.251	11.7%	2.137	100.0%
Bourne	59.261	0	0.0%	7.569	12.8%	20.595	34.8%
Dartmouth	63.468	0	0.0%	1.156	1.8%	1.62	2.6%
Fairhaven	36.26	0.914	2.5%	1.675	4.6%	6.277	17.3%
Falmouth	32.565	0	0.0%	0	0.0%	0	0.0%
Gosnold	34.482	0	0.0%	0	0.0%	0	0.0%
Marion	29.772	0	0.0%	0	0.0%	2.511	8.4%
Mattapoisett	24.611	0	0.0%	0	0.0%	1.335	5.4%
New Bedford	16.546	11.488	69.4%	13.145	79.4%	15.745	95.2%
Wareham	67.366	4.915	7.3%	17.864	26.5%	32.859	48.8%
Westport	76.771	0	0.0%	0	0.0%	0.652	0.8%
Total	443.239	17.317	3.9%	41.660	9.4%	83.731	18.9%

^a 2000 ft buffer excludes areas across a bay from the disadvantaged community if no bridge connects the two areas in the buffer zone.

Table 5. Land area of municipalities within the Buzzards Bay watershed identified with disadvantaged populations as defined by EPA, Commonwealth of Massachusetts, and in the Buzzards Bay NEP equity plan. Areas clipped to the coast and excluded a small area of Rhode Island (which have no EPA defined EJ areas).

Municipality	Acres in water-shed	EPA EJ		MA EJ		Title I parcel ac	BBNEP EJ ac	BBNEP EJ %	BBNEP EJ w/Buffer	BBNEP EJ Buffer %
		ac in watershed	% EPA EJ	ac in watershed	% MA EJ					
Acushnet	12082	0	0.0%	423	3.5%	62.7	486	4.0%	2344	19.4%
Bourne	23282	0	0.0%	12348	53.0%	193.49	12541	53.9%	15194	65.3%
Carver	21260	0	0.0%	11004	51.8%	22.24	11026	51.9%	13512	63.6%
Dartmouth	47248	0	0.0%	7235	15.3%	144.22	7336	15.5%	14278	30.2%
Fairhaven	7941	72	0.9%	217	2.7%	69.68	287	3.6%	2036	25.6%
Falmouth	11882	0	0.0%	0	0.0%	0	0	0.0%	348	2.9%
Freetown	286	0	0.0%	0	0.0%	0	0	0.0%	0	0.0%
Gosnold	4527	0	0.0%	0	0.0%	0	0	0.0%	0	0.0%
Marion	9037	0	0.0%	4007	44.3%	9.51	4016	44.4%	5047	55.8%
Mattapoisett	11196	0	0.0%	0	0.0%	21.37	21	0.2%	1460	13.0%
Middleborough	11077	0	0.0%	0	0.0%	0	0	0.0%	429	3.9%
New Bedford	12467	2508	20.1%	9442	75.7%	126.48	9482	76.1%	12208	97.9%
Plymouth	21649	0	0.0%	0	0.0%	19.9	20	0.1%	2343	10.8%
Rochester	21111	0	0.0%	0	0.0%	78.03	67	0.3%	2165	10.3%
Wareham	23771	545	2.3%	3861	16.2%	14.86	3876	16.3%	8993	37.8%
Westport	28453	0	0.0%	1806	6.3%	37.64	1844	6.5%	4314	15.2%
Total	267269	3125	1.2%	50343	18.8%	800.12	51002	19.1%	84671	31.7%

Distribution of disadvantaged populations

While this analysis focuses on the spatial distribution of Census block groups in the Buzzards Bay watershed that state and federal agencies use to define as disadvantaged communities, disadvantaged populations of course exist independently of the artificial and sometimes arbitrary boundaries of Census block groups. Table 6 shows that among the roughly 231,400 residents in the Buzzards Bay watershed, 46,600 are estimated minority (20.1%), 54,300 low income (23.5%), 4,500 are linguistically isolated (1.9%), and 21,600 (9.3%) have less than a high school education. These individuals are dispersed among all municipalities. Table 4 shows that the EPA designated disadvantaged community

definition only captures 42.7% of the watershed minority population, 40.1% of the low-income population, 65.3% of the linguistically isolated population, and 36.1% of those with less than a high school education. In contrast, the state approach captures 76.5%, 70.3%, 87.3%, and 61.2% respectively of these metrics (Table 8). In the NEP's watershed area, by adding Title I school properties, plus a 2000-foot buffer around the MA EJ and Title I properties, a greater fraction of disadvantaged communities in the watershed is captured (Table 9; 87.1% of the minority population, 81.1% of low income, 95.4% of linguistically isolated, and 79.3% of less than high school education in the EPA metrics).

Table 6. Total Population and disadvantaged populations within the Buzzards Bay watershed by municipality and category.

Municipality	population in watershed	minority	low income	Linguistically isolated	education
Acushnet	10594	1131	2090	47	1231
Bourne	13939	1044	2529	0	400
Carver	8589	441	1903	31	307
Dartmouth	34059	4521	4641	294	3113
Fairhaven	16068	1166	3240	41	995
Fall River	1313	79	149	30	127
Falmouth	8427	674	684	11	239
Freetown	1526	112	198	0	75
Gosnold	21	0	1	0	3
Lakeville	52	3	6	0	2
Little Compton	88	1	10	0	4
Marion	5148	1003	1116	20	235
Mattapoissett	6375	347	236	0	130
Middleborough	3603	302	534	1	112
New Bedford	93218	38785	37674	4535	14304
Plymouth	10686	795	869	21	448
Rochester	5232	91	335	6	147
Tiverton	1418	14	108	0	118
Wareham	22690	3707	5387	67	1481
Westport	11880	301	2133	59	800
Total	254,926	54,517	63,843	5,163	24,271
% of watershed EJ population (categories not additive)		21.4%	25.0%	2.0%	9.5%

Table 7. Populations within EPA designated disadvantaged block groups within the Buzzards Bay watershed.

Municipality	population in disadv. blocks	minority	low income	linguistically isolated	education
Fairhaven	941	253	536	0	140
New Bedford	40,772	22,181	23,291	3,269	8,172
Wareham	1,392	56	920	28	71
Total	43,105	22,490	24,747	3,297	8,383
% of watershed population	16.9%	41.2%	38.7%	63.9%	34.5%

Table 8. Populations within MA EEA designated disadvantaged block groups with the Buzzards Bay watershed.

Municipality	population in EJ blocks	minority	low income	linguistically isolated	education
Acushnet	1,431	58	594	6	61
Bourne	1,766	91	623	0	19
Carver	2,579	20	692	31	176
Dartmouth	8,673	2,329	960	115	775
Fairhaven	1,808	253	887	0	169
Marion	1,211	267	199	0	25
New Bedford	75,413	35,380	34,336	4,071	11,912
Wareham	5,618	860	2,353	51	515
Westport	1,526	0	569	13	88
Total	100,025	39,258	41,213	4,287	13,740
% of watershed population	39.2%	72.0%	64.5%	83.0%	56.6%

Table 9. Disadvantaged population within Buzzards Bay NEP Equity target areas (MA EJ, +Title 1 Schools +2000 feet Buffer)

Municipality	population in EJ blocks	minority	low income	linguistically isolated	education
Acushnet	3,808	263	976	12	363
Bourne	5,821	403	1,255	0	132
Carver	3,925	113	966	31	209
Dartmouth	17,911	3,348	2,422	191	1,643
Fairhaven	8,374	818	2,241	22	599
Falmouth	198	27	11	0	1
Marion	2,491	548	544	13	91
Mattapoisett	828	16	33	0	13
Middleborough	132	10	22	0	5
New Bedford	92,221	38,634	37,528	4,517	14,183
Plymouth	668	66	39	0	12
Rochester	558	9	39	1	13
Wareham	10,445	1,536	3,175	51	790
Westport	3,007	46	811	24	241
Total	150,387	45,837	50,062	4,862	18,295
% of watershed population	59.0%	84.1%	78.4%	94.2%	75.4%

Buzzards Bay NEP Alternative Definition of Disadvantaged Communities

NEPs are required to justify the use of a definition of disadvantaged communities other than that of the EPA Office of Water definition. Because the Buzzards Bay NEP must comply with state laws and policies, the NEP will use the state's definitions based on income, linguistic isolation, and minority classifications. Because environmental education programs are an important tool in meeting the goals of the Buzzards Bay CCMP, like some other NEPs, the Buzzards Bay NEP has included Title 1 school properties in its equity strategy. Because Census block group GIS boundaries are an imperfect delineation of disadvantaged populations and benefits can be conveyed by projects that abut these mapped Census block groups, the NEP's equity strategy will include, promote, and track projects within 2000 feet (defined as a convenient walking distance) of the aforementioned areas. The NEP will also consider projects that benefit dispersed or unmapped disadvantaged communities not within these boundaries.

To meet state, federal, and NEP program goals, the Buzzards Bay NEP has adopted the following hybrid definition of disadvantaged communities for its grant and technical assistance programs: 1) any area identified in EEA's [EJ community mapping tool](#), 2) any area in EPA's [EJ Screen Tool](#), 3) any project that is either on the property of a Title 1 school (schools where at least 40% of enrollment is from low-income families), or benefits that school, and 4) sites within walking distance (2000 feet) of any of the aforementioned areas. Projects that benefit dispersed town-wide or region-wide disadvantaged populations (e.g., a proposal that targets low-income populations), or non-mapped communities (e.g., tribal properties), will also receive additional consideration under the NEP's grant and technical assistance programs. Grant applicants asserting benefits to dispersed or unmapped disadvantaged populations will be required to provide supporting documentation in their grant applications. Mapped state and federal EJ and disadvantaged populations and Title 1 schools in the Buzzards Bay watershed are shown in Fig. 3. The NEP has posted its own interactive map tool at this webpage: [NEP support to disadvantaged communities](#).

Baseline of past performance

EPA conducted its own baseline of past benefits each NEP has conferred to disadvantaged communities during the past five years. EPA's baseline analysis used the number and percent of recent pre-BIL funds and projects that benefit disadvantaged communities based on data each NEP submitted to comply with the Government Performance Results Act of 1993 (GPRA)⁵. The purpose of EPA's analysis is to establish a baseline to evaluate how investments and benefits may increase to disadvantaged communities through the influx of NEP BIL funds. The analysis found that the Buzzards Bay NEP expended 0% of its funding to disadvantaged communities between 2017 and 2021.

This result is unsurprising. As noted above, EPA's analysis is based on EPA's definition of disadvantaged population cover only 1.2% of the Buzzards Bay watershed study area and does not reflect the Commonwealth of Massachusetts definition of disadvantaged communities. Moreover, the GPRA reporting data used by EPA in its analysis only tracks habitat acreage restored or protected, and the cost of those efforts. Most of the EPA geographic area designated by EPA as disadvantaged are heavily urbanized and contain few wetlands, no fish passageways, and virtually no Massachusetts natural heritage rare or endangered species habitat.

The EPA baseline analysis fails to consider other non-GPRA reported NEP activities during the evaluation period. For example, the Buzzards Bay NEP provided staff support and funding to the Stormwater Collaborative, and this support constituted 25% to 40% of total staff time in annual work plans. During that period, among the 719 facilities investigated by the Stormwater Collaborative for contaminant monitoring and illicit discharge investigations, 298 or 41% were within the NEP defined disadvantaged community areas. The percentage is greater for catchbasins inspected. Thus, the newly BIL funded Stormwater Collaborative task is already meeting Justice40 goals by the NEP adopted disadvantaged population criteria. In another project during 2020 to 2021, under a contract with an engineering firm, the NEP developed conceptual stormwater plans for 10 sites, and final designs for four sites. Two of the four final designs sites were in NEP EJ target areas.

Numeric Targets to support Justice40

The NEP has established the goal of 40% of benefits and investments funded by BIL support disadvantaged communities. The Buzzards Bay NEP is reviewing potential projects and utilizing BIL funds through the lens of equitable and fair access to the benefits from environmental programs for all indi-

⁵ Email from Cassandra Nieman dated 3/9/2023.

viduals. Because most of the BIL funds will be expended through the NEP's municipal grant program, the NEP has restructured its grant proposal review evaluation to more explicitly weight projects that benefit Buzzards Bay watershed disadvantaged communities. Grant solicitations will also explicitly consider projects that benefit unmapped or dispersed disadvantaged communities, and dispersed populations of disadvantaged communities where they are not exclusively defined by boundaries in the NEP map. To ensure participation in the grant program by disadvantaged communities, the NEP will also reach out to disadvantaged communities, and municipalities with disadvantaged populations, to develop projects and concepts that meet the goals of the Buzzards Bay CCMP within those areas.

In December of 2022, the NEP released its first BIL-funded request for proposals. The Buzzards Bay NEP received 13 proposals from eight municipalities totaling \$2,024,719. On April 25, 2023, the Buzzards Bay NEP through EEA announced the award of three grants totaling \$808,500. The grants will improve water quality in the Buzzards Bay watershed by upgrading a wastewater treatment plant and reducing stormwater runoff pollution. Among the awarded grants, the City of New Bedford was awarded \$375,000 to complete Phase II of the Buttonwood Park stormwater management project at the Buttonwood Senior Center and adult with disabilities day care program. The project will address sediment erosion and pollutant discharges from the property and nearby neighborhoods. This grant met the NEP's criteria for serving a disadvantaged community, and thus more than 46% of the municipal grant award and achieved the NEP's environmental justice goals.

The NEP will continue to assess the strengths and challenges of its approach. The primary challenge will be to ensure that over the 5 years of funding of BIL grants, the NEP is developing a consistent level of good projects to meet program goals. Based on an evaluation of successful grants, the NEP may refocus subsequent requests for proposals or targeted awards.

Tracking Benefits

The NEP will integrate in its grant database mechanisms to track benefits to disadvantaged communities. The NEP will also report the results in EPA's modified GPRA reporting tool. Besides monetary benefits which are relatively easy to track, the NEP will consider non-monetary benefits such as expanded adaptive capacity of disadvantaged communities to be resilient to climate change, improved wildlife habitat, addressed water quality challenges or prevented or reduced nonpoint source pollution affecting disadvantaged communities, increased disadvantaged communities' access to recreation, and expanded education and/or deepened engagement or representation of disadvantaged communities. To help address this issue, in the NEP's grant request for proposal application forms, applicants are asked to describe any benefits conveyed to disadvantaged populations. EPA has indicated it will provide further guidance as to how to determine what constitutes a non-monetary benefit. This expected methodology is expected to address benefits conveyed by each grant including expanded adaptive capacity of disadvantaged communities to be resilient to climate change; water quality or natural resource benefits; improved quality or access to recreation; and expanded education and/or deepened engagement or representation of disadvantaged communities.

Stakeholder Engagement Plan

EEA's EJ Task Force has a strong engagement plan to make disadvantaged populations aware of the state's EJ Policy and to solicit comments on EEA's EJ Strategy. These approaches are fully consistent with Justice40, and the NEP equity plan is consistent with EJ Policy. The October 2022 EEA draft , which includes CZM's approach, was the subject of public in-person and online meetings in the fall

and winter of 2022-2023⁶, and the meetings were made available in multiple languages on [YouTube](#). These meetings will inform EEA’s revised final EJ strategy to be issued in June 2023.

Rather than repeat these previous EEA-led efforts, the NEP will consult more directly with and notify stakeholders in the Buzzards Bay watershed, including state, local, and Native communities about BIL funding opportunities and potential collaborations with the NEP. Communication pathways include BBAC meetings, individual meetings with community leaders, and emails to Title 1 school principals, and community groups about NEP funding opportunities. The NEP will consult with María Belén Power EEA’s newly appointed [Undersecretary of Environmental Justice and Equity](#) to refine and implement a meaningful direct stakeholder engagement program.

To illustrate the benefits of a direct and targeted approach, with the adoption of Justice40, the NEP reached out to the New Bedford School Department to improve the opportunities of disadvantaged students to participate in the Sea Lab summer school enrichment program. As a result of meetings with the Sea Lab program manager, under our Section 320 base funding, the NEP is now providing annually student scholarships (\$400) to cover tuition for 25 disadvantaged students, as well funds for field trips, teaching aids, and monitoring equipment to support the summer program.

How the NEP will address questions on the use of race-based factors in funding decisions

In public meetings, the U.S. EPA has cautioned NEPs about potential legal questions that can arise from using definitions of disadvantaged population that use race-based factors, particularly with respect to using such definitions for the purpose of allocating funding. Massachusetts laws and Governor Executive Orders all define environmental justice populations in terms of racial classification, language isolation, and income. The basis of the state’s approach goes back to 1972, when Massachusetts voters approved Article 97 of the Massachusetts Constitution, which begins with the statement, “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.” In 2002, Massachusetts became the first state to adopt an EJ policy that affirmed “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.” Environmental justice population were defined at that time in part by minority status. Subsequent Massachusetts Executive Orders, laws, and policies have built upon these ideas.

The current EEA EJ Policy and draft EJ Strategy has already been reviewed by EEA attorneys, and those attorneys represent all EEA departments, agencies, offices, and units within EEA, including the Buzzards Bay NEP. The state’s EJ Policy cites Title VI of the federal Civil Rights Act of 1964 and federal Executive Order 12898 that directs federal agencies to: “identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law” (available at <https://www.epa.gov/laws-regulations/summary-executive-order-12898-federal-actions-address-environmental-justice>). EEA further notes that federal laws preclude using criteria or methods of administration, which have the effect of subjecting individuals to discrimination because of their race, color, or national origin as per 40 C.F.R. 7.35(b) 42 U.S.C. Section 2000d. The EJ strategy for CZM explicitly acknowledge the Massachusetts EJ definition can be used in grant selection criteria. The

⁶ Information available at <https://www.mass.gov/info-details/eeas-draft-environmental-justice-ej-strategy>.

Massachusetts Attorney General has already determined that Chapter 8 of the Acts of 2021: “An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy” (which includes race-based minority classification), is consistent with state law. The Massachusetts Supreme Court has twice taken cases related to the state EJ policy, and in both instances, the court only considered whether the state was doing enough to comply with the EJ policy in the citing of hazardous facilities, not whether the EJ policy was inconsistent with the Massachusetts Constitution or state laws⁷. Any specific questions about the legality of the approach will be referred to EEA counsel.

CCMP Action Plan goals relevance to EJ areas

As illustrated in Table 1, the boundary of EPA designated disadvantaged communities constitute only 1.2% of the watershed area, state EJ designated areas constitute 18.8% of the watershed area, and the NEP targeted equity area, which includes Title I school properties and a 2000-foot buffer around these areas constitute 31.7% of the watershed area. The NEP equity strategy also captures a greater fraction of disadvantaged communities as indicated by Table 9. Because of the greater geographic extent of the NEP targeted EJ area, more CCMP goals can be met. For example, in EPA-defined disadvantaged communities, there are no anadromous fish run impairments, designated rare or endangered species, public water supplies, and few wetlands. The number of stormwater discharges, which are the focus of several action plans, vary depending upon the definition of disadvantaged communities. In Table 10, each action plan was subjectively ranked high, medium, and low with respect to how relevant or likely that goals in that Action Plan can be advanced in the target equity areas using three different definitions of disadvantaged populations in Buzzards Bay.

Table 10. Disadvantaged community criteria and relevance to CCMP Action Plan goals

Action Plan	EPA Criteria	MA Criteria	NEP Criteria
1: Managing Nitrogen Sensitive Embayments	Low	Medium	Medium
2: Protecting and Enhancing Shellfish Resources	Low	Medium	Medium
3: Managing Stormwater Runoff and Promoting LID	Medium	Medium	High
4: Improving Land Use Management and Promoting Smart Growth	Low	Medium	Medium
5: Managing Onsite Wastewater Disposal Systems	Low	Medium	Medium
6: Managing Impacts from Boating, Marinas, and Moorings	Low	Medium	Medium
7: Protecting and Restoring Wetlands	Low	Medium	Medium
8: Restoring Migratory Fish Passage and Populations	Low	Medium	Medium
9: Protecting Biodiversity and Rare and Endangered Species Habitat	Low	Medium	Medium
10: Managing Water Withdrawals to Protect Wetlands, Habitat, and Public Water Supplies	Low	Medium	Medium
11: Managing Invasive and Nuisance Species	Low	Medium	Medium
12: Protecting Open Space	Low	Medium	High
13: Protecting and Restoring Ponds and Streams	Low	Low	Medium
14: Reducing Beach Debris, Marine Floatables, and Litter in Wetlands	Low	Medium	Medium
15: Managing Coastal Watersheets and the Waterfront	Low	Medium	Medium
16: Reducing Toxic Pollution	Medium	Medium	Medium
17: Preventing Oil Pollution	Medium	Medium	Medium
18: Planning for a Shifting Shoreline and Coastal Storms	Low	Medium	Medium
19: Protecting Public Health at Swimming Beaches	Low	Medium	High
20: Monitoring Management Action, Status, and Trends	Medium	High	High
21: Enhancing Public Education and Participation	Medium	High	High

⁷ See *And Environmental Justice for All? Mass. High Court Clarifies Application of EJ Policy* at massdirtlaw.com/2023/01/10/and-environmental-justice-for-all-mass-high-court-clarifies-application-of-ej-policy/

Funding Goals and Priorities

Each year the Buzzards Bay NEP will develop an annual workplan and tasks. The Buzzards Bay NEP has adopted strategies wherever practical, to help ensure that 40% of the benefit from each of those tasks reach disadvantaged communities in Fig. 3. Below are the key activities currently underway with Year 1 funding, and how the NEP will work to achieve a 40% goal of directed benefits.

Key activities

In the BIL year 1 funding workplan, three tasks are identified: 1) support and expand the role of the Buzzards Bay Stormwater Collaborative (\$97,000), supporting municipal efforts to map stormwater infrastructure and monitor discharges to prioritize sites for remediation, 2) disperse most of the BIL funds through a municipal grant program to support municipal infrastructure projects and other CCMP priorities (\$769,000), and 3) as part of the NEP's administrative support for the program, hire a part-time contractor to assist municipalities to develop infrastructure proposals to secure BIL funds, particularly municipalities with Environmental Justice populations (\$27,500).

Most Buzzards Bay NEP BIL funds will be expended in the municipal grant program and the NEP has set a target that 40% of the grants awarded provide benefits or support disadvantaged communities. To achieve that goal, the NEP has amended its grant scoring sheets to allow for the awarding up to three additional points (out of 28) for projects that benefit disadvantaged communities identified in Fig. 3. In addition, the NEP will identify remediation projects in disadvantaged communities to develop conceptual plans that can feed into the NEP's grant programs and encourage municipalities to submit projects that benefit disadvantaged communities. The Year 1 grant BIL request for proposals was issued in December 2022, and the Year 2 grant request for proposals will be issued about May 2023.

Support for the Buzzards Bay Stormwater Collaborative will be an ongoing task for all five years of BIL funding. The program already leverages nearly an equivalent amount of funds already.

Section 3: Activities the NEP will pursue with BIL funds FFY 2022 – FFY 2026

In the sections below, details are provided for the specific tasks and actions expected for the duration of BIL funding. Unless conditions and priorities change, we expect to continue the three core priorities in the Year 1 workplan, namely: 1) support and expand the role of the Buzzards Bay Stormwater Collaborative, supporting municipal efforts to map stormwater infrastructure and monitor discharges to prioritize sites for remediation, 2) disperse most of the BIL funds through a municipal grant program to support municipal infrastructure projects, and 3) continue technical assistance to municipalities to develop infrastructure proposals to secure BIL funds, particularly municipalities with Environmental Justice populations. Beginning in Year 3 of BIL funds, we may add a fourth task of awarding targeted grants to meet EJ and CCMP goals.

BIL FFY22 Work Plan Task 1 - Buzzards Bay Municipal Stormwater Collaborative Support

Project/Activity Purpose and Description (expansion of an ongoing program; subaward to MMA, about \$98,000 annually)

Maintenance, upgrades, and improvements to stormwater infrastructure are among the highest environmental priorities in Buzzards Bay municipalities. Climate impacts, including rising sea level and more intense storms, have compromised the viability and effectiveness of stormwater management and treatment infrastructure. Compliance with federally mandated MS4 permits remains a financial and staffing challenge to Buzzards Bay municipalities. To share resources and exchange ideas, eight municipalities are collaborating in the Buzzards Bay Stormwater Collaborative, including using a shared Illicit Discharge Detection & Elimination (IDDE) investigations trailer and supporting trained college

co-op students to conduct mapping and monitoring in the towns. The Stormwater Collaborative is managed and administered by the Massachusetts Maritime Academy (MMA) under the Environmental Science program.

With BIL funding, the NEP will fund the Buzzards Bay Stormwater Collaborative coordinator at MMA (salary, fringe, and indirect) and cover certain other administrative costs. The co-op students will be funded by Buzzards Bay municipalities (who last year contributed nearly \$79,000).

This task supports or helps advance these BIL goals:

- invest public dollars efficiently, avoid waste, and focus on measurable outcomes for the American people,
- build resilient infrastructure that can withstand the impacts of climate change and help combat the climate crisis, and
- invest public dollars equitably, including through the Justice40 Initiative, which is a government-wide effort toward a goal that 40 percent of the overall benefits from Federal investments in climate and clean energy flow to disadvantaged communities.

The principal partners of the Stormwater Collaborative are the Buzzards Bay watershed municipalities led by their public works departments, NEP staff, and Stormwater Collaborative staff of the Massachusetts Maritime Academy. About 80% of the full-time and part-time Buzzards Bay Stormwater Specialists' time is dedicated to supporting and advancing the Buzzards Bay Stormwater Collaborative. This work is covered under the NEP's Section 320 Cooperative Agreement.

This is an ongoing task, and a review of the work completed to date shows that among the stormwater discharges evaluated (posted at the webpages [Interactive Stormwater Infrastructure map to support the Buzzards Bay Stormwater Collaborative](#) and [Data available from the Buzzards Bay Stormwater Collaborative](#)) 298 out of 719 reports, or 41% of the discharges evaluated are within the NEP defined disadvantaged community areas. The percentage is greater for catchbasins inspected. Thus, the BIL funded Stormwater Collaborative task is already meeting Justice40 goals.

BIL FFY22 Work Plan Task 2 - Municipal Support Grant Program

Project/Activity Purpose and Description (new activity)

The NEP set aside \$769,339 of add-in BIL funds in the first year of the Buzzards Bay Watershed Infrastructure Support Grant Program. In subsequent years, \$500,000 to \$750,000 annually will be dedicated to this task, depending on the level of funding to Task 4 (if any). Eligible projects funded in this category include:

1. Feasibility and design of stormwater facilities to treat discharges to impaired surface waters.
2. Construction of stormwater facilities to treat discharges affecting surface waters.
3. Support for tasks to achieve Municipal Separate Storm Sewer System (MS4) compliance (other than required routine maintenance).
4. Feasibility studies and conceptual plans to enhance nitrogen removal from municipal wastewater treatment facilities using innovative or unconventional approaches.
5. Restoration of wetlands, habitat, and migratory fish passage.
6. Construction of a boat pump-out facility in a municipality or harbor.
7. Creation of online reporting systems for tracking of operation, maintenance, and monitoring of innovative and alternative septic systems.
8. Projects that mitigate or restore coastal waters, coastal resources, freshwaters, or freshwater resources impaired by pollutant loading.
9. Land for open space, habitat preservation, acquisition, or protection.

10. Other activities in support of the CCMP and compatible with BIL funding.

All projects must be located within the Buzzards Bay watershed. Grants will be reviewed based on quality, cost-effectiveness, and to the degree they meet CCMP and BIL goals, and EPA and Commonwealth Environmental Justice policies. Projects in categories 1-8, because they better fit the goals of the Bipartisan Infrastructure Law, will receive extra points in the scoring of proposals.

Buzzards Bay municipalities are responsible for preparing grant applications, but the groundwork for these efforts will be supported by NEP staff, the Buzzards Bay Stormwater Collaborative through Massachusetts Maritime Academy, and non-profit partners like the Coalition. The CZM South Coast Regional Coordinator, housed in the NEP offices, will also support project development by Buzzards Bay municipalities, as will the part-time grant development specialist funded in Task 3.

Principal Staff involved in these tasks includes the Regional Planner who oversees grants and contracts, the Executive Director, CZM South Coast Regional Coordinator, the stormwater specialists, who help guide the Buzzards Bay Stormwater Collaborative efforts, and the part-time grant development specialist. Tasks include scope development, awarding of contracts, preparation of press releases, website updated with projects, grant documents received, and contracts administered.

BIL FFY22 Work Plan Task 3 - Technical Assistance to Municipalities for Project Development

Project/Activity Purpose and Description (new activity; \$35,000 annually)

The CCMP is a non-regulatory document therefore, most recommendations are directed toward municipalities because they have the greatest authority to meet many of the CCMP goals and recommendations. Whether certain activities are initiated depends upon our partners' capacity to address specific growth-related and non-point source pollution problems facing the bay and watershed. The NEP provides this assistance on an ad hoc basis. To meet this need and fulfil this task, the NEP hired a part-time contractual employee to support BIL project development and facilitate project development applications by municipalities to other BIL and state and federal grant programs. A particular focus is to provide support to municipalities with Environmental Justice populations.

While this task is expected to be undertaken in all five years, the efficacy of the program will be evaluated over time, and the NEP may consider completing this task through a contractual services contract instead of a contractual employee.

This task will be supported by other NEP staff who will also reach out to non-profits, other agencies, and the public to help develop future projects that meet the goals of the CCMP and BIL funding goals. This technical assistance primarily focuses on specific initiatives funded or managed by the NEP but can include a wide range of CCMP issues and management topics. This task is considered part of the administrative costs needed to ensure the success of this work plan.

Key partners in this effort include the Stormwater Collaborative, the Coalition, the BBAC, Buzzards Bay municipalities, and state and federal agencies. The CZM South Coast Regional Coordinator will also support project development by Buzzards Bay municipalities. Besides the part-time individual hired under this task, all NEP staff will contribute support as needed or required.

BIL FFY22 Work Plan Task 4 - Targeted Grants to meet EJ and CCMP goals

Project/Activity Purpose and Description (new activity)

Depending on the response of municipalities to the municipal grant program (Task 2), the NEP may elect to initiate subawards in BIL funding years 3 to 5. The NEP will reach out to municipalities with

disadvantaged populations to identify specific projects that support the goals of the CCMP that can be initiated under targeted grant subawards. This task will be supported by other NEP staff who will also reach out to non-profits, other agencies, and the public to help develop future projects that meet the goals of the CCMP and BIL funding goals. Topic areas may include a wide range of CCMP issues and management topics. Funding for this task will vary each year but will likely typically range between \$75,000 and \$250,000 each year.

Section 4: Funds Leveraged in Support of the Cooperative Agreement

As noted earlier, EPA has waived the match/cost-share requirements for BIL funds. However, EPA requires that NEPs track and report any leveraged funds or activities. To meet this requirement, the NEP will require the submission of leveraged fund reports for all grants and sub-awards (these will be like the match reports now required for Section 320 funds), and the NEP will prepare close-out leveraged fund reports, like the close-out match reports now prepared by the NEP for Section 320 funds. To encourage leveraged funds, grant request for proposals will note that applications with leveraged funds can help demonstrate local buy-in by securing other funding commitments, and in this leveraged funding will be encouraged. In addition, as part of the development of any targeted subawards, leveraged funds and matching the funding to other state and federal programs will be detailed as part of the project development process.

Section 5: Tracking benefits

The NEP will follow guidance provided by EPA's Office of Environmental Justice (OEJ) for tracking funding and benefits to disadvantaged communities and for reporting to EPA through the GPRR reporting website. Elements to be tracked may include:

- expanded adaptive capacity of disadvantaged communities to be resilient to climate change,
- improved wildlife habitat, addressed water quality challenges or prevented or reduced non-point source pollution affecting disadvantaged communities,
- increased disadvantaged communities' access to recreation, and
- expanded education and/or deepened engagement or representation of disadvantaged communities (for example expanding management or other committees to include greater representation from disadvantaged communities).

The NEP will encourage New Bedford City leaders and the Massachusetts Congressional designation to petition EPA for other Buzzards Bay watershed designations like the Urban Waters Federal Partnership (UWFP) to better address the needs of disadvantaged communities and environmental justice issues in New Bedford.

Section 6: BABA requirements

The following wording will be included in BIL solicitations:

Build America, Buy America requirements: BIL fund expenditures must comply with the 2021 Build America, Buy America (BABA) Act, P.L. 117-58, Secs 70911 - 70917). Under the act, EPA has required grant recipients and their sub awardees for construction projects to not obligate funds unless all the iron, steel, manufactured products, and construction materials used in the project are produced in the United States. This provision only applies to grants for construction projects exceeding \$250,000 and where more than 5% of the grant is spent on iron, steel, manufactured products, and construction materials permanently incorporated into construction, maintenance, or repair projects. Under the law, construction materials exclude "cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives". Grant recipients receiving awards exceeding \$250,000 and where more than 5% of the grant is spent on iron, steel, manufactured products, and construction materials (excluding cement and ce-

mentitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives) that are permanently incorporated into construction, maintenance, or repair projects must agree to the conditions set by BABA and submit the affidavit (located in Attachment E of the Request for Proposals) at the close of the project, or submit a waiver request if BABA terms cannot be met. The basis of waivers includes a variety of conditions, such as items not available from domestic sources, the cost of compliance increasing construction costs above 25%, and other factors. In addition, the BABA requirements have several time waivers to facilitate implementation. EPA has waived grant award obligations made by EEA before March 2, 2023. A full explanation of waivers is available at <https://www.epa.gov/cwsrf/build-america-buy-america-baba-approved-waivers>.

The following wording will be included in BIL application forms:

Build America, Buy America Law

Build America, Buy America provisions only apply to awards over \$250,000, and where more than 5% of the award is spent on iron, steel, manufactured products, and construction materials permanently incorporated into construction, maintenance, or repair projects. Under the law, construction materials exclude cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

Will the Build America, Buy America Law apply to this application? No Yes

If yes, will you comply with the law or submit a waiver? No Yes

Comments if any:

The following reporting form must be submitted at the close of BIL funded projects where the grant award exceeds \$250,000:

Build America, Buy America Affidavit for Construction Awards

The grantee acknowledges for the benefit of Commonwealth of Massachusetts that it understands the goods and services under this grant award are being funded with federal monies and have statutory requirements commonly known as “Build America, Buy America;” that requires all of the iron and steel, manufactured products, and construction materials used in the project to be produced in the United States (“Build America, Buy America Requirements”) including iron and steel, manufactured products, and construction materials provided by grantee contactors funded under this award. The grantee hereby represents and warrants to and for the benefit of the Commonwealth of Massachusetts that (a) the grantee has reviewed and understands the Build America, Buy America Requirements, (b) all of the iron and steel, manufactured products, and construction materials used in the project will be and/or have been produced in the United States in a manner that complies with the Build America, Buy America Requirements, unless a waiver of the requirements is approved, and (c) the grantee will provide any further verified information, certification or assurance of compliance with this paragraph, or information necessary to support a waiver of the Build America, Buy America Requirements, as may be requested by the Commonwealth of Massachusetts.

Build America, Buy America did not apply because (check at least one):

- Less than %5 of the cost of the project was expended on iron and steel, manufactured products, and construction materials as defined under the law
- We received a waiver from EPA or
- Build America, Buy America applied to this project, we complied with the law, and we have receipts and documents showing compliance with the law that are available for review.

Signature municipal official

Title

Date

Appendix A



October 2022

Executive Office of Energy and
Environmental Affairs

Environmental Justice Strategy

Secretariat and agency strategies for proactively promoting
environmental justice in the Commonwealth of Massachusetts.



DRAFT

Letter from the Secretary

It is with great anticipation that I release for public comment the Executive Office of Energy and Environmental Affairs' (EEA) Environmental Justice (EJ) Strategy. The effort to develop this secretariat-wide document was led by our Environmental Justice Task Force, convened by our director of environmental justice in September 2020. Together, this group has put forth a continuing vision for ensuring that all residents of the Commonwealth can benefit in an equitable and just manner from the laws and policies addressing environmental, energy and climate issues in Massachusetts.

This is a tall order and one that requires continued engagement from our Commonwealth's residents, environmental justice stakeholders, business and development communities, and state government. The issues that this comprehensive strategy seeks to address cannot be solved in a day or a year. We have much to do in order to reach our goals for environmental, energy and climate justice. My office has conceived of this EJ Strategy as a "living document," one that will continually transform itself in response to informed and practical public input and discussion. This public comment period reflects the launch of this long-term effort.

In the pages of this strategy, Massachusetts residents will find steps and goals meant to promote environmental equity by each of the agencies and major offices under EEA's umbrella. These agencies and offices have tailored the requirements under EEA's EJ Policy to the missions of their organizations. In addition to this agency mission-specific approach, several common goals have also been articulated across the secretariat: the commitment to better language access for those MA residents with limited English proficiency, a requirement to quantify current baseline and future metrics in order to measure progress, plans for continued staff training, and a recognition that state government must be staffed by employees from all of the Commonwealth's demographic populations in order to implement government policies in an equitable manner.

I hope you will read this draft EJ Strategy with a keen eye, elaborate on approaches that are likely to be successful, identify strategies that were missed, and highlight practices that may fall short of our mutual goals to establish a more just and equitable commonwealth. Please submit written comments at the public comment portal on the EEA EJ webpage: <https://www.mass.gov/environmental-justice>. This webpage will also contain information about several public listening sessions in which you can submit oral comments. Your input will be invaluable and will serve as the guiding force to the implementation of EEA's EJ Strategy.

Sincerely,
Bethany A. Card
Secretary of Energy and Environmental Affairs

Acknowledgements

The development of EEA's EJ Strategy was a two-year analysis and planning process developed under the leadership of:

Bethany A. Card, Secretary of Energy and Environmental Affairs
 Kathleen Theoharides, former Secretary of Energy and Environmental Affairs
 Daniel Sieger, former Undersecretary of Environment
 Judy Chang, Undersecretary of Energy and Climate Solutions
 Rishi Reddi, Director of Environmental Justice
 EEA's EJ Task Force, as identified below.

Current and Former Members of the Massachusetts EEA Environmental Justice Task Force

Rose Arruda, *Massachusetts Department of Agricultural Resources (MDAR)*

Jorge J. Ayub, *Department of Conservation and Recreation (DCR)*

Vallery Cardoso, *Executive Office of Energy and Environmental Affairs (EEA)*

Major Kevin Clayton, *Office of Law Enforcement (OLE)*

Beverly Craig, *Massachusetts Clean Energy Center (MassCEC)*

Tomeka Cribb-Jones, *Massachusetts Water Resources Authority (MWRA)*

Page Czepiga, *Massachusetts Environmental Policy Act Office (MEPA)*

Rebecca Davidson, *Massachusetts Department of Agricultural Resources (MDAR)*

Tamika Jacques, *formerly of Massachusetts Clean Energy Center (MassCEC)*

Tori Kim, *Massachusetts Environmental Policy Act Office (MEPA)*

Carline Lemoine, *Department of Public Utilities (DPU)*

Jade Lu, *Massachusetts Clean Energy Center (MassCEC)*

Cindy Montoya, *EEA Human Resources (EEA HR)*

Danilo Morales, *Department of Energy Resources (DOER)*

Dominique Pahlavan, *EEA Geographic Information Systems (EEA GIS)*

Rishi Reddi, *Executive Office of Energy and Environmental Affairs (EEA)*

Mark Reil, *formerly of Department of Fish and Game (DFG)*

Francisco Rodriguez, *Department of Conservation and Recreation (DCR)*

James Rossignol, *Department of Fish and Game (DFG)*

Kari Sasportas, *Office of Technical Assistance (OTA)*

Deneen Simpson, *Department of Environmental Protection (DEP)*

Tiffany Skogstrom, *Office of Technical Assistance (OTA)*

Tyler Soleau, *Office of Coastal Zone Management (CZM)*

Wayne Wang, *Energy Facilities Siting Board (EFSB)*

Alexis Washburn, *formerly of Department of Energy Resources (DOER)*

We thank the stakeholders who engaged in discussions and submitted comments that helped develop this document.

Purpose and Use

This collection of environmental justice strategies is intended to improve the internal management of EEA agencies and collect, in a single document, the various strategies being employed throughout the Secretariat. These strategies are subject to change without any required notice. The intended audience of this document is EEA staff to use to assist EEA staff in engaging the public on matters relevant to EEA functions and implementation of programs and policies under its purview. These strategies are not intended to, may not be relied upon to, and do not create any right, benefit or duty, substantive or procedural, enforceable at law or equity by any party in any matter, civil, criminal or administrative. These strategies 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 these strategies.

Table of Contents

Office of the Secretary	6
Office of Coastal Zone Management	20
MA Office of Law Enforcement and MA Environmental Police.....	28
Massachusetts Environmental Policy Act Office.....	38
Massachusetts Office of Technical Assistance.....	47
Massachusetts Department of Agricultural Resources	57
Department of Conservation and Recreation	67
MassDEP.....	77
Department of Fish and Game	91
Department of Energy Resources	100
Department of Public Utilities.....	109
Commonwealth of Massachusetts Energy Facilities Siting Board (EFSB).....	117
Massachusetts Clean Energy Center	130
Massachusetts Water Resources Authority	140

Executive Office of Energy and Environmental Affairs

Office of the Secretary



Environmental Justice Strategy

DRAFT



Table of Contents

Office of the Secretary	6
Mission Statement of the Executive Office of Energy and Environmental Affairs.....	8
Requirements under the EEA Environmental Justice Policy.....	8
Legal Authority	9
Definitions	9
Acronyms in this Document.....	10
Applicability	11
EEA Office of the Secretary EJ Strategy	11
<i>Current and On-going EJ Initiatives</i>	12
<i>Future EJ Initiatives</i>	15
<i>Stakeholder Outreach, Community Engagement, and Public Involvement</i>	17
Enforcement of this EEA EJ Strategy.....	19

Mission Statement of the Executive Office of Energy and Environmental Affairs

The Executive Office of Energy and Environmental Affairs (EEA) seeks to protect, preserve, and enhance the Commonwealth's environmental resources while ensuring a clean energy future for the state's residents. Through the stewardship of open space, protection of environmental resources, and enhancement of clean energy, the Executive Office of Energy and Environmental Affairs works tirelessly to make Massachusetts a wonderful place to live, work, and raise a family.

Requirements under the EEA Environmental Justice Policy

Environmental justice is based on the principle that all people have a right to be protected from environmental hazards and to live in and enjoy a clean and healthful environment regardless of race, color, national origin, income, or English language proficiency. Environmental justice is the equal protection and meaningful involvement of all people and communities 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 and burdens.¹

EEA's Environmental Justice Policy (EJ Policy) directs all EEA agencies² to develop their own EJ strategies to "proactively promote environmental justice in all neighborhoods in ways that are tailored to the agencies' missions." The EJ Policy further provides that these separate strategies will be consolidated into one "Secretariat EJ Strategy" and will be finalized by a date established by the Secretary.³

In order to meet this requirement, this comprehensive Secretariat EJ Strategy has been developed by EEA's EJ Program together with EEA's agencies, offices and programs. According to the EJ Policy, the agency strategies should "...consider how to appropriately integrate environmental justice considerations into their departments through policies, programs, or other strategies...EEA agencies shall identify and promote agency-sponsored projects, funding decisions, rulemakings or other actions intended to further environmental justice throughout the Commonwealth to show how the fair distribution of benefits has been measured."

¹ See "Environmental Justice Policy of the Executive Office of Energy and Environmental Affairs," *Definitions*; [<https://www.mass.gov/doc/environmental-justice-policy6242021-update/download>]

² Agencies required to develop EJ strategies are Massachusetts Department of Agricultural Resources (MDAR), Department of Conservation and Recreation (DCR), Department of Environmental Protection (DEP), Department of Fish and Game (DFG), Department of Energy Resources (DOER), Department of Public Utilities (DPU). EEA offices developing EJ Strategies are Coastal Zone Management (CZM), Massachusetts Environmental Police / Office of Environmental Law Enforcement (MEP), Massachusetts Environmental Policy Act (MEPA), and Office of Technical Assistance and Technology (OTA). In addition, EEA-Affiliated agencies Clean Energy Center (CEC) and Massachusetts Water Resource Authority (MWRA) have developed their own EJ Strategies.

³ See "EEA EJ Policy," *Para. 13*; [<https://www.mass.gov/doc/environmental-justice-policy6242021-update/download>]

Legal Authority

EEA and its agencies, office and programs are required to comply with several state legal authorities that ensure equity in the implementation of EEA's laws and programs. These authorities include, but are not limited to, [the EEA Environmental Justice Policy](#), [Chapter 8 of the Acts of 2021: An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy](#), MA Executive Orders ([EO 526](#) & [EO 552](#)), and [the Executive Office of Administration and Finance \(A&F\)'s Language Access Policy \(Bulletin #16\)](#). In addition, because of its status as a recipient of funding from the federal government, EEA must ensure that its programs accord with federal law that forbids discrimination based on race, color or national origin.⁴

Please continue reading to find the EJ strategies that pertain to each specific agency, office and program under the purview of EEA.

Definitions

“[Environmental Justice](#)” is based on the principle that all people have a right to be protected from environmental hazards and to live in and enjoy a clean and healthful environment regardless of race, color, national origin, income, or English language proficiency. Environmental justice is the equal protection and meaningful involvement of all people and communities 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 and burden.

“[Environmental Justice Principles](#)” support people’s protection from environmental pollution and the ability to live in and enjoy a clean and healthy environment, regardless of race, color, income, class, handicap, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief or English language proficiency, which includes: (i) the meaningful involvement of all people with respect to the development, implementation and enforcement of environmental laws, regulations and policies, including climate change policies; and (ii) the equitable distribution of energy and environmental benefits and environmental burdens.

“[Environmental Justice Population](#)” refers to a neighborhood⁵ that meets one or more of the following criteria:

- The annual median household income is not more than 65 percent of the statewide annual median household income.⁶

⁴ See Title VI under the Civil Rights Act of 1964 [<https://www.epa.gov/ocr/title-vi-laws-and-regulations>], guidelines at [<https://www.epa.gov/ogc/ecrco-guidance-and-policies>]

⁵ “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).

⁶ “Low Income” means median annual household income at or below 65 percent of the statewide median income for Massachusetts, according to federal census data.

- Minorities comprise 40 percent or more of the population⁷;
- 25 per cent or more of households lack English language proficiency⁸;
- Minorities comprise 25 per cent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 per cent of the statewide annual median household income; or
- A geographic portion of a neighborhood designated by the Secretary as an environmental justice population in accordance with law.

“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 the access to clean natural resources, including air, water resources, open space, constructed playgrounds and other outdoor recreational facilities and venues, clean renewable energy course, environmental enforcement, training, and funding disbursed or administered by EEA.

“Environmental Burdens” means any destruction, damage, or impairment of natural resources that is not insignificant, resulting from intentional or reasonably foreseeable causes, including but not limited to climate change, air pollution, water pollution, improper sewage disposal, dumping of solid wastes and other noxious substances, excessive noise, activities that limit access to natural resources and constructed outdoor recreational facilities and venues, inadequate remediation of pollution, reduction of ground water levels, impairment of water quality, increased flooding or storm water flows, and damage to inland waterways and waterbodies, wetlands, marine shores and waters, forests, open spaces, and playgrounds from private industrial, commercial or government operations or other activity that contaminates or alters the quality of the environment and poses a risk to public health.

Acronyms in this Document

CZM:	Coastal Zone Management
DCR:	Department of Conservation and Recreation
DCS:	Division of Conservation Services
DEP:	Department of Environmental Protection
DFG:	Department of Fish and Game
DOER:	Department of Energy Resources

⁷ “Minority” refers to individuals who identify themselves Latino/Hispanic, Black/African American, Asian, Indigenous people, and people who otherwise identify as non-white.

⁸ “English Isolation” refers to households that are English Language Isolated according to federal census forms, or do not have an adult over the age of 14 that speaks only English or English very well.

DPU:	Department of Public Utilities
EJ:	Environmental Justice
ILC:	Interagency Land Committee
GWSA:	Global Warming Solutions Act
LAND:	Massachusetts Local Acquisitions for Natural Diversity programs
LEP:	Limited English Proficiency
MassCEC:	Massachusetts Clean Energy Center
MDAR:	Massachusetts Department of Agriculture
MEP:	Massachusetts Environmental Police
MEPA:	Massachusetts Environmental Policy Act,
MET:	Massachusetts Environmental Trust
MVP:	Municipal Vulnerability Preparedness Program
MWRA:	Massachusetts Water Resources Authority
OTA:	Office of Technical Assistance,
PARC:	Parkland Acquisitions and Renovations for Communities

Applicability

In accordance with the requirements of the EJ Policy, this EEA EJ Strategy applies to the Office of the Secretary and the following initiatives and programs housed within it: the Massachusetts Parkland Acquisitions and Renovations for Communities (PARC), the Massachusetts Local Acquisitions for Natural Diversity (LAND) programs, the Massachusetts Environmental Trust (MET), the Massachusetts Bay Estuary Program, the Water Resources Commission, the Licensed Site Professional Board, and the Hazardous Waste Site Cleanup Professionals Board, Interagency Land Committee (ILC), Division of Conservation Services (DCS), and other programs including, but not limited to, programs related to climate change adaptation, such as the Municipal Vulnerability Preparedness Program (MVP) and implementation of the Global Warming Solutions Act (GWSA).

Offices housed within EEA that have developed their own EJ Strategies, including Massachusetts Environmental Policy Act (MEPA), Coastal Zone Management (CZM), Office of Technical Assistance (OTA), and the Massachusetts Environmental Police (MEP) may refer to and adopt various provisions of this strategy into their own.

EEA Office of the Secretary EJ Strategy

Current and On-going EJ Initiatives

The following initiatives are currently in place and continue to be part of the EJ Strategy for the Office of the Secretary:

- **EJ Program and Director of EJ.** The EJ program is led by the Director of EJ and staffed by a Deputy Director of EJ. The Director serves as the initial point of contact for EJ matters, leads the EJ Task Force, establishes programs and training for EEA and its agencies, and tracks progress toward EJ goals and assists the other EEA offices, including the Legal Office, in EJ-related matters.
- **EJ Task Force.** The EJ Task Force is comprised of the EJ Points of Contact from the following EEA agencies and offices: MDAR, DCR, DEP, DFG, DOER, DPU, CZM, MEPA MEP, OTA, MassCEC, and MWRA. The Task Force has been working to develop and implement EJ Strategies, as required by the EJ Policy, for their respective agencies. EJ Task Force members function as primary points of contact for EJ issues, analyzing agency policy, and reviewing community engagement practices.
- **Training.** EEA EJ and GIS staff have developed and will continue to hold trainings for all Secretariat staff on the new definition of EJ Population, new EJ Maps, stakeholder outreach, community engagement, and provision of language access services training for each of the EEA agencies and offices will be scheduled through the spring and summer of 2022.
- **EJ Organization and Mailing List.** EEA's EJ program shall continue to supplement and maintain a list of EJ community and advocacy organizations and an "EJ Mailing List" consisting of EJ organizations, social justice organizations, interested members of EJ populations, community development corporations, grassroots and community organizations, schools, health clinics, and others who may be interested in EJ issues. This list will be distributed by EEA to its agencies, offices, and programs and to other Secretariats upon request for use in sending newsletters and notice of grant opportunities and other general outreach information. The list will also be used to assist MEPA project proponents and other entities who request information in their outreach efforts.
- **The 2021 Climate Act.** The Secretary shall continue to consider EJ principles in the implementation of Chapter 8 of the Acts of 2021: *An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy (The 2021 Climate Act)*, including the revision of the MEPA regulations; the convening of the Environmental Justice Council; development and refinement of the new EJ Maps; and secretariat-wide adoption of effective public participation processes. The secretary shall establish standards and guidelines for the implementation, administration, and periodic review of environmental

justice principles by the executive office of energy and environmental affairs and its agencies.

- **Global Warming Solutions Act.** On June 30, 2022, EEA filed the 2025 and 2030 Clean Energy and Climate Plan with the Legislature. All aspects of the plan have been drafted through an environmental justice, energy justice and climate justice lens, and take note of the recommendations of the Climate Justice Working Group of the Implementation Advisory Committee. EEA's EJ staff will continue to work with the climate team to influence all aspects of planning for a just transition to a green economy, including efforts in the electricity sector, land use, transportation, energy efficient buildings and workforce development.
- **Municipal Vulnerability Preparedness Program.** EEA will continue to develop and implement grant criteria to incentivize projects that assist the most vulnerable EJ neighborhoods, and EJ Populations, and will continue to actively encourage municipal leaders and stakeholders to engage proactively with EJ populations. Furthermore, as the MVP program revises its required municipal-level climate resilience planning process, it will work to elevate the voices of EJ and climate vulnerable populations and representatives in the planning process and build stronger project-based partnerships between municipalities and EJ Populations.
- **Cumulative Impact Workgroups.** EEA will continue to convene the EEA Interagency Cumulative Impact Workgroup to address the issues of cumulative impacts secretariat-wide and to gather information from other Secretariats that pertain to cumulative impacts. EEA will continue to collaborate with DEP's Air Quality Cumulative Impact workgroup, working to promulgate new regulations in DEP's Air Program as required by the 2021 Climate Act.
- **Multi-Language Access.** EEA will continue in its development of a Language Access Plan as required under A&F Bulletin #16. In accordance with that Bulletin, a language resources assessment was conducted of all EEA agencies and offices in August and September 2021, providing information about multi-lingual agency staff who may facilitate communication with Massachusetts residents with limited English proficiency. EEA has designated a Language Access Coordinator who is responsible for agency implementation and compliance with the EEA's Language Access Plan. EEA has institutionalized the use of statewide contract PRF75: Foreign Language Interpretation and Translation Services⁹ for the purpose of obtaining professional translators and interpreters. Funding has been allocated for the use of these services.

⁹ <https://www.mass.gov/doc/prf75/download>

- **EJ Maps.** To identify EJ populations defined under the EJ Policy, EEA will continue to prepare and revise detailed maps based on the most appropriate and up-to-date data housed at the United States Census Bureau.
- **EJ Webpage.** EEA launched its updated EJ website in June 2021. The updated webpage includes the new EJ definition and links to corresponding Geographic Information System (GIS) maps. EEA shall continue to maintain and update its EJ website as an online repository for information about the Commonwealth's environmental justice activities, mapping tools and data, initiatives, resources, and pertinent public comments received. EEA will also include translations of the webpages and information in the top languages spoken in MA. Terminology used on the webpage will be reviewed to ensure that it is accessible to those unfamiliar with the technical language used in environmental and government work.
- **Public Health.** EEA and MassDEP shall continue to meet regularly with the Massachusetts Department of Public Health (DPH) to coordinate on environmental issues potentially affecting public health, including matters related to exposures from multiple and cumulative sources of pollution and efforts focused on EJ neighborhoods, in addition to developing tools that intersect with the jurisdiction of all three agencies and contribute to increased knowledge regarding cumulative impacts of multiple pollutions sources and socio-economic factors in EJ neighborhoods.
- **Grants.** EEA and its agencies shall continue to 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 populations through attentive planning practices and thoughtful consideration when permitting and developing.
- **Brownfields Revitalization.** EEA shall continue to prioritize EJ populations 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. Examples of state programming that were designed to support vulnerable communities and would thereby benefit EJ populations are the Gateway City Parks Program, the Lt. Governor's Community Compact Cabinet, the State Revolving Fund (SRF), the Environmental Information Public Access System (EIPAS), the Governor's Urban Agenda, MassDevelopment's Transformative Development Initiative (TDI), and MDPH's Mass in Motion.

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

Local and Non-English Speaking Media Outlets. EEA has developed a list of non-traditional 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 is continually maintaining this list by adding new outlets, keeping contact information up to date, and deleting outlets that are no longer in business or relevant for this purpose.

Future EJ Initiatives

The following are future initiatives that will be in place for the Office of the Secretary:

- **EJ Council.** EEA shall convene the EJ Council appointed by the Governor as mandated under the 2021 Climate Act to advise and provide recommendations to the Secretary of Energy and Environmental Affairs on relevant policies and standards to achieve the environmental justice principles. By or before July 31, 2022, EEA will consult with the EJ Council with regard to its comprehensive analysis and confirmation of the definition of “EJ Population.”
- **Fact Sheets.** Within six months after the effective date of this strategy, 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 including programs related to climate change adaptation, 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. Fact sheets will be available in print and digital formats for distribution.
- **Annual EJ Report.** EEA shall issue an annual report that details ways in which environmental justice criteria were used for awarding grants and prioritizing program funding for the prior fiscal year. The report will show, at the census block group level, the amount of public funds, or publicly leveraged funds, used and for what projects; it will also convey various metrics to show how the fair distribution of benefits has been measured in its programs. The public report will be issued no later than October 15 in a given year to convey information about the previous calendar year, and the first such

report will be issued in 2023, reporting on the 2022 year. Additionally, EEA will convene an annual public meeting to report on the progress of the EJ Policy.

- **Metrics.** To track progress towards its EJ goals, EEA will establish metrics to track the fair distribution of benefits in its programs. EEA will publish these findings in its annual report and will include EJ metrics and progress for EEA's agencies, offices, and programs. Some of the criteria that may be considered are the following:
 - Agency spending by fiscal year for language translation and interpretation services
 - Fiscal year agency and program spending on projects benefitting EJ neighborhoods
 - Number of EJ Trainings hosted and attended by EEA and its agencies
 - Hiring demographic information
 - Number of public meetings hosted in EJ neighborhoods by EEA and its agencies
- **Targeted Compliance, Enforcement, and Assistance.** Within one year after the effective date of this strategy, EEA will devise a plan to assist environmental compliance and enforcement and assistance agencies to develop targeted compliance initiatives for neighborhoods where EJ populations reside and where local environmental and public health conditions warrant increased attention. This effort will also guide agencies to coordinate their compliance assistance efforts with federal agencies, local boards of health and other municipal offices, and community-based organizations in neighborhoods where EJ populations reside.
- **Economic Partnerships / Job Opportunities.** EEA has and shall continue to work with the Executive Office of Housing and Economic Development (HED) on promoting economic partnerships and increasing job opportunities. Specifically, EEA shall work with HED to promote economic development projects that incorporate cleaner production practices and toxics use reduction and create jobs in neighborhoods where EJ populations reside. This will include, but not be limited to collaboration with the following key agencies:
 - **The Economic Assistance Coordinating Council (EACC).** With the assistance of HED, EEA shall formally request that the 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.
 - **The Massachusetts Office of Business Development (MOBD).** MOBD will coordinate with EEA to more effectively link the issues of economic and environmental justice at the neighborhood level.

- **The Department of Housing and Community Development (DHCD).** EEA shall work closely with DHCD to maximize the benefit of its resources on issues of growth and community development. This will include, but not be limited to discussions around the growth and development of affordable housing in neighborhoods where EJ populations reside.
- **Riverways and the Massachusetts Environmental Trust (MET).** EEA shall work with the Department of Fish and Game's Division of Ecological Restoration and 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
- **Training.** To educate its staff on the growing body of knowledge pertaining to EJ, including mapping tools, cumulative impact analysis, and best practices for community engagement and public participation, EEA will plan and facilitate trainings throughout the year. EEA will develop a plan to train EEA agency staff, including those disbursing grants for the provision of open space, river maintenance or restoration, education, and technical assistance, education. Training topics for the public may also be considered. For example, a training on the review process under the Massachusetts Environmental Policy Act would be valuable to many stakeholders, as would a training on the process for submitting comments to the Energy Facility Siting Board (EFSB).
- **Hiring & Performance Review.** EEA acknowledges the importance of having an agency workforce that reflects the racial, ethnic, and socio-economic diversity of the residents of Massachusetts, including the key role that such a workforce plays in advancing equitable decisions regarding environmental and energy permitting, siting, regulatory development, grant disbursement and law enforcement. EEA commits to incorporating diversity hiring practices and to provide training for hiring managers in order to promote this equitable decision-making, including using criteria in job-postings that require successful applicants to demonstrate knowledge and understanding of the needs of vulnerable populations, environmental justice neighborhoods, and under-served areas of the Commonwealth. EEA will consider interview questions that evaluate job candidates' knowledge of and experience with EJ topics.

Stakeholder Outreach, Community Engagement, and Public Involvement

Public Involvement. By September 30, 2022, EEA will develop a Stakeholder Outreach, Community Engagement, and Public Involvement Plan (PIP) to provide guidance to EEA staff on effective and meaningful public involvement and community engagement.

Language Access Plans. By September 30, 2022, EEA will develop and adopt a Language Access Plan (LAP) consistent with A&F Bulletin #16. In addition, EEA has initiated a process by which LAPs will be adopted by each EEA agency and office and shall continue to work with them to ensure Secretariat wide compliance with A&F Bulletin #16, which requires LAPs for each Department. These LAPs are applicable when agency staff are working with neighborhoods in which 5% or more individuals have limited English proficiency (LEP). The objectives of these LAPs are to: (a) Improve access to and the quality of state services, programs and activities for non-English speakers and LEP persons; (b) Reduce disparities and delays, if any, in the provision of state services/programs to eligible non-English speakers and LEP persons compared with eligible English speakers; and (c) Increase agency effectiveness and public satisfaction. Adherence to the LAPs will promote compliance with Title VI of the Civil Rights Act of 1964, federal Executive Order 13166 and associated Title VI regulations and guidance against national origin discrimination, the state's anti-discrimination statute – Chapter 151B of the General Laws, and MA Executive Order 526.

Stakeholder Engagement and Community Outreach. For EEA's key agency actions, EEA will continue to allocate funding needed for in-person, virtual and telephonic interpretation and translation of outreach emails, documents, reports, and other documents.

EEA will seek methods for restructuring the format of public outreach and community engagement in order to make these opportunities more interactive and accessible. Strategies include:

- Conducting outreach in public venues and events where communities gather, such as pop-up tables, farmers markets, neighborhood fairs, community centers, libraries, and food distribution centers.
- Utilizing small group discussions, check-in questions, and polls during public meetings and events
- Accepting the submission of public comments virtually, by phone and email, and through postal service
- Hosting a morning and evening session for each public meeting, to accommodate a variety of attendees' schedules
- Distributing informational materials prior to meetings
- Posting meeting materials and presentation to mass.gov
- Allowing adequate time for EJ stakeholders to review and comment on any documents and proposed projects
- Pursuing methods for turning EEA's messaging and outreach materials into jargon-free and plain language that is easily understood

Enforcement of this EEA EJ Strategy

EEA's agencies and offices are continuously striving to improve our environmental justice strategies and how we implement them. EEA responds to public inquiries and complaints with thorough investigations, implementation of necessary corrective actions, and feedback and communication with the complainant. For any environmental justice concerns, complaints, compliments or ideas, or to find out more about our agency environmental, energy and climate justice efforts, please contact:

Rishi P. Reddi
Director of Environmental Justice
Executive Office of Energy and Environmental Affairs
100 Cambridge St., Suite 900
Boston, MA 02114
Email: rishi.p.reddi@mass.gov

or

Vallery B. Cardoso
Deputy Director of Environmental Justice, Inter-agency Coordinator
Executive Office of Energy and Environmental Affairs
100 Cambridge St., Suite 900
Boston, MA 02114
Email: vallery.b.cardoso@mass.gov

Office of Coastal Zone Management



Environmental Justice Strategy

DRAFT

Table of Contents

Office of Coastal Zone Management.....	20
CZM’s Mission Statement	22
Secretariat EJ Strategy Requirements from EEA EJ Policy	22
EJ Strategy	22
<i>Communication</i>	23
<i>Environmental Monitoring & Citizen Volunteering</i>	23
<i>Technical Assistance</i>	24
<i>Port and Harbor Planning</i>	24
<i>Ocean Planning</i>	25
<i>Grant Programs</i>	25
<i>Products & Tools</i>	26
<i>Hiring</i>	26
Enforcement of this EEA EJ Strategy.....	26

DRAFT

Office of Coastal Zone Management

CZM's Mission Statement

The mission of the Office of Coastal Zone Management (CZM) is to balance the impact of human activities with the protection of coastal and marine resources through planning, public involvement, education, research, and sound resource management.

Secretariat EJ Strategy Requirements from EEA EJ Policy

The Executive Office of Energy & Environmental Affairs (EEA) Environmental Justice (EJ) Policy has directed all EEA agencies to develop their own EJ Strategies. EEA agencies shall consider how to appropriately integrate environmental justice considerations into their departments through policies, programs, or other strategies. EEA agencies shall identify and promote agency-sponsored projects, funding decisions, rulemakings or other actions intended to further environmental justice throughout the Commonwealth in order to show how the fair distribution of benefits has been measured.

EJ Strategy

CZM's strategy outlines actions for promoting and integrating EJ considerations across CZM's programs, policies, and activities, as well as meeting EEA's EJ goals to ensure that all people residing in the Commonwealth enjoy a clean and healthful environment, protection from climate change, and the equitable distribution of environmental benefits and burdens.

CZM's EJ Strategy identifies the actions and efforts that CZM will take to implement the EEA EJ Policy. The EJ Strategy consists of components designed to:

- enhance communication activities to expand information access for EJ populations,
- better integrate EJ populations into outreach, environmental monitoring, and citizen volunteering activities,
- strengthen technical assistance to proactively address EJ issues and support EJ populations,
- support meaningful engagement with EJ populations and input during planning, public comment, hearings, and information sessions for program activities
- strengthen EJ criteria used in grant selection,
- engage directly with EJ populations to strengthen access to and use of CZM tools and products, and
- support a diverse and inclusive CZM team.

Additional details on CZM actions in these areas are described below.

Communication

In addition to using EEA's Public Involvement and Community Engagement Plan in its outreach efforts, CZM will incorporate EJ considerations into CZM's Communication Program in the following ways:

CZM Website. CZM regularly updates the website to communicate with the public and stakeholders about CZM programs, projects, activities, and opportunities for the public to participate. CZM will continue to update and use the website as a mechanism for communication and engagement with EJ populations with relevant information such as:

- CZM's EJ Point of Contact
- CZM Regional Offices (locations and contacts)
- Links to Federal & State laws and regulations
- CZM Public Notices
- Links to Coastal [Books](#) and [Podcasts that emphasize EJ and climate justice issues.](#)

CZM Social Media. CZM will evaluate ways of sharing information with EJ communities using various social media platforms, including Twitter, and alternative media outlets (focused on EJ populations) will be among the new methods considered to convey important and impactful information.

CZ-Mail. CZM's monthly newsletter provides useful information for EJ populations such as:

- Notices & News
- Activities & Achievements
- Program & Project Updates
- CZM Events and Stakeholder Events
- Grant & Funding Opportunities

Virtual Outreach/Engagement. CZM will continue using virtual communication platforms and resources (e.g. Zoom, Microsoft Teams, and other services) as valuable components of engaging the public and collaborating with stakeholders, including using virtual public meetings and webinars. CZM also encourages public comments and questions through both email and standard mail as options for participating in key activities.

- CZM will continue to utilize its virtual outreach/community engagement resources to support EJ populations.

Environmental Monitoring & Citizen Volunteering

CZM's Marine Invader Monitoring and Information Collaborative (MIMIC) brings together volunteers and scientific experts from state, federal, and nonprofit organizations to monitor for marine invasive species along the New England coast. CZM also sponsors COASTSWEEP, an

annual statewide beach cleanup involving thousands of volunteers throughout Massachusetts. Volunteers collect marine debris and record what they find. This information is then analyzed and used to identify sources of marine debris and develop education and policy initiatives to help reduce it.

- Engage with Community Based Organizations and individuals in EJ communities, with language services, if necessary, to welcome and enhance monitoring and volunteer activities.
- Engage MIMIC leads to support increased access to MIMIC activities for EJ populations in their respective regions.
- Translate monitoring materials and resources (e.g., monitoring protocols, marine invasive species identification cards, and MIMIC iNaturalist information) as needs are identified or when requested by the EJ population.
- Translate tweets and other COASTSWEEP materials to support participation of EJ populations in the annual statewide beach cleanup.
- Engage with interested EJ populations to participate in COASTSWEEP and prioritize support for beach cleanups in EJ communities.
- Build on successful efforts to engage EJ populations and transfer that success to future cleanups.

Technical Assistance

CZM focuses on providing technical assistance to local decision-makers and interested citizens. CZM's dedicated team of technical specialists in policy, planning, regulatory review, coastal and ocean science, monitoring, mapping, and communications, along with regional coordinators who serve as liaisons to communities and local organizations, provide a range of technical assistance, including one-on-one consultations with local officials, coastal business representatives, coastal homeowners, and others.

- Engage with EJ populations to learn about environmental concerns and technical assistance needs.
- Incorporate EJ issues and considerations in technical assistance to local officials and other partners.
- Translate technical resources for residents (e.g., StormSmart Properties fact sheets) as needs are identified or when requested by the EJ population.

Port and Harbor Planning

CZM supports coastal communities to balance economic development and environmental protection in port and harbor areas. CZM's Port and Harbor Planning Program involves working with coastal communities to ensure that waterfront areas grow in a safe, environmentally sound,

and economically prosperous manner and balance potentially competing uses within a port or harbor.

- Commit to engagement with EJ stakeholders to ensure meaningful involvement and input from affected EJ populations during harbor planning processes.
- Translate public notices submitted to the *Environmental Monitor* for public comment, hearing, or information sessions for harbor planning activities when limited English proficiency (LEP) populations are identified or when requested by the EJ population.
- Publish notice in relevant alternative newspaper or media source specifically intending to reach LEP populations for harbor planning activities within an EJ community.
- Provide interpreters and translation services for public hearing and information sessions, when LEP populations are identified or when requested by the EJ population.
- Seek to schedule public comment, hearing, and information sessions at times and locations accommodating EJ populations, when EJ populations are identified or when EJ populations are affected by proposed harbor planning processes, and incorporate outreach provisions in accordance with EEA's Public Involvement and Community Engagement Plan.

Ocean Planning

CZM serves as the lead state agency for the Massachusetts Ocean Management Plan, which protects critical marine habitat and important water-dependent uses and sets standards for new ocean-based projects in state coastal waters. Through the implementation, review, and update of the ocean plan, CZM works with other state agencies and regional and federal partners to balance demand of current and emerging uses of ocean waters while protecting ocean habitats and promoting sustainable economic development.

As applicable, depending on the audience and affected geographical area:

- Translate public notices submitted to the *Environmental Monitor* for public comment on ocean plan activities.
- Publish notice in relevant alternative newspapers or media sources specifically intending to reach LEP populations for public comment on ocean plan activities.
- Provide interpretation and translation services for public comment and information sessions on ocean plan activities.
- Seek to schedule public comment and information sessions at convenient times and locations for EJ populations and incorporate outreach provisions in accordance with EEA's Public Involvement and Community Engagement Plan.

Grant Programs

CZM manages and implements two grant programs: Coastal Resilience grant program and Coastal Pollutant Remediation grant program. These programs support local efforts to address

coastal flooding, erosion, and sea level rise as well as identify and address nonpoint source pollution. CZM shall review and strengthen environmental justice criteria for evaluating proposals and prioritize grant funding to applicable recipients.

- Annually review grant program priorities and identify opportunities to strengthen and encourage participation from and benefit for EJ populations in the project development stage.
- Continue to encourage identification of linkages between proposed projects and EJ populations in requests for proposals.
- Incentivize projects which benefit EJ communities and populations in proposal review and scoring.
- Identify other state and federal grant opportunities for EJ communities that could support EJ initiatives (e.g., National Oceanic and Atmospheric Administration, Environmental Protection Agency, Seaport Economic Council).

Products & Tools

CZM develops and manages a wide range of coastal and ocean data products and tools available to the public. These products cover: coastal zone maps, geology, coastal erosion, current and future coastal flooding, habitat, ocean planning, port and harbor planning, public access to the coast, seafloor and seafloor habitat mapping, water quality, and other coastal and ocean issues.

- Engage with EJ populations about developing tools and products or existing products (e.g., Coast Guide Online) to ensure these resources are accessible and beneficial to EJ populations.

Hiring

CZM acknowledges the importance of having an agency workforce that reflects the racial, ethnic, and socio-economic diversity of the residents of Massachusetts, including the key role that such a workforce plays in advancing equitable decisions regarding environmental permitting, siting, regulatory development, and grant disbursement. With EEA, CZM commits to incorporating diversity hiring practices and to provide training for hiring managers to promote this equitable decision-making, including using criteria in job-postings that require successful applicants to demonstrate knowledge and understanding of the needs of vulnerable populations, environmental justice neighborhoods, and under-served areas of the Commonwealth. CZM will consider interview questions that evaluate job candidates' knowledge of and experience with EJ topics.

Enforcement of this EEA EJ Strategy

For any environmental justice concerns, complaints, compliments or ideas, or to find out more about our agency environmental, energy and climate justice efforts, please contact EEA's Office of Environmental Justice as outlined on Page 19 of this EEA EJ Strategy.

CZM EJ Point of Contact:

Tyler Soleau

Assistant Director

Tyler.Soleau@mass.gov

(617) 626-1243

DRAFT

MA Office of Law Enforcement and MA Environmental Police



Environmental Justice Strategy

DRAFT



DRAFT



Table of Contents

MA Office of Law Enforcement and MA Environmental Police.....	28
Massachusetts Environmental Police (MEP) Mission Statement.....	31
Secretariat EJ Strategy Requirements from EEA EJ Policy.....	31
EJ Strategy	31
<i>Definitions</i>	31
<i>Strategy</i>	32
<i>Community Outreach</i>	33
<i>Trainings</i>	35
<i>Recruitment, Hiring, and Promotion</i>	36
<i>Tribal Matters</i>	36
<i>Grant Funding Opportunities</i>	36
<i>Metrics</i>	36
Enforcement of this EEA EJ Strategy.....	37



MA Office of Law Enforcement and MA Environmental Police

The Massachusetts Office of Law Enforcement (OLE) is the official name of the agency which is also known as the Massachusetts Environmental Police (MEP) and its Registration Services. Within this document we will use “MEP” to represent all services provided.

Massachusetts Environmental Police (MEP) Mission Statement

The mission of the Massachusetts Environmental Police is to protect the environment and natural resources of the Commonwealth through enforcement, education, and public outreach.

Secretariat EJ Strategy Requirements from EEA EJ Policy

The Executive Office of Energy & Environmental Affairs (EEA) [Environmental Justice \(EJ\) Policy](#) has directed all EEA agencies to develop their own EJ Strategies¹. EEA agencies shall consider how to appropriately integrate environmental justice considerations into their departments through policies, programs, or other strategies. EEA agencies shall identify and promote agency-sponsored projects, funding decisions, rulemakings or other actions intended to further environmental justice throughout the Commonwealth in order to show how the fair distribution of benefits has been measured. EEA will provide guidance to its agencies to fulfill the EJ Strategy requirement.

EJ Strategy

This strategy outlines intentional and deliberate actions for promoting and integrating environmental justice (EJ) principles and considerations across MEP’s programs, policies, activities. This strategy refers to the following terms, as defined in Chapter 8 of the Acts of 2021, *An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy*, and the EEA EJ Policy.

Definitions

“[Environmental Justice \(EJ\)](#)” is defined as the equal protection and meaningful involvement of all people and communities 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 and burdens. Environmental justice is based on the principle that all people have the right to be protected from environmental hazards and

¹ <https://www.mass.gov/doc/environmental-justice-policy6242021-update/download>



to live in and enjoy a clean and healthful environment regardless of race, color, national origin, income, or English language proficiency.

“[Environmental Justice principles](#)”, are principles that support protection from environmental pollution and the ability to live in and enjoy a clean and healthy environment, regardless of race, color, income, class, handicap, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief or English language proficiency, which includes: (i) the meaningful involvement of all people with respect to the development, implementation and enforcement of environmental laws, regulations and policies, including climate change policies; and (ii) the equitable distribution of energy and environmental benefits and environmental burdens.

An “[Environmental Justice Population](#)”² is defined as neighborhoods where one or more of the following criteria are met:

- the annual median household income is not more than 65 per cent of the statewide annual median household income;
- minorities comprise 40 per cent or more of the population;
- 25 per cent or more of households lack English language proficiency;
- minorities comprise 25 per cent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 per cent of the statewide annual median household income;
- the neighborhood is designated to be an EJ Population by the Secretary of EEA in accordance with the procedure outline in Chapter 8 of the Acts of 2021 and the EEA EJ Policy

Strategy

This MEP EJ Strategy identifies key actions which may assist with implementation of the EEA EJ Policy. This Strategy consists of components designed to address the following topics:

- Communication and Outreach: Enhance communications related to environmental justice, including language access and outreach and engagement;
- Training: Promote agency (staff) awareness and application of EJ principles in MEP’s work;
- Recruitment and Hiring: Facilitate diverse, inclusive and representative sworn and support personnel;

² <https://www.mass.gov/info-details/environmental-justice-populations-in-massachusetts>



- Rights of Indigenous Peoples, i.e., tribes, tribal organizations and their members: Explore issues and pursue solutions related to association and enforcement of conservation law enforcement activities and public administration;
- Grant Opportunities: Seek and include EJ language in relevant grant applications;
- Metrics: Determine appropriate objective criteria to measure program effectiveness from the perspective of environmental justice interests.

Community Outreach

Under [EEA's EJ Policy](#), "Meaningful involvement means that all neighborhoods have the right and opportunity to participate 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, and are given transparency/accountability by government with regard to community input, and encouraged to develop environmental, energy, and climate change stewardship."³

[MA Environmental Police Webpage](#)⁴. MEP will update its webpage to include EJ oriented information. Additionally, MEP will consider and evaluate ways of sharing information through EEA's EJ Webpage. MEP's current EJ webpage provides useful information such as:

- MEP EJ Coordinator contact information
- MEP Agency Director's contact information
- Links to the following:
 - EEA EJ Coordinator contact information
 - EEA EJ Policy
 - EEA's EJ Webpage
- Statistics of EJ Populations in the Commonwealth
- Key information available in top 10 non-English languages spoken in the Commonwealth

Public Safety / Health. Engage in outreach to EJ neighborhoods and low English proficiency neighborhoods, particularly when addressing health protections and safety threats within the purview of MEP.

Education. MEP will promote equality in accessing its services. These services include:

- Educational outreach on boating and off highway vehicle safety

³ EJ Policy, Pg. 4 <https://www.mass.gov/service-details/environmental-justice-policy>

⁴ OLE webpage <https://www.mass.gov/orgs/massachusetts-environmental-police>



- Registration and Titling for boats and recreational vehicles, such as dirt bikes, motorized vessels, etc.

Additionally, MEP commits to an internal review to determine which booklets, forms, and literature should be translated into appropriate languages in accordance with [Administration and Finance \(A&F\) Bulletin #16 \(Language Access Policy "LAP"\)](#)⁵. This policy endeavors to make information and services accessible to Limited English Proficiency persons. MEP will coordinate with the Division of Fish and Game within the Department of Fish and Wildlife, and other state agencies to provide these services in an equitable manner.

Stakeholder Relationships.

- Develop a list of community groups/advocacy groups by region place on shared drive accessible to all staff and utilize EEA's list as needed.
- Continue to build relationships in the community and maintain regular communication with community/advocacy groups and municipal officials by sharing information pertaining to projects, activities in EJ populations and by posting information on the MEP webpage,
- Consider opportunities for utilizing community meetings to build relationships, using language services as needed, in order to promote conservation law enforcement-related matters. Develop and implement a method to explore if barriers exist in EJ Communities to contacting MEP
- Develop an agency plan and policy as well as procedures to handle EJ related complaints or calls for enforcement.

Virtual and Remote Outreach.

- MEP will initiate use of video platforms (Zoom, Go To Meeting, Skype for Business, Microsoft Teams) and other services that allow trainings and meetings to take place without all participants being in the same location, and will utilize remote language services (interpreters) as needed.

Limited English Proficiency.

- In accordance with A&F Bulletin #16: *Language Access Policy*, MEP commits to an internal review to determine key documents that should be translated for dissemination to persons with Limited English Proficiency (LEP)

⁵ <https://www.mass.gov/administrative-bulletin/language-access-policy-and-guidelines-af-16>



- MEP will work to align its languages services with the requirements of A&F Bulletin #16
- MEP will use the state contract, [Foreign Language Interpretation and Translation Services \(PRF 75\)](#)⁶, to acquire translation and interpretation services as required under A&F Bulletin #16
- MEP will set aside budget for translations and interpreters under state contract PRF 75
- MEP will translate relevant bureau-identified critical outreach materials
- As applicable, depending on the audience and affected geographical area MEP will make interpreters available for trainings related to public safety, health, and other programs as needed in appropriate languages, as required by A&F Bulletin #16 or the EEA EJ Policy

Trainings

MEP is committed to promoting environmental justice by designing decision-making processes that can prevent disproportionate health, environmental, social, and economic effects on persons in the Commonwealth. In order to achieve this, we strive to offer staff trainings that provide meaningful opportunity for public involvement and community engagement. MEP will allocate funding for EJ focused trainings and will ensure that appropriate agency staff is introduced to EJ issues, requirements, responsibilities, and opportunities through these trainings.

MEP Training for MEP Personnel. MEP will allocate funding for EJ trainings. Topics may include:

- Trainings on integrating EJ into MEP's work.
- Trainings on effective community engagement and facilitation best practices.

MEP Personnel to attend EEA Trainings. MEP is committed to sending staff to EJ trainings offered by EEA's EJ Team. These include trainings on:

- the use of EJ Mapping Tools, such as [EEA's GIS \(Geographic Information Systems\) EJ Viewer](#)⁷,
- language interpretation and translation services and requirements,
- public outreach and engagement best practices.

⁶ <https://www.mass.gov/doc/prf75/download>

⁷ <https://mass-eoea.maps.arcgis.com/apps/MapSeries/index.html?appid=535e4419dc0545be980545a0eeaf9b53>



Recruitment, Hiring, and Promotion

MEP acknowledges the importance of having a workforce that reflects the racial, ethnic, and socio-economic diversity of the residents of Massachusetts, including the key role that such a workforce plays in advancing equitable decisions regarding law enforcement and protection of public health and safety-related services.

MEP commits itself to incorporating diversity hiring practices and to provide training for hiring managers in order to promote equitable decision-making, including using criteria in job-postings that require successful applicants to demonstrate knowledge and understanding of the needs of vulnerable populations, environmental justice neighborhoods, and under-served areas of the Commonwealth.

- MEP seeks to:
 - attend job/career fairs and cultural centers in order to promote, educate and encourage and solicit applicants to join MEP as sworn personnel from EJ neighborhoods or with knowledge of and sensitivity to EJ issues.
 - speak with students at all levels of education so as to inform them of employment opportunities in conservation law enforcement,
 - incorporate employees' understanding of EJ populations issues and work in EJ communities in performance review criteria.

Tribal Matters

- MEP commits to review of its internal written protocols pertaining to the interests of indigenous people in the current conservation law enforcement environment.

Grant Funding Opportunities

- Actively seek to obtain grant funding for initiatives that will benefit EJ populations in the commonwealth.

Metrics

The EJ Policy requires agencies to measure and track progress with the EJ goals, which is then recorded in a year-end document issued by EEA. Metrics that MEP will track are:

- Budget spent on language services
- How many documents translated
- How many instances of interpreters used
- Trainings hosted internally
- Trainings hosted by MEP on MEP topics in EJ communities
- MEP Staff attendance at EJ Trainings



- Hiring demographic numbers⁸

Enforcement of this EEA EJ Strategy

For any environmental justice concerns, complaints, compliments or ideas, or to find out more about our agency environmental, energy and climate justice efforts, please contact EEA's Office of Environmental Justice as outlined on Page 19 of this EEA EJ Strategy.

OLE EJ Point of Contact:

Major Kevin L. Clayton
Chief of Enforcement
kevin.clayton@mass.gov
508-630-431

DRAFT

⁸ <https://www.mass.gov/info-details/state-employee-diversity-dashboard>



Massachusetts Environmental Policy Act Office
Environmental Justice Strategy

DRAFT

Table of Contents

Massachusetts Environmental Policy Act Office	38
Introduction.....	40
Background.....	41
MEPA EJ Strategy.....	41
<i>Enhanced Public Involvement Requirements for Projects Located Near EJ Populations</i>	42
<i>Enhanced Analysis of Impacts on EJ Populations</i>	43
<i>Language Access</i>	44
<i>Public Involvement Efforts by MEPA Office</i>	45
<i>Staff Training and Hiring</i>	45
<i>Metrics</i>	46
Enforcement of this EEA EJ Strategy.....	46

DRAFT

Massachusetts Environmental Policy Act Office

Environmental Justice Strategy

Introduction

The Massachusetts Environmental Policy Act (MEPA) Office is part of the Executive Office of Energy and Environmental Affairs (EEA), an agency of the Commonwealth of Massachusetts.

The MEPA Office conducts reviews of environmental impacts of development projects and other activities that require action, such as permitting, siting, or funding, by state agencies and certain municipal authorities (collectively, “Agency” or “Agencies”). The intent of the MEPA review process is to provide meaningful opportunities for public review of potential environmental impacts before Agency action is taken on the project.

The MEPA Office is committed to incorporating environmental justice (EJ) principles into its programs, policies, and activities. To that end, this MEPA EJ Strategy outlines a framework to implement Sections 56-60 of Chapter 8 of the Acts of 2021: *An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy* (the “Climate Roadmap Act” or “the Act”). Specifically, MEPA seeks to enhance opportunities for EJ populations to provide meaningful input on MEPA reviews and to improve methods for analyzing project impacts affecting EJ populations. MEPA also intends to take steps to incorporate EJ principles into the internal functions of the MEPA Office through improvements to public education, language access, and staff training and hiring practices.

The MEPA EJ Strategy includes the following elements, which are described in further detail in the sections below:

- Enhance public involvement requirements for projects undergoing MEPA review and located near EJ populations
- Enhance analysis of project impacts on EJ populations, including an assessment of existing environmental burdens and public health consequences and analysis of the additional impacts of projects
- Improve language access and translation/interpretation services related to key actions taken by the MEPA Office
- Improve the MEPA Office’s own public involvement and education efforts outside of individual project reviews
- Conduct staff training and update hiring practices to reflect commitment to EJ principles
- Establish metrics to track progress on successful implementation of this strategy
- Revise MEPA regulations, guidance and other procedures as needed to achieve the above goals

Background

As defined in EEA's EJ Policy (updated 2021),¹ "Environmental Justice" refers to the equal protection and meaningful involvement of all people and communities 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 and burdens.

The Climate Roadmap Act includes more protections for EJ populations. The legislation explicitly calls for MEPA to implement enhanced public participation protocols and establish a more comprehensive environmental impact review process for projects located near EJ populations. It calls for these reviews to identify existing unfair or inequitable environmental burdens and related public health consequences borne by EJ populations, and address how additional project impacts may cause disproportionate adverse effects or increase the risks of climate change on the EJ population.

Executive Order 552² directed EEA to update the 2002 EJ Policy and directed all secretariats to appoint an EJ Director and implement an EJ strategy. The Executive Order also required that an Interagency Environmental Justice Working Group be formed to coordinate EJ implementation efforts across secretariats.

The EEA EJ Policy (updated 2021) similarly directs all EEA agencies to establish their own EJ strategies to incorporate EJ principles into their programs, policies, and activities. The EEA EJ Policy requires that projects triggering certain "review thresholds" in MEPA regulations provide opportunities for "enhanced public participation" by surrounding EJ populations and to conduct an "enhanced analysis of impacts and mitigation." These requirements will now be implemented through MEPA regulations and guidance to be issued pursuant to the Climate Roadmap Act.

MEPA EJ Strategy

As required by the Climate Roadmap Act, the MEPA Office promulgated amended regulations to implement the provisions of the Act related to MEPA and have issued associated guidance documents. The new requirements relative to environmental justice for new project filings were put in effect on January 1, 2022. The MEPA Office is considering a second phase of regulation development in 2022, based on the results of a stakeholder effort led by the Massachusetts Department of Environmental Protection (MassDEP) under Section 102C of the Climate Roadmap Act.

¹ <https://www.mass.gov/executive-orders/no-552-executive-order-on-environmental-justice>

² <https://www.mass.gov/executive-orders/no-552-executive-order-on-environmental-justice>

Key components of the MEPA EJ Strategy are as follows:

Enhanced Public Involvement Requirements for Projects Located Near EJ Populations

The MEPA Office is committed to ensuring meaningful opportunities for public input into the MEPA review process through an enhanced public involvement protocol for projects located near EJ populations. The MEPA office will align this protocol with the explicit requirements of the Climate Roadmap Act.

Upon promulgation of regulations required by the Climate Roadmap Act, the MEPA Office will require all projects required to undertake MEPA review (with limited exceptions) to engage in outreach and community engagement efforts prior to filing with the MEPA Office. All projects will be expected to provide advance notification of the project to community-based organizations (CBOs) and tribes included in a reference list maintained by the EEA EJ Director.

MEPA's enhanced public involvement protocol calls for proponents to implement best practices in community engagement, including but not limited to the following measures:

- Holding a community meeting upon request by anyone contacted through advance notification provided, or upon further dissemination of a written project summary as referenced below
- Wide dissemination of a written project summary (with translation into relevant languages) with basic project details
- Hosting a project website or making project information available through other similar electronic means
- Ensure outreach to the public is communicated in clear, understandable language and in a user-friendly format
- Engage in creative outreach by making use of pre-existing groups – such as grassroots organizations and high school groups – and natural areas of congregation – like places of worship, libraries, and farmer's markets – to disseminate information about new projects, as well as traditional locations such as libraries and government offices
- Use of alternative and/or community-specific media outlets to publicize the project, including local public broadcasting stations, specialized newspapers, social media and community newspapers, and alternative language media
- Organizing town hall meetings or other focused community meetings organized by topic, neighborhood, or interest group
- Holding community meetings during weekend or evening hours, at accessible locations near public transportation, and/or through zoom or other similar web-based service if requested or determined to be more effective for reaching EJ populations. In addition, a "hybrid format" could be considered which allows members of the public to join in-person, on Zoom, or by phone, and makes the content of the meeting available afterwards for those who cannot attend.

- Organizing public education efforts for technical aspects of the project, such as fact sheets with visuals that include a summary of the project and associated technologies and processes, using lay-person language and terms in an effort to ensure the community understands the potential impacts of the project and can provide meaningful input, and holding “science fair” type presentations or teach-ins broken by topics
- Considering door-to-door education efforts through the use of flyers or other canvassing methods
- Identifying specific neighborhoods, residents or other communities surrounding the project site that may be affected and considering targeted outreach and engagement strategies directed at such areas
- Establishing a local information repository that is convenient and accessible for the EJ Population where information related to the project can be obtained

Enhanced Analysis of Impacts on EJ Populations

As required by the Climate Roadmap Act, the MEPA Office will also expand review of projects within or near EJ populations and enhanced analysis of impacts on EJ populations. For projects subject to MEPA jurisdiction that meet or exceed any MEPA review threshold, the Climate Roadmap Act requires the preparation of an environmental impact report (EIR), if the project is located within 1 mile of any EJ population or 5 miles if the project will impact air quality. Under new proposed regulations, a project will be determined to impact air quality if it meets or exceeds MEPA review thresholds under 301 CMR 11.03(8)(a)-(b), or generates 150 or more new average daily trips (adt) of diesel vehicle traffic over a duration of 1 year or more.

Consistent with the Climate Roadmap Act, an EIR that is filed for a project located within 1- or 5-miles of an EJ population must include an assessment of existing “unfair or inequitable environmental burdens and public health consequences” borne by the EJ population. The EIR must also analyze the project’s environmental and public health impacts to determine whether it will have a “disproportionate adverse effect” on EJ populations or increase or decrease the risks of climate change.

The MEPA Office has defined in guidance the methodology for conducting the assessments described above. In coordination with the EEA EJ Director, the MEPA Office has consulted key agencies and offices with relevant expertise relating to analysis of EJ and public health impacts, including the Massachusetts Department of Environmental Protection (MassDEP), Massachusetts Department of Public Health (DPH), Massachusetts Water Resources Authority (MWRA), Office of Technical Assistance (OTA), Massachusetts Coastal Zone Management Office (CZM), and the EEA climate team. The MEPA Office has also sought, and continues to seek, input from a wide variety of external stakeholders through a 20+ member advisory committee formed in September 2021.

Language Access

The MEPA Office is committed to expanding language access and translation/interpretation services for key actions taken by the Office. As noted above, the MEPA Office has issued an EJ public involvement protocol, which will include information on how to identify relevant languages for purposes of providing translation and interpretation services. These language services will apply to notices, documents and community meetings that pertain to the proposed project. The MEPA Office also intends to explore IT solutions to facilitate language access, such as the potential procurement of a Zoom account that allows for interpretation channels and exploring the use of web-based translation services. The MEPA Office is committed to securing “on call” translation services for day-to-day work, either independently or with other EEA agencies or divisions.

The following written documents generated by the MEPA Office offer opportunities for translation services to enable those with limited English proficiency to fully engage in the MEPA process:

	Document	Responsible Entity
1	Materials used for pre-filing outreach and community engagement (including written project summaries)	Proponent
2	Environmental Notification Form (ENF, or project filing) submitted to MEPA Office	Proponent
3	Notice of project published in Environmental Monitor (web-based publication managed by MEPA Office)	MEPA
4	Post date/time/location of site visit in Environmental Monitor	MEPA
5a	Supplemental information submitted to MEPA Office (<i>if applicable</i>)	Proponent
5b	Email notice of comment period extensions and supplemental information to agencies/towns/community based organizations/individuals who attended site visit (<i>if applicable</i>)	MEPA
6	Issue MEPA Certificate and publish in Environmental Monitor	MEPA
7	Issue MEPA advisory ruling	MEPA
8	Issue MEPA fail safe determination	MEPA

Public Involvement Efforts by MEPA Office

In addition to requiring enhanced public involvement efforts by project proponents, the MEPA Office is committed to improve its own engagement with EJ populations in the course of conducting agency activities outside of individual project reviews. Additional efforts to be considered by the MEPA Office include the following:

- In consultation with the EEA EJ Director, maintain an updated list of CBOs and tribes to provide as a resource for project proponents
- Conduct periodic trainings and/or presentations to the public (with recorded videos that can be accessed by those who cannot attend), with robust outreach to EJ populations, regarding MEPA's purpose and ways to meaningfully participate in and influence the MEPA process. Such trainings will be organized in consultation with EEA EJ Director.
- Explore enhancements to MEPA public comment portal to allow submission of requests to receive ongoing notification of project developments
- Revise environmental notification form (ENF) to include EJ public involvement requirements
- Update MEPA webpage and make it more accessible to communities across the Commonwealth

The MEPA Office will follow the requirements of the EEA Public Involvement Plan (PIP) as related to MEPA's internal operations. As related to project reviews, the MEPA public involvement protocol (applicable to project proponents) shall serve to meet the requirements of the EEA PIP.

Staff Training and Hiring

The MEPA Office is committed to providing staff training to ensure that analysts and staff understand the MEPA EJ Strategy and associated regulations and guidance, so that they can independently implement EJ requirements during the MEPA review process. Such trainings will be mandatory, include both written and in-person instruction, and be reflected in staff evaluations so as to ensure completion.

In addition, the MEPA Office will work with the EEA HR office to promote diversity in hiring and promotional practices. MEPA acknowledges the importance of having an agency workforce that reflects the racial, ethnic, and socio-economic diversity of the residents of Massachusetts, including the key role that such a workforce plays in advancing equitable decisions regarding environmental and energy permitting, siting, and regulatory development. MEPA commits to incorporating diversity hiring practices, including using criteria in job-postings that require successful applicants to demonstrate knowledge and understanding of the needs of vulnerable populations, environmental justice neighborhoods, and underserved areas.

Metrics

As required under the EEA EJ Policy (updated 2021), MEPA will develop metrics to track progress of the EJ strategies described in this document. In the first year, these metrics will focus on progress in successfully implementing the requirements of the Climate Roadmap Act, and will include, as feasible:

- Number of MEPA projects located within 1 mile and 5 miles of EJ populations, together with breakdown of “ENF” and “mandatory EIR” projects
- Number of MEPA projects conducting community engagement efforts
- Number of MEPA projects providing specific mitigation for EJ impacts
- Number of MEPA projects providing language services

The MEPA Office will consider additional metrics to track its own progress in implementing this strategy, including:

- Number and types of documents generated by the MEPA Office for which language translation is provided
- Number of EJ trainings held for staff
- Number of public trainings or recorded seminars held or produced regarding MEPA review procedures and ways to participate in MEPA reviews

Enforcement of this EEA EJ Strategy

For any environmental justice concerns, complaints, compliments or ideas, or to find out more about our agency environmental, energy and climate justice efforts, please contact EEA’s Office of Environmental Justice as outlined on Page 19 of this EEA EJ Strategy.

MEPA EJ Point of Contact:

Tori Kim
 Assistant Secretary/MEPA Director
Tori.Kim@mass.gov
 (857) 207-2996

or

Page Czepiga
 Assistant MEPA Director
Page.Czepiga@mass.gov
 (857) 408-7049

Massachusetts Office of Technical Assistance



OFFICE OF TECHNICAL
ASSISTANCE & TECHNOLOGY

Environmental Justice Strategy

DRAFT

Table of Contents

Massachusetts Office of Technical Assistance	47
OTA Mission Statement & Background.....	49
Secretariat Environmental Justice (EJ) Strategy Requirements from EEA EJ Policy.....	49
EJ Strategy	49
<i>Key Agency Actions</i>	<i>50</i>
<i>Statewide Toxics Use Reduction</i>	<i>50</i>
<i>Technical Assistance Activities.....</i>	<i>50</i>
<i>General Outreach.....</i>	<i>51</i>
<i>Chemical Safety & Climate Change Resiliency:</i>	<i>53</i>
<i>TURI Grant / Lab / Research Referrals.....</i>	<i>53</i>
<i>OTA Accomplishments in the Past Year.....</i>	<i>53</i>
<i>Future Planning for Additional Activities.....</i>	<i>54</i>
<i>Communications</i>	<i>55</i>
<i>OTA’s Commitment on New Staff Hires.....</i>	<i>56</i>
Enforcement of this EEA EJ Strategy.....	56

Massachusetts Office of Technical Assistance (OTA)

OTA Mission Statement & Background

The [Massachusetts Office of Technical Assistance \(OTA\)](#) is a statewide agency within the Executive Office of Energy & Environmental Affairs (EEA) that was created by, and is one of the three agencies that implements, the [Toxics Use Reduction Act \(TURA\)](#). OTA's role is to provide free and confidential pollution prevention and toxics use reduction assistance to Massachusetts businesses. Our sister agency, the [Toxics Use Reduction Institute \(TURI\)](#) at UMass Lowell, which was also created by TURA, provides toxics users and communities with research, laboratory services, and industry / small business / community grants for toxics use reduction efforts. MassDEP is the regulatory and enforcement arm of TURA. Together, these agencies work in partnership to implement the TURA program and reduce the use of toxic chemicals in the Commonwealth. Many TURA filers and other toxics users are located in environmental justice communities.

Secretariat Environmental Justice (EJ) Strategy Requirements from EEA EJ Policy

The Executive Office of Energy & Environmental Affairs (EEA) [2017 Environmental Justice \(EJ\) Policy](#) has directed all EEA agencies to develop their own EJ Strategies. EEA agencies shall consider how to appropriately integrate environmental justice considerations into their departments through policies, programs, or other strategies. EEA agencies shall identify and promote agency-sponsored projects, funding decisions, rulemakings or other actions intended to further environmental justice throughout the Commonwealth in order to show how the fair distribution of benefits has been measured.

EJ Strategy

OTA offers free and confidential pollution prevention and toxics use reduction assistance to Massachusetts businesses by identifying opportunities to reduce toxics use and waste, by identifying ways to conserve energy and other resources, and by assisting companies with regulatory compliance. Reducing the presence of toxic chemicals in manufacturing benefits the communities in which these facilities reside. In 2019, 44% of the manufacturers and businesses to which OTA provided technical assistance were in or within a half mile of an EJ community. In order to more effectively provide resources for these communities, OTA will integrate EJ principles across its programs, outreach, and strategic initiatives. OTA's work will include company site visits to provide existing companies within EJ neighborhoods with technical assistance to conserve energy and resources and reduce toxics use and waste, as well as guide

new or expanding businesses seeking new permits or start-up of new manufacturing operations to consider pollution prevention and resource conservation while projects are still in the planning stage. OTA's services are beneficial to EJ communities by improving public health and increasing environmental safety for toxics users through the following activities:

- Identifying opportunities to reduce risks associated with the use, manufacturing, and processing of hazardous chemicals.
- Identifying and evaluating inherently safer processes and chemistries.
- Identifying and accessing utility, state, and federal incentives and resources.
- Addressing potential safety issues and enhance compliance with regulations.
- Reducing employee exposure to hazardous chemicals and provide a safer workplace.
- Increasing the efficiency of process energy use.
- Implementing operations and maintenance best practices to conserve water and other materials.
- Applying toxics use reduction to lessen the risk of severe weather-related industrial accidents in climate change vulnerable areas, which often overlap with environmental justice communities.

Key Agency Actions

OTA has an ongoing commitment to advance EJ in our work and focuses on the following priority areas:

Statewide Toxics Use Reduction

OTA currently works in EJ communities because these communities are disproportionately burdened with toxics and chemical exposures. OTA will prioritize outreach to toxics users in and near EJ communities and offer continue to offer resources. OTA will note toxics use reduction successes in EJ areas and will pursue opportunities to develop case studies and other resources related to these successes that could serve as a model for facilities in other EJ communities. OTA will also conduct outreach to facilities located in or near EJ areas in order to further support toxics use reduction in these areas, particularly in settings where there are clear opportunities for toxics use reduction or where there is an expressed community interest in, or need for, toxics use reduction.

Technical Assistance Activities

Before OTA conducts a site visit at a company, the OTA staff member assisting the company sends a pre-visit questionnaire to the company contact to gather basic information about the facility. OTA will amend this questionnaire to add questions to assess the company's awareness

of environmental justice, and the extent to which existing company priorities include EJ (for instance, whether the company has an existing environmental justice, community engagement, corporate social responsibility, or environmental stewardship statement). If environmental justice is (explicitly or implicitly) an existing priority for the company, this will provide an opportunity for OTA staff to frame its recommendations in the context of the company's existing priorities related to environmental justice. If EJ is not already a company priority, then during OTA's engagement with the company, OTA staff will provide additional information on the relationship between toxics use reduction and environmental justice. In both cases, OTA will consider and integrate EJ principles into its assistance and its recommendations.

Each company OTA visits receives an individualized written report outlining toxics use reduction, pollution prevention and resource conservation recommendations along with a timeline of check-ins to assist with implementation. Reports will include the following language to call attention to the fact that the business resides within an environmental justice community along with the importance of protecting public health in these neighborhoods:

"Your facility is located within one mile of an environmental justice community. Environmental justice has been recently defined in Massachusetts law in [Chapter 8, Section 56, of the Acts of 2021](#). In this law, environmental justice populations are defined as neighborhoods meeting one or more or a combination of census criteria based on income, race, and English language proficiency, with some specified exceptions. Environmental justice is based on the principle described in the [2017 Environmental Justice Policy of the Executive Office of Energy and Environmental Affairs \(EEA\)](#) "that all people have a right to be protected from environmental hazards and to live in and enjoy a clean and healthful environment regardless of race, color, national origin, income, or English language proficiency."

"As environmental justice is a growing priority for the state, OTA would like to discuss how your facility can include environmental justice and/or community input into your actions. We would be happy to offer/brainstorm resources to increase community engagement."

General Outreach

OTA seeks to be a resource for environmental justice advocates and will raise awareness by:

- Identifying allies and attempting to be added to the agendas of environmental and social justice, economic development, and nonprofit organizations who value toxics use reduction and promotion of green businesses in order to get referrals and amplify OTA's services.

- OTA will collect and record interactions through a database maintained on HubSpot.
- Identifying, collecting, and sharing community media resources that are published or broadcast in languages other than English with EEA and TURI through database maintained on HubSpot.
- Creating outreach and educational materials catered to the needs of EJ communities and workers
 - OTA will share [TURA Section 18: Citizen Involvement \(MGL c.21I Section 18\)](#) with stakeholders and help stakeholders interpret technical summaries and implications, in particular sections A and B as follows:

Section 18. Massachusetts residents may participate in monitoring and enforcement procedures as follows:

(A) The department shall make available for resident review reports which are required under section ten and plan summaries which are required under section eleven; provided, however, that such availability shall be subject to the provisions of section twenty.

(B) Any ten residents living within ten miles of a facility required to prepare a toxics use reduction plan may petition the department for the department to examine the plan, the plan summary and any required back up data and determine their adequacy. The department shall determine whether the plan, plan summary and any required backup data meet the standards established pursuant to this chapter. The department shall report its determination to the petitioners and the toxics user in writing within a reasonable time.

- Budgeting for materials available in languages other than English and providing appropriate oral interpretation and written translation based upon the demographics of the workforce or community engagement.
- Institutionalizing EJ into TURA Program by:
 - Incorporating EJ outreach and pollution prevention into OTA staff performance reviews
 - Reserving EJ seats on advisory committees and ensuring diverse representation in all appointments
 - Providing mandatory EJ trainings for OTA staff delivered by EEA / OTA / TURA Program and/or outside consultants with appropriate expertise as well as trainings offered by outside agency webinars and resources
- Utilizing the EEA Community Outreach Plan/Public Involvement Plan.

Chemical Safety & Climate Change Resiliency:

- Developing an outreach plan/strategy that targets toxic users in climate vulnerable communities, as aligned with OTA's Chemical Safety and Climate Change Resiliency Program.
- Working with other EEA agencies to market OTA as a resource to help industries within Designated Port Areas (DPAs) or flood risk zones to reduce their use of toxic chemicals.
- Updated staff performance review criteria to emphasize outreach to facilities located in environmental justice areas, including with respect to OTA's chemical safety and climate change resiliency offerings.
- Collaborating with DPH to ensure consistent data layers between OTA's Chemical Safety and Climate Resilience map and DPH's [Environmental Justice Mapping tool](#).

TURI Grant / Lab / Research Referrals

- Referring businesses to TURA program services, including the following activities:
- Grant submission and review:
 - Share grant submission information through newly identified organizations in EJ communities.
 - Offer trainings to support TURI grantees.
 - Incorporate EJ scoring into TURI grants.
 - Identify other grant resources to help build sustainable programs and partnerships
- Incorporating EJ into Toxics Use Reduction Planning Continuing Educations Conferences.
- Identifying environmental justice groups, economic development corporations, community groups, non-profit agencies and other partners in a database shared with EEA and TURI.
- Holding recurring TURA Program-wide trainings related to the burden of toxic chemicals in EJ communities.

OTA Accomplishments in the Past Year

- Hired a paid EJ intern to assist us in marketing and delivering our toxics use reduction services and resources to the environmental justice community by identifying potential partners and businesses and developing outreach and educational materials. The Environmental Justice intern assisted OTA in creating an approach to engage with the environmental justice community and minority owned businesses through the following activities:

- Creating a database of minority owned businesses that would benefit from OTA assistance and an outreach plan to target these businesses.
- Creating a database of environmental justice groups, economic development corporations, community groups, nonprofits, and other organizations to partner with and requesting to be added to meeting agendas and webinars to market OTA's services.
- Identifying an EJ representative for the TURA Advisory Committee.
- Developing an outreach plan to target toxics users in communities vulnerable to climate change and severe weather events in alignment with [OTA's Chemical Safety and Climate Change Resiliency Program](#). Future activities will use resources such as [OTA's climate change map](#), which includes an EJ layer, to identify priority focus areas and consider how OTA's resources may benefit activities in designated port areas such as East Boston.
- The EJ intern surveyed OTA staff on EJ perceptions, ideas, and needs in order to develop a training for staff which included the history of redlining and the siting of facilities using toxic chemicals in poor and minority neighborhoods. The training was adapted to create a TURA program wide training.
- The Toxics Use Reduction Planners (TURP) Spring 2021 Continuing Education (CE) Conference featured an EJ keynote speaker, Ana Mascarenas, the Environmental Equity Director of the California's Environmental Protection Agency's Department of Toxic Substances Control, to discuss the intersection of environmental justice and toxic chemical use reduction. A link to the recording of the presentation may be found [here](#).
- A training was provided to Lawrence auto body shop owners and employees as part of a TURI grant awarded to [Lawrence Fire Department](#). Spanish interpretation was available at this event and the [Massachusetts Clean Auto Repair \(MassCAR\)](#) curriculum has been translated into [Spanish](#).

Future Planning for Additional Activities

- Develop metrics to track EJ activities, including the following statistics in the year-end Governor's report:
 - Percent of site visits conducted in EJ communities.
 - Pounds of chemicals, including VOCs and toxics reduced in EJ communities.
 - Water and energy conservation achieved within EJ communities.
 - Funding decisions, such as TURI grants awarded within EJ communities.
 - Number of referrals OTA has received from other agencies such as DEP, Local Boards of Health, or Fire Departments in EJ communities.

- Number of presentations made to EJ groups or communities.
- Any cumulative impact analysis tools developed.
- Aim for plain language, accessible outreach materials to lay out regulatory processes and timelines for community input and comment to enhance participation from EJ communities. Accessible outreach may include not only translated materials but also explain concepts at a reading level that can be understood by a broader audience, reduce use of acronyms, include more graphical elements, and encourage questions and interaction with a clear point of contact.
- Explore the feasibility of moving public meetings to more accessible locations and times to expand participation and expand public outreach to non-traditional venues where the public already gathers, such as neighborhood events, public transportation hubs, and community activity centers.

Communications

OTA provides free and confidential technical assistance to Massachusetts manufacturers as part of the Toxics Use Reduction Act (TURA). While we conduct outreach to EJ communities, we also want to emphasize the importance of EJ in our communications to companies.

OTA Social Media and Newsletter. We will use LinkedIn, Twitter, and our quarterly newsletter to promote environmental justice issues and make companies aware of opportunities to further environmental justice in the communities in which they are located.

TURA Webpage. The TURA Program will develop an EJ webpage on mass.gov. This webpage will explain what the TURA program is, and include the following elements:

- Describe how to use and interpret the [TURA Data Dashboard](#), including how to find information about specific facilities, and offer guidance for interpreting the data in the context of environmental justice.
- How OTA, TURI, and DEP can engage with and provide resources to EJ communities.
- Link out to the [TURA Data Dashboard](#) and [OTA's chemical safety and climate change map](#).
- Include information on [TURI grants](#), and information on all available the TURA Program and EEA resources.

OTA Webpage: OTA will also update its webpage to highlight how OTA can benefit EJ communities and the facilities within them, highlight OTA's current EJ activities, and include available translated materials.

OTA's Commitment on New Staff Hires

OTA acknowledges the importance of having an agency workforce that reflects the racial, ethnic, and socio-economic diversity of the residents of Massachusetts, including the key role that such a workforce plays in advancing equitable decisions regarding environmental and energy permitting, siting, regulatory development, grant disbursement and law enforcement. OTA commits to incorporating diversity hiring practices and to provide training for hiring managers in order to promote this equitable decision-making, including using criteria in job-postings that require successful applicants to demonstrate knowledge and understanding of the needs of vulnerable populations, environmental justice neighborhoods, and under-served areas of the Commonwealth.

Enforcement of this EEA EJ Strategy

For any environmental justice concerns, complaints, compliments or ideas, or to find out more about our agency environmental, energy and climate justice efforts, please contact EEA's Office of Environmental Justice as outlined on Page 19 of this EEA EJ Strategy.

Office of Technical Assistance (OTA) EJ Point of Contact:

[Kari Sasportas](#)

Outreach and Policy Analyst

kari.sasportas@mass.gov

(617) 429-5454

or

[Tiffany Skogstrom](#)

Director

tiffany.skogstrom@mass.gov

(857) 275-1561

Massachusetts Department of Agricultural Resources



Environmental Justice Strategy

DRAFT

Table of Contents

Massachusetts Department of Agricultural Resources	57
MDAR Mission Statement	59
Secretariat EJ Strategy Requirements from EEA EJ Policy	60
EJ Strategy	60
MDAR EJ Policy	61
<i>Enhanced Communication Related to Environmental Justice</i>	62
<i>Trainings</i>	64
<i>Grant Opportunities</i>	64
<i>Future Planning for Additional Projects/Activities</i>	64
<i>Metrics</i>	65
<i>Hiring & Performance Review</i>	65
Enforcement of EEA EJ Policy	66



Massachusetts Department of Agricultural Resources Environmental Justice Strategy

MDAR Mission Statement

Article 97 of the Massachusetts Constitution guarantees 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. The Massachusetts Department of Agricultural Resources' (MDAR) mission is to help keep the Massachusetts' food supply safe and secure, and to work to keep Massachusetts agriculture economically and environmentally sound. MDAR ensures the long-term viability of agriculture in Massachusetts. Through its four divisions – [Agricultural Conservation and Technical Assistance](#), [Agricultural Markets](#), [Animal Health](#), and [Crop and Pest Services](#) – MDAR strives to support, regulate, and enhance the rich diversity of the Commonwealth's agricultural community to promote economically and environmentally sound food safety and animal health measures, and fulfill agriculture's role in energy conservation and production. Through the development of policies and the promulgation of regulations for animal health, food safety and pesticides, and by disbursing needed resources through grant programs, and oversight of standards pertaining to

farms and food markets in urban and rural spaces, the Department's divisions are working to fulfill this mission via the 60+ programs and services it offers.

Secretariat EJ Strategy Requirements from EEA EJ Policy

The Executive Office of Energy & Environmental Affairs (EEA) Environmental (EJ) Justice Policy has directed all EEA agencies to develop their own EJ Strategies. EEA agencies shall consider how to appropriately integrate environmental justice considerations into their departments through policies, programs, or other strategies. EEA agencies shall identify and promote agency-sponsored projects, funding decisions, rulemakings or other actions intended to further environmental justice throughout the Commonwealth to show how the fair distribution of benefits has been measured¹.

EJ Strategy

MDAR's Strategy outlines actions for promoting and integrating EJ considerations across MDAR's programs, policies, and activities to ensure the equal access and meaningful involvement of all people residing in the Commonwealth with respect to agricultural economic and environmental sustainability and the equitable development, implementation, and accessibility to information and resources.

MDAR's Strategy identifies the actions that will implement EEA's EJ Policy. The strategy consists of lists of components designed to:

- Enhance communication related to resources and information, targeting non-English media outlets, as well as local community organizations to disseminate information;
- Increase language access with greater availability to public documents with translation as well as interpretation services for public meetings (in person or electronic);
- Evaluate boards, committees, and advisory panels to ensure equal opportunities for participation from EJ communities by working with partners to ensure awareness of opportunities and provide language assistance when needed;
- Create an EJ workgroup within MDAR, with staff from each division, to develop, discuss and ensure that policies are implemented, as well as internal EJ trainings for all staff;
- Increase ongoing efforts to incorporate diversity hiring practices and to provide training for hiring managers to promote this equitable decision-making
- Increase support for BIPOC farmers access to farmland with MDAR's Land Licensing Program,

¹ www.mass.gov/service-details/environmental-justice-policy, pg. 9

- Provide EJ communities with support and education of resources for spaying and neutering dogs and cats, as well as veterinary costs that MDAR covers for horse vaccinations for EEE;
- Engage and provide support for socially disadvantaged farmers and producers with technical assistance, inspections, grower education, and provide any additional support through MDAR's Produce Safety Inspection Program;
- Work to ensure the Culinary (retail and vendor opportunities) Tourism Initiative, which includes education and promotion of culinary projects, is marketed to EJ communities to promote culturally appropriate foods;
- Increase promotion for Economic Retail Sales opportunities at the Mass Building, for the "Big E", focusing on EJ communities for participating vendors;
- Develop recommendations and best practices for enhancing public involvement and accessibility opportunities in EJ communities.

MDAR EJ Policy

Policies to be implemented:

- Examine opportunities to strengthen MDAR's commitment to support EJ communities;
- Considerations for EJ criteria to be used for prioritizing grant opportunities for agricultural and food ventures;
- Promote agency-wide awareness of EJ principles for MDAR's programs;
- Ensure meaningful involvement for all people residing in EJ communities;
- MDAR boards, committees, and advisory panels commits to equal opportunities for participation from EJ communities;
- Commitment to work with BIPOC*² farmers for land access and to facilitate their successful transition from urban to larger scale farms, through mentorship programs and local farming organization partnerships;
- MDAR will adhere to reviewing applications for its programs through an EJ lens to ensure equity and access to resources are strongly considered within the grant review process;
- Commit to focus on opportunities to partner with farm-based organizations to provide additional assistance to Immigrant and BIPOC farmers to develop knowledge base (ex.: business planning, grant writing, land purchasing);
- MDAR will continue to expand outreach/community engagement resources to environmental justice populations as a commitment to provide full access to MDAR's programs and activities,

² Applicant is a Historically Underserved Farmer as defined in the 2018 USDA Farm Bill. This includes Beginning Farmers, Socially Disadvantaged Farmers, Limited Resource Farmers and Veteran Farmers.

- Commitment to providing information for [H2A Permit Workers](#) (a federal program) with a link on MDAR website (“know your rights”, how to file a complaint, etc.)
 - An H-2A visa allows a foreign national worker into the United States for temporary agricultural work. H-2A employers are the only group of employers who are required to pay inbound and outbound transportation, free housing, and provide meals for their workers;
- Pledge to leverage environmental justice data provided by the US Census bureau, internal records of grant locations, and other ancillary data to help identify those communities and guide the department;
- Support Best Management Practices (BPM) for public outreach with partners for MDAR initiatives in EJ communities.

Enhanced Communication Related to Environmental Justice

MDAR is committed to broadening our reach through a more diverse network of media outlets and community-based partners in EJ neighborhoods. Our increased reach includes language translation, interpretation and will increase access to all resources and information.

MDAR Website. MDAR will update its environmental justice page with a translation component.

MDAR’s current EJ webpage provides useful information such as:

- MDAR EJ Point Person’s contact
- EEA EJ Director’s contact
- Current, 2017 & 2002 EEA EJ Policy
- Links to Federal Laws & Executive Orders
- EJ maps and EEA’s EJ Viewer
- Information about MDAR language interpreter/translation assistance

MDAR will continue to update our EJ webpage as a tool for the public to communicate with MDAR staff and have access to documents in multiple languages. We strive to support EJ communities and advocacy groups, as well as provide pertinent information regarding programs, projects, and activities within the Agricultural sector.

Strengthen Community Outreach/Public Outreach. MDAR is committed to promote environmental justice by ensuring the dissemination of information to EJ communities to improve human and animal health, as well as addressing social and economic effects on persons in the Commonwealth. To do so, MDAR will work to provide training to its staff about meaningful opportunity for public involvement and community engagement.

Under the Commonwealth’s EJ Policy, “Meaningful involvement means that all neighborhoods have the right and opportunity to participate 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, and are given transparency/accountability by government with regard to community input, and encouraged to develop environmental, energy, and climate change stewardship.³

MDAR will work with the community, partner organizations, fellow agencies, and local officials to strengthen community engagement and involvement. The bullets are recommendations/suggestions but are not limited to the methods MDAR will use to provide meaningful community engagement and public involvement.

- Develop and consistently update a list of community groups and partner organizations by region and place on shared drive accessible to all MDAR staff to disseminate all public information;
- Identify non-English media outlets to expand MDAR's reach to provide equal access to information for all residents;
- Ensure that all grant programs are promoted through partners and media to EJ communities;
- Continue to strengthen relationships and maintain regular communication with community organizations, industry groups and municipal officials by sharing information pertaining to activities and grant opportunities in EJ populations and by posting information on MDAR's EJ's webpage, as well as English and non-English media outlets;
- Virtual Outreach/Engagement, but not limited to video platforms like (Zoom, Go to Meeting, Skype for Business, Microsoft Teams and other services that allow meetings to take place without all participants being in the same location);
- MDAR will continue to utilize phone access for those without internet access for all activities.

Utilize Social Media / Information Technology.

- MDAR will also evaluate ways of implementing new technologies and media organizations to share EJ information on an ongoing basis (i.e. social media and expanding outreach with diverse and inclusive media outlets) by Summer 2022
- Continue to update and improve the environmental justice webpage.

Limited English Proficiency.

- Use state contract - Language Interpretation and Translation Services;
- Commitment to set aside financial resources needed for Language Services;
- Continue translation of agency identified critical documents in multiple languages;

- Implement and distribute the “I Speak” language translation poster to all MDAR offices and front desk locations, and ensure all staff are aware of EJ requirements;
- Make interpreters and translation services available when limited English proficiency (LEP) population is identified or when requested by the EJ population;
- MDAR commits to complying with A&F Bulletin #16 Language Access Policy in improving access to state services, programs, and activities to Limited English Proficiency (LEP) persons.

Trainings

MDAR will ensure that agency staff understand EJ issues, requirements, responsibilities, and opportunities through EJ related trainings. Specific training events will include:

- Continuing to provide GIS maps & EJ Viewer agency wide training on how program should utilize EJ map overlays;
- Routinizing regional trainings on EJ initially provided to MDAR staff;
- Training how to integrate environmental justice into MDAR’s work, (Stakeholder engagement and definition of EJ community);
- Training on language service procurement and access processes.

Grant Opportunities

- Incorporate EEA’s EJ Policy into all MDAR grants to increase opportunities in EJ communities to create greater opportunities for commercial food production, land access and market opportunities;
 - Ensure all existing MDAR grants are distributed to EJ populations, including community members, municipal staff, media outlets, etc., who may be interested in these grant opportunities to enhance EJ goals.
 - Provide language access to all RFRs in multiple languages and provide translation services upon request.

Future Planning for Additional Projects/Activities

- Explore the opportunities to invest in EJ areas through collaboration with relevant regional programs;
- Continue to support BIPOC and Immigrant farmers with additional resources for infrastructure support and where applicable; to increase production and marketing of cultural crops;
- Renewable Energy in EJ communities – MDAR may explore this work and discuss collaboration with DPU, DOER and other EEA agencies;
- Explore the ability to increase open space and food production sites in EJ populations

Metrics

MDAR will design, and make available on its EJ page, a map to show the impact of its grant awards, demonstrating the reach of its programs in EJ communities.

As required under EEA's EJ Policy, MDAR will develop measures to track progress of the environmental justice strategies it has put into place.

Measurements will include:

- a. Tracking of translation requests and fulfillment;
- b. Number of new applicants for grant programs from EJ Communities and BIPOC Farmers;
- c. Number of documents translated;
- d. Trainings hosted internally for staff by EEA or NGO;
- e. Number of new, non-English media outlets to disseminate information in EJ Communities;
- f. Tracking of community-based partnerships made for the expansion of communication of available resources and information;
- g. Quarterly tracking through Human Resources of diversity hiring numbers.

MDAR will track and compile the information as to comply with the State's required year-end report.

Hiring & Performance Review

MDAR acknowledges the importance of having an agency workforce that reflects the racial, ethnic, and socio-economic diversity of the residents of Massachusetts, including the key role that such a workforce plays in advancing equitable decisions regarding agricultural economic and environmental programming, regulatory development, and grant disbursement. MDAR commits to increase its ongoing efforts to incorporate diversity hiring practices and to provide training for hiring managers in order to promote this equitable decision-making, including using criteria in job-postings that require successful applicants to demonstrate knowledge and understanding of the needs of vulnerable populations, environmental justice neighborhoods, and under-served areas of the Commonwealth.

- Host Job Fairs at certain schools within EJ populations;
- Add to agency standard interview questions what environmental justice means to candidates in the function of this agency;
- MDAR will work to develop Employee Performance Review Criteria that will incorporate employees' sensitivity to EJ populations issues, work in EJ communities, etc.

Enforcement of EEA EJ Policy

MDAR through the EEA EJ Policy ensures equal protection and meaningful involvement of all people and communities with respect to the development, implementation, and enforcement of energy, climate change, and environmental laws, regulations, and policies and the equitable distributions of energy and environmental benefits and burdens. For any environmental justice concerns, complaints, compliments or ideas, or to find out more about our agency environmental, energy and climate justice efforts, please contact EEA's Office of Environmental Justice as outlined on Page 19 of this EEA EJ Strategy.

MDAR EJ Point of Contact

Rebecca Davidson
Strategic Initiatives Manager / Environmental Justice Lead
Farmers' Market Nutrition Program
Rebecca.davidson@mass.gov
857-202-7699

Department of Conservation and Recreation



Environmental Justice Strategy

DRAFT

Table of Contents

Department of Conservation and Recreation	67
DCR Mission Statement.....	69
Background.....	69
EEA Directive for Agency EJ Strategy Development	70
DCR Environmental Justice Strategy	70
<i>Accessibility and Engagement</i>	71
<i>Transparency and Communication</i>	72
<i>Investments and Allocation of Resources</i>	73
<i>Staff Training</i>	75
Enforcement of this EEA EJ Strategy.....	75

DRAFT

Department of Conservation and Recreation

Environmental Justice Strategy

DCR Mission Statement

The Department of Conservation and Recreation (DCR) seeks to protect, promote, and enhance our commonwealth of natural, cultural and recreational resources for the well-being of all.

In meeting today's responsibilities and planning for tomorrow, DCR's focus is on:

- Improving outdoor recreational opportunities and natural resource conservation
- Restoring and improving our facilities
- Expanding public involvement in carrying out DCR's mission, and
- Establishing first-rate management systems and practices.

The health and happiness of people across Massachusetts depend on the accessibility and quality of our green infrastructure - our natural resources, recreational facilities, and great historic landscapes. The DCR continues to improve the vital connection between people and the environment.

Background

The Massachusetts Executive Office of Energy and Environmental Affairs (EEA) established an Environmental Justice (EJ) Policy to help address the disproportionate share of environmental burdens experienced by lower-income people and communities of color who, at the same time, often lack environmental assets in their neighborhoods. The policy is designed to help ensure protection from environmental pollution as well as promote community involvement in planning and environmental decision-making to maintain and/or enhance the environmental quality of these neighborhoods.

The EJ Policy (updated 2021) includes the following definition, "Environmental justice is based on the principle that all people have a right to be protected from environmental hazards and to live in and enjoy a clean and healthful environment regardless of race, color, national origin, income, or English language proficiency. Environmental justice is the equal protection and meaningful involvement of all people and communities 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 and burdens."

EEA Directive for Agency EJ Strategy Development

The Executive Office of Energy & Environmental Affairs' Environmental Justice Policy directs all EEA agencies to develop individual EJ Strategies. In doing so, EEA agencies shall consider how to appropriately integrate environmental justice considerations into their departments through policies, programs, or other strategies. EEA agencies shall identify and promote agency-sponsored projects, funding decisions, rulemakings or other actions intended to further environmental justice throughout the Commonwealth to show how the fair distribution of benefits has been measured.

DCR Environmental Justice Strategy

DCR manages and oversees more than 450,000 acres throughout Massachusetts and provides the public with a diversity of recreational opportunities. This includes but is not limited to, parks, forests, beaches, watersheds, ball fields and courts, playgrounds, campsites, swimming pools, spray decks, downhill ski areas, trails, and ice-skating rinks. As one of the largest land-holding agencies in the Commonwealth, with facilities and parks in communities across the state, the DCR can play a prominent role in ensuring equitable access to natural, cultural, and recreational resources, and meaningful involvement of all people and communities in their stewardship.

A more detailed snapshot from DCR's asset management database shows that DCR owns or manages over 3,996 buildings and improvements throughout the Commonwealth. Close to 25% (981) of these facilities are in block groups that fit EEA's classification of an Environmental Justice Block Group¹. Out of this group of facilities, 15% are in block groups that fit the minority criteria (minorities comprise 40% or more of the population), 4% of these facilities are in block groups that fall within the minority and income threshold (<65% statewide annual median household income).

¹ In Massachusetts, a neighborhood is defined as an environmental justice population if any of the following are true:

- the annual median household income is not more than 65 per cent of the statewide annual median household income
- minorities comprise 40 per cent or more of the population.
- 25 per cent or more of households lack English language proficiency; or
- minorities comprise 25 per cent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 per cent of the statewide annual median household income.

With facilities and park lands in many environmental justice communities across the Commonwealth, DCR has important resources to offer and can be an integral part of EEA's Environmental Justice Strategy.

EJ Criteria	# of DCR Buildings/Improvements(B/I) in EJ Block Groups by EJ Criteria
Minority	592 (15%)
Minority, Income	162 (4%)
Income	152 (3%)
Minority, Income, and English Isolation	51 (1%)
Minority, English Isolation	13 (0.3%)
English Isolation	11 (0.2%)
Total Buildings in EJ Block Groups	981 (25%)
Total B/I in owned and managed by DCR	3,996

DCR's EJ Strategy identifies the areas of focus and action the agency will undertake to advance the EEA EJ Policy (updated 2021). The Strategy consists of components designed to:

- Expand accessibility of agency resources and EJ community engagement.
- Promote transparency and information-sharing relative to EJ initiatives and goals.
- Prioritize and evaluate investments and allocation of resources to serve EJ populations.
- Provide training to staff on environmental justice principles and elements of DCR's EJ Strategy.

Expand Accessibility and Engagement

DCR is committed increasing engagement with environmental justice populations and enhancing the agency's accessibility. In order to ensure inclusive public engagement practices and processes, DCR commits to developing an EJ Public Participation Plan. The plan will supplement the agency's existing public outreach program. Key actions of the plan will include:

- Develop a centralized inventory of community and advocacy groups by region accessible to all DCR staff.
- Continue to build relationships in EJ communities and maintain ongoing communication with community/advocacy groups and municipal officials. This includes sharing information and seeking input pertaining to projects, programs, activities, and grant opportunities.
- Provide staff with guidance and best practices for community outreach. Continue using the EEA data portal to provide community specific information to the public. Develop best practices to reach populations with limited accessibility to online resources.
- Virtual meeting formats have helped facilitate reaching wider audiences and addressed some barriers to participation (e.g. transportation, child care). DCR will continue to offer virtual and hybrid public meetings, webinars, and engagement opportunities, as well as seeking comments and suggestions through email and web form submittal as an option for participation.
- DCR has allocated funding and is establishing a protocol for language translation services, meeting ADA requirements and following best practices. This will include availability of language translation services at community engagement meetings, on demand translation service, and translation of critical outreach information. The agency will develop a consistent approach for translation of materials and documents.
- DCR is developing a multi-lingual approach to signage and will continue to evaluate the inclusion of languages other than English in order to improve communication of warnings and advisories to limited English proficiency communities. Examples: DCR's Shorebird Recovery Program is developing interpretive signage about threatened and endangered shorebirds found on DCR beaches that will be available in multiple languages through a QR code. Similarly, DCR developed signs for areas closed to the public [note - for the Asset Mitigation Initiative] with universal symbols and a QR code to access the sign in multiple languages.

Promote Transparency and Communication

DCR is committed to enhancing communications related to interactions with environmental justice populations and to implementing related programs. The agency will create an EJ webpage as part of the agency's web presence to provide useful information and resources such as:

- DCR's EJ Point Person's contact information
- EEA EJ Director's contact information
- 2017 & 2002 EEA EJ Policy

- Links to related Federal Laws & Executive Orders
- Embedded EJ Map Viewer integrating DCR Properties
- Information about language translation assistance
- Centralized information about grants and engagement opportunities.

DCR will use the webpage to communicate with residents, and EJ population members and advocacy groups about the types of EJ programs, projects, grants, and activities that are available. The agency will also share metrics and reports to transparently evaluate progress in advancing environmental justice (see below).

Prioritize Investments and Allocation of Resources

Many DCR properties and facilities, such as pools, spray decks, campgrounds, and skating rinks are located in communities with significant EJ populations. DCR seeks to consider environmental justice when directing resources and investments and will develop ways to evaluate and measure the resulting positive impact. DCR is developing an online project map that will display capital projects underway throughout the state, with an overlay of the EJ data layer to show the distribution among EJ communities. This tool will both guide the agency's planning and resource allocation and serve as helpful information for the public.

DCR is also focused on capturing investments it makes in its properties that are not within an EJ community but that serve significant EJ populations. Horseneck Beach State Reservation and Blue Hills Reservation are good examples for day use visitation. Neither property is located within an EJ community, but many visitors come from EJ communities. Similarly, DCR's camping program has access to zip codes for campers at particular properties and will identify EJ communities represented. DCR will explore other methods to build its understanding of who uses DCR properties and what types of activities are most popular with the goal of increasing service to EJ populations.

DCR will develop an enhancement to Green Docket (DCR's internal environmental permit review process) that will identify EJ communities and whether a particular project is within the EJ threshold for environmental review established by the EEA Massachusetts Environmental Policy Act Office.

DCR has initiated an effort to identify its vacant historic buildings in EJ communities as a first phase to explore for potential activation by DCR or partners to provide community benefit such as walking paths, canoe/bike rentals, interpretive programming. DCR's partnership with Mass Audubon at the historic Powder House at Magazine Beach in Cambridge is an example of a reactivated historic building that provides public benefit (albeit not in an EJ community).

DCR offers a number of programs that specifically serve environmental justice populations, and where possible, seeks to recruit and employ local residents to carry out these programs. Some examples are described below.

- **Greening the Gateway Cities Urban Canopy Program:** This program increases tree canopy in gateway cities and uses environmental justice as a key criterion when selecting specific geographical areas to increase the urban canopy. Increasing tree coverage contributes to reducing energy costs, mitigating heat island effects, improving the health and well-being of residents, and contributes to neighborhood aesthetics, all of which enhance communities. Since its inception, this popular program, established in 2014, has resulted in over 30,000 trees planted in 14 cities and, in 2022, DCR is planning on expanding to more cities.
- The Greening the Gateway City (GGC) model relies on local recruitment in the gateway cities to stand up planting teams in each community. This opportunity, that spans the spring and fall seasons, provides seasonal jobs for local people to learn new skills that are marketable, and to enhance communities. GGC Tree Team staff have gone on to hold jobs in local DPWs, landscaping businesses and public safety positions.
- **DCR Bureau of Forestry's Wood Utilization Program** established wood banks in three communities, two of which are environmental justice communities (Athol and Montague). The wood bank provides free wood to residents to use as a fuel source. Wood comes from trees that have fallen or been cut by the town. As part of the wood bank program, DCR helps recruit volunteers from the community to keep the wood bank operational by cutting and piling wood for participants.
- As part of its **Waterfront Safety Program**, every year, DCR hires approximately 550 lifeguards to work at its 32 deep water pools, 2 wading pools, and 30 coastal and inland beaches across the Commonwealth. The agency undertakes a broad and active outreach to recruit lifeguards, seeking to employ young people from the many environmental justice communities in which DCR pools and beaches are located. DCR reaches out via social media; contacting swim coaches at area high schools; reaching out to placement offices at area colleges and area swim teams and clubs via a network of YMCAs, Boys and Girls Clubs and other indoor pool facilities. Along with competitive compensation, the agency also provides free lifeguard certification for qualified candidates who commit to work for DCR the summer season.
- DCR sponsors the SWIM initiative - **Safe Water Initiative Mass** to support waterfront safety. To date, the agency has awarded eight grants totaling over \$320,000 to municipal and community organizations to offer free Learn to Swim lessons for children and adults.

As part of recruitment for instructors for the Learn to Swim program at DCR pools, outreach is focused on residents of EJ communities where pools are located.

- **DCR's Urban Challenge Grants** provide funding for communities to improve and protect their urban forests. These 50/50 matching grants help develop, grow, and sustain programs that plant, protect, and maintain a community's public tree resources and develop partnerships with residents and community institutions. The Urban Challenge grants prioritize EJ communities by only requiring a 25% match from EJ communities, rather than the 50% required for non-EJ communities.
- DCR's partnership with the Massachusetts Department of Agricultural Resources launched the **Growing Wild Movement** in 2021. The program enters its second phase in 2022 and has selected an EJ community, Lowell, to design, plant and enhance pollinator gardens at Lowell Public Schools. The initiative will create 2 pollinator gardens and enhance 12 existing gardens and be integrated into the curriculum and existing community garden efforts so students can learn about the importance of pollinators to grow fruits and vegetables.
- DCR's Office of Cultural Resources launched a **First People, First Stewards – Partnership for Change** initiative to best integrate indigenous voices and influence in the interpretation of properties and how the agency approaches indigenous interests. The initiative will first reimagine how we tell stories to be inclusive and would look to recruit indigenous people to shape and deliver the stories.

Provide Training to Staff

DCR will offer training for staff in environmental justice principles and elements of DCR's EJ Strategy. The goals of the training are to promote awareness of environmental justice and ultimately, to provide agency staff with the best background and tools to advance environmental justice both in carrying out their individual roles and in actively supporting the agency's EJ strategy. By deepening the organization's collective knowledge and understanding of the needs of vulnerable populations, environmental justice neighborhoods, and under-served areas of the Commonwealth, we will better serve the public and realize our mission to the fullest.

Enforcement of this EEA EJ Strategy

For any environmental justice concerns, complaints, compliments or ideas, or to find out more about our agency environmental, energy and climate justice efforts, please contact EEA's Office of Environmental Justice as outlined on Page 19 of this EEA EJ Strategy.

DCR EJ Point of Contact:

Francisco Rodriguez

Spatial Data Solutions Manager
Asset Management and Modernization Program
Francisco.Rodriguez@mass.gov
857-719-6249

DRAFT

Massachusetts Department of Environmental Protection



MassDEP

Commonwealth of Massachusetts
Department of Environmental Protection

Environmental Justice Strategy

DRAFT

Table of Contents

MassDEP	77
MassDEP’s Updated Mission Statement (2021)	79
Secretariat EJ Strategy Requirements from EEA EJ Policy	79
EJ Strategy	80
<i>Hiring & Recruitment</i>	81
<i>Communication</i>	81
<i>Strengthen Community Outreach/Public Outreach</i>	82
<i>Metrics</i>	83
<i>Social Media/ Information Technology</i>	84
<i>Limited English Proficiency</i>	84
<i>Training</i>	85
<i>Grant Opportunities</i>	85
<i>Enforcement</i>	86
<i>Future Planning for Additional Projects/Activities</i>	87
<i>Incorporating EJ Considerations in Permit Proceedings</i>	88
<i>Cumulative Impact Analysis</i>	89
Enforcement of this EEA EJ Strategy.....	90

The Massachusetts Department of Environmental Protection commits to review and update its EJ Strategy as needed or at minimum biennially or as directed by the Secretary of Energy and Environmental Affairs.

The Strategy will be a living document that will be updated as needed based on reviews and other input and will be published on MassDEP's website.

MassDEP's Updated Mission Statement (2021)

To protect and enhance the Commonwealth's natural resources - air, water, and land – to provide for the health, safety, and welfare of all people and a clean and safe environment for future generations.

In carrying out this mission MassDEP commits to address and advance environmental justice and equity for all people of the Commonwealth; provide meaningful, inclusive opportunities for people to participate in agency decisions that affect their lives; and ensure a diverse workforce that reflects the communities we serve.

Secretariat EJ Strategy Requirements from EEA EJ Policy¹

Massachusetts Executive Order 552 requires the Executive Office of Energy & Environmental Affairs (EEA) to “post online its own strategy to promote environmental justice in ways that are tailored to the specific authority, mission and programs within the secretariat” including identifying permitting and regulatory authority over brownfields, industrial operations, and commercial facilities, and environmental benefits.² EEA also released an updated Environmental Justice Policy in 2017 (EJ) and in June 2021 the EJ Policy was updated again to include environmental justice components of the climate bill, An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy³ which maintained the requirement of all EEA agencies to develop their own EJ Strategies as directed in the 2017 EEA EJ Policy. “EEA agencies shall consider how to appropriately integrate environmental justice considerations into their departments through policies, programs, or other strategies. EEA agencies shall identify and promote agency-sponsored projects, funding decisions, rulemakings or other actions intended to further environmental justice throughout the Commonwealth to show the fair distribution of benefits has been measured.”

¹ Theoharides, Kathleen, “EEA Environmental Justice Policy.” June 24, 2021, <https://www.mass.gov/service-details/environmental-justice-policy>

² 552, Executive Order on Environmental Justice, November 25, 2014. <https://www.mass.gov/executive-orders/no-552-executive-order-on-environmental-justice>

³ Act Creating a Next Generation Roadmap for Massachusetts Climate Policy, Chapter 8 of the Acts, 2021., <https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter8>

EJ Strategy

MassDEP's Strategy outlines actions for promoting and integrating EJ considerations across MassDEP's programs, policies, activities, and other strategies as well as meeting MassDEP's EJ goals to ensure the equal protection and meaningful involvement of all people residing in the Commonwealth with respect to environmental protection and the equitable development, implementation, and enforcement of environmental laws, regulations, and policies. This strategy aligns with and complements the agency's non-discrimination and civil rights program.⁴

The MassDEP EJ Strategy identifies the actions that MassDEP will conduct to implement the EEA EJ Policy. The Strategy consists of components designed to:

1. enhance communications related to environmental justice, including language access and project -related public involvement,
2. undertake activities to strengthen and revitalize EJ populations and their residents, including but not limited to MassDEP's deliberate promotion and support to EJ populations to:
 - o increase participation in grant programs and other opportunities to remediate environmental and public health burdens,
 - o design policies and grant opportunities to increase benefits such as access to open space, and
 - o promote development that does not further burden or displace EJ populations.
3. identify permitting or other applicable regulatory authority over development projects, brownfield remediation, industrial operations, and commercial facilities, which may impact EJ populations and mechanisms to ensure that EJ populations are protected,
4. continue developing EJ criteria to be used for prioritizing grant opportunities across the agency as appropriate,
5. promote agency staff awareness and application of EJ principles⁵ in MassDEP's regulatory oversight and outreach, including staff training,
6. develop an agency plan and policy as well as procedures to handle EJ related complaints, and
7. develop an agency policy and plan to explore cumulative impact analysis and implement that analysis in certain air permitting proceedings.

Additional details on MassDEP actions in these areas are described below.

⁴ MassDEP's Notice of Nondiscrimination, Title VI Grievance Plan, and grievance form.

<https://www.mass.gov/info-details/massdep-nondiscrimination-civil-rights#:~:text=MassDEP%20prohibits%20discrimination%20in%20all,incluing%20Vietnam%2Dera%2Dveterans>

⁵ See "Chapter 8 of the Acts of 2021 at p.37-38. (<https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter8>)

Hiring & Recruitment

Under the guidance of the Director of Diversity and Civil Rights, MassDEP is committed to recruiting and hiring a diverse workforce that reflects the Commonwealth of Massachusetts. MassDEP utilizes best hiring practices to achieve this goal consistent with the Commonwealth's protected groups: professionals of color, including Indigenous people, women, persons with disabilities, veterans, and others as defined in Executive Order 592. MassDEP's approach is in alignment with the agency's Diversity Plans and the Commonwealth's Executive Order 592 for both employees and interns⁶. The above commitment also enhances the agency's environmental justice goals and objectives for those interested in pursuing a career in the environmental field. As part of MassDEP's hiring, the agency will ask prospective employees about their understanding of environmental justice, diversity, equity, and inclusion. The applicants' responses to this question will be integrated in concrete ways into the rubric used to determine the top candidate to receive an employment offer.

MassDEP will also work with EEA and environmental justice representatives to recruit and expand diversity on advisory committees, boards and commissions.

Communication

MassDEP's current EJ webpage provides useful information such as:

1. Contact information for Director of EJ at MassDEP,
2. Contact information for Director of at EEA,
3. EEA EJ Policy (updated 2021) and historic versions (2017 and 2002 policies),
4. Climate Law (S.9;) An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy (Acts of 2021 Chapter 8),
1. Links to Federal Laws & Executive Orders,
2. MassDEP regional offices,
3. EJ maps and EEA's EJ Viewer,
4. Demographic information underlying 2020 EJ Populations in the Commonwealth, and
5. Information about MassDEP language interpreter/translation assistance.

MassDEP will continue to update and use the EJ webpage to communicate with MassDEP staff, residents of the Commonwealth of Massachusetts, EJ population members and advocacy groups about MassDEP's EJ program, including its projects, activities and opportunities for residents to participate in key decision-making proceedings. MassDEP will make the website information accessible in multiple languages.

⁶ Executive Order 592: "Advancing Workforce Diversity, Inclusion, Equal Opportunity, Non-Discrimination, and Affirmative Action", October 20, 2020.

<https://www.mass.gov/executive-orders/no-592-advancing-workforce-diversity-inclusion-equal-opportunity-non-discrimination-and-affirmative-action>

Strengthen Community Outreach/Public Outreach

MassDEP is committed to promoting environmental justice by designing decision-making processes that should prevent disproportionate adverse human health and environmental effects, including social and economic effects on persons in the Commonwealth. In order to do so, MassDEP has provided training and guidance to its staff about how to provide meaningful opportunities for public involvement and community engagement and will continue to regularly provide training and materials. Such training will be offered by MassDEP and/or EEA on a routine basis, at least annually, and attendance will be mandatory.

Under the Commonwealth's EJ Policy, "Meaningful involvement means that all neighborhoods have the right and opportunity to participate 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, and are given transparency/accountability by government with regard to community input, and encouraged to develop environmental, energy, and climate change stewardship."⁷

MassDEP will collaborate with the community, environmental justice/grassroots organizations, community-based organizations, and local officials to strengthen community engagement, involvement and to build capacity. The following bullets are some of the ways MassDEP staff will provide opportunities for meaningful community engagement and public involvement in key agency activities.

1. Maintain and update a list of community groups/advocacy groups by region that will be placed on a shared drive accessible to all MassDEP staff and managed by the Director of Environmental Justice.
2. Continue to build relationships in environmental justice populations and maintain regular communication with community/advocacy groups and municipal officials by sharing information pertaining to projects, activities and grant opportunities that may affect EJ populations and by posting information on MassDEP's EJ webpage. This relationship building will include multilingual communication strategies.
3. Engage with project proponents and EJ populations and community leaders beyond the minimum statutory and regulatory requirements to ensure meaningful involvement for all people.
4. Effectively implement MassDEP's EJ Public Involvement Plan (via agency-wide trainings)
 - o Evaluate options, develop recommendations/best practices for enhancing public involvement accessibility and opportunities for EJ populations.

⁷ EJ Policy (updated 2021), page 4. (<https://www.mass.gov/doc/environmental-justice-policy6242021-update/download>)

5. Develop Guidance /Best Management Practices (BPM) for community outreach/engagement, including both in person and virtual gatherings, and offering flexible times and convenient locations to ensure participation.
6. Continue using MassGIS & EEA resources (EJ Viewer, Data Portal and MassMapper) to provide community specific information.
7. Arrange virtual Outreach/Engagement through video platforms like Zoom, Go To Meeting, Skype for Business, Microsoft Teams and other services that allow meetings to take place without all participants being in the same location. These resources are valuable components of an effective public participation plan, as well as public meetings and webinars presented on-line, recordings of presentations for later viewing, and providing for submission of comments and suggestions through email and web forms to facilitate participation in key agency activities. MassDEP will use virtual platforms that allow for simultaneous language interpretation, in multiple languages.
8. Continue to expand virtual outreach/community engagement resources to environmental justice populations post COVID restrictions as a commitment to provide full access to MassDEP's programs and activities.
9. Coordinate, as appropriate, with the EJ Council and Global Warming Solutions Act Implementation Advisory Committee through MassDEP's Director of Environmental Justice and/or members of ACED (MassDEP's newly formed the Advisory Committee on Equity and Diversity) ACED is comprised of 13 members from a variety of positions across MassDEP offices. This group meets regularly to provide the Commissioner and senior staff with recommendations for action to improve our internal and external processes and structures on an ongoing basis and identify areas where we should focus our attention.
10. Implement an Internal Electronic Suggestion Form for MassDEP staff to submit ideas and share solutions to advance equity and inclusion internally and externally – to enhance outreach/engagement and to promote diversity and inclusion with stakeholders. Ideas and suggestions are shared with the Advisory Committee on Equity and Diversity and senior managers for discussion and potential implementation.

Metrics

MassDEP is seeking input from EJ Stakeholders about appropriate metrics to measure our progress in our EJ efforts or EJ projects identified by EJ Stakeholders. Each identified MassDEP program will choose a baseline to evaluate progress, successes, and areas where improvement is needed.

Metrics include:

- **Participation.** All internal and external advisory committees should strive to include (self-identified) representatives from EJ populations, and encourage participation by EJ stakeholders.
- **Response to Comments.** MassDEP will respond as appropriate to stakeholder comments in a standard format and explain how decisions incorporate public input. MassDEP will make this information publicly available in all languages spoken by the community or communities in question.
- **Access to Grant Funding.** MassDEP will offer grants, technical assistance, and other financing options through accessible mechanisms for delivering and developing environmental benefits as appropriate. The Department will create a metric to quantify the grants dispersed that benefitted environmental justice populations.

Social Media/ Information Technology

MassDEP has established a Communication Outreach committee comprised of staff from a variety of positions and units throughout the agency who meet regularly to evaluate ways of implementing new technologies to share EJ information, i.e., social media. Twitter, Instagram, and alternative media outlets are among the new methods. This committee is led by MassDEP's Chief of Staff. Coordinated by this Committee and the Department's Press Office, MassDEP will:

1. Utilize media outlets that reach EJ populations using resources from the Office of EJ,
2. Continue to update and improve the environmental justice web page, and
3. Work with MassGIS to use mapping software to analyze demographics that could be impacted by MassDEP decisions. Analysis and maps should be made publicly available on the EJ webpage and should include explanations in plain terms of the possible impacts, burdens, and benefits.

Limited English Proficiency

MassDEP is committed to serving populations with limited English proficiency to ensure the Department's activities and actions are inclusive and accessible to all. The Department will:

4. Continue to maintain strict compliance with its language access plan to ensure compliance with A&F Bulletin #16, Title VI, EEA EJ Policy and the agency's mission.
5. Maintain MassDEP's Volunteer Language Bank, as required by A&F Bulletin #16, and ensure MassDEP Collective Bargaining Agreement (CBA) staff are compensated for their time and expertise within their regular hours/ duties as volunteer translators/interpreters with the Volunteer Language Bank.
6. Translate critical documents, identified by MassDEP programs and stakeholders, through the existing state contract - Foreign Language Interpretation and Translation Services.
7. Continue using the "I Speak" language translation poster at all MassDEP offices and front desk locations, and redistribute as needed,

8. Ensure interpreters and translation services are available when a limited English proficiency (LEP) population is identified, or when requested by the EJ population.
9. Identify language needs for each type of permitting proceeding.
10. Coordinate the simultaneous release of project documents in English and any necessary languages to ensure equal comment opportunities to LEP residents.
11. Schedule and advertise a minimum number of public meetings and/or hearings in English and any necessary languages for projects.
12. Provide guidance to agency staff about how to conduct public meetings, hearings, and other agency events that incorporate simultaneous interpretation during online and in-person events.

Training

MassDEP will ensure that appropriate agency staff understand EJ issues, requirements, responsibilities, and opportunities through EJ related trainings. Specific training events have included:

11. Trainings on EJ initially provided in Boston in 2018 for staff (regional offices & additional staff TBD),
12. US EPA Region 1 Environmental Justice Training for Lawyers (June 2019), supported and hosted by MassDEP,
13. Civil Rights, Equity and Environmental Justice Leadership Training,
14. Public Involvement Plan (PIP) Training & Guidance, and
15. Regional trainings on EJ public involvement, community engagement for all bureaus and regional offices in 2020.

MassDEP will continue to support training and instructions for using EJ materials for staff, including:

16. Provide training on GIS maps & EJ Viewer agency wide to demonstrate how programs should utilize EJ map overlays,
17. Develop and conduct trainings on how to integrate environmental justice into MassDEP's work,
18. Facilitate training on DPH's GIS Health Tracking tools, including its GIS mapping tool, and
19. Provide training on EPA's EJSCREEN training.

Grant Opportunities

MassDEP bureau and program staff will:

1. Use EJ criteria and incorporate language into grants where appropriate to increase Grant opportunities and awards in areas with EJ populations,
 - o Set standards for decisions related to financial and technical resources provided to residents and businesses to ensure that resources go to residents and small

- businesses that are BIPOC/women/Immigrant owned businesses representing, serving and /or engaging EJ populations.
- o Set criteria for grant opportunities that prioritizes allocating resources within EJ populations, if possible under specific grant authority.
2. Increase efforts to identify external grant opportunities to support EJ initiatives (e.g. amplify or build on grants from US EPA, DCR, DAR, DPH) and work with external agencies and departments to influence decisions that result in high levels of investment in EJ populations;
 3. Identify existing MassDEP grants with potential connection to EJ populations/potential to enhance EJ goals, and provide technical support to municipalities, community-based organizations, and BIPOC/women/immigrant-owned businesses that serve EJ populations applying for these grants;
 4. Identify grant opportunities to benefit EJ populations funded through the proposed Climate Protection and Mitigation Trust;
 5. Support possible grant opportunities for EJ populations through the Department of Energy Resources (DOER) SMART Program⁸ (expanding solar opportunities in low- and moderate-income communities). See [Solar Massachusetts Renewable Target \(SMART\) | Mass.gov](#);
 6. Utilize the State Revolving Fund loan program to assist EJ populations with water and wastewater infrastructure projects;
 7. Utilize the Clean Energy Results Program to invest in communities and possibly eligible nonprofits within or serving large EJ populations
<https://www.mass.gov/clean-energy-results-program>;
 8. Utilize the Opportunity Zones Program
<https://www.mass.gov/opportunity-zone-program>); and
 9. Utilize the National Resource Damages Program
<https://www.mass.gov/massachusetts-natural-resource-damages-program>).

Enforcement

MassDEP will implement its Policy on Penalty Assessment for Violations Occurring in Environmental Justice (“EJ”) Populations (ENF-20-001) that provides guidance to staff to consider and assess civil administrative penalties for violations occurring in an EJ population and for violations occurring outside an EJ population that affect an EJ population. The Department will:

- Target inspections and other compliance assurance activities at facilities that could impact one or more EJ populations,
- Encourage EJ populations to identify supplemental environmental projects that implement community needs for environmental benefits and propose such projects to

⁸ DOER’s SMART Program offers a point system incentive for developers placing solar in low-income communities.

the SEP bank list maintained by EEA per the 2021 EEA Environmental Justice Policy for use in enforcement settlements, and

- Seek to ensure that sufficient funding is available to fully implement MassDEP's compliance and enforcement activities.

Resources to implement the enforcement work include:

- MassDEP Enforcement Laws, Rules & Guidance
<https://www.mass.gov/lists/massdep-enforcement-laws-rules>
- EEA EJ Policy
<https://www.mass.gov/service-details/environmental-justice-policy>
- MassGIS EJ Viewer
[Environmental Justice Populations in Massachusetts \(arcgis.com\)](https://arcgis.com)
- MassGIS MassMapper Tool (The Oliver Replacement)
<https://maps.massgis.digital.mass.gov/MassMapper/MassMapper.html>
- EEA 2020 Environmental Justice Criteria for all Block groups
[EJ_2020_state_with_inset.pdf | Mass.gov](#)

Future Planning for Additional Projects/Activities

- Explore opportunities to invest in EJ areas through collaboration with DOER for available RGGI funds other funding sources. Where the funding stream is regressive (i.e., RGGI), seek input from residents and community-based organizations representing EJ populations prior to making decisions about how funds should be allocated to advance environmental justice principles and meet the needs of EJ populations.
1. MassDEP will explore opportunities to collaborate with DPU, DOER, and other EEA agencies about renewable energy projects/initiatives in EJ populations—Where there are funding and/or grant opportunities that will benefit EJ populations MassDEP will collaborate with other EEA agencies to ensure access is given to EJ populations along with incentives for being an EJ population or for collaboration with EJ populations. Work with residents of EJ populations and community-based organizations representing EJ populations to ensure that if renewable energy infrastructure is sited in an area with an EJ population, that the benefits from the project outweigh the burden on the community.
 2. Explore the ability to utilize brownfields sites to increase open space and parks in areas with EJ populations.
 3. Utilize resources (compliance, enforcement, and technical assistance) to support equitable environmental protection and opportunities in EJ populations (e.g., continued implementation of Urban Compliance Initiatives, Supplemental Environmental Programs in EJ areas).
 4. Pilot Environmental Conditions Database to design, build and populate a database and public interface to collect, analyze, and display data on environmental conditions,

focusing on contaminant concentrations in various environmental media. The database will include data submitted electronically, but also data from formats not readily accessible (e.g., PDF files) to staff or the public. The pilot for this effort will target areas known to be degraded from historic activities to establish baseline conditions and provide an ability to monitor future changes. The plan is that this database will be available to everyone, including staff in all state programs and the public.

5. Continue to enhance the Expanded Assistance Program for Lead in Drinking Water at Schools and Early Education and Care Facilities, also known as the “Lead in Schools” program. Current enhancements include targeted outreach to EJ communities, translated outreach materials, and webinars in Spanish.
6. Partner with technical and vocational schools in EJ populations and throughout Massachusetts on promoting Wastewater (WW) and Drinking Water (DW) operator training / internships (i.e., water operator bootcamp).

Incorporating EJ Considerations in Permit Proceedings

MassDEP has permitting and regulatory authority over a wide variety of activities, including brownfields, industrial operations, and commercial facilities. Currently, MassDEP has guidance and requirements for developing Public Involvement Plans (PIPs) for air, solid waste and hazardous waste permits that are located in or may potentially impact an EJ population. The guidance requires advance outreach to EJ populations to ensure that the needs and concerns of the potentially affected EJ population(s) are heard and considered in the final agency action. A PIP is developed to ensure effective engagement with the public, to solicit and receive input and comments from the public and to identify community concerns. For projects that MassDEP has determined would benefit, due to the nature of potential impacts, potential benefits to EJ populations, or heightened public awareness, the Department will offer to convene an informational meeting between the project proponent and potentially impacted communities to allow the proponent and stakeholders to discuss ideas, concerns, and address ways to mitigate any potential adverse impacts.

To the extent that EJ population residents express concerns or ideas about a project, the agency shall consider, within its authority, required project changes and mitigation opportunities. Permits should include, when appropriate, specific mitigation requirements that are tailored to the potentially impacted EJ population needs and requests. These mitigation measures should reflect community needs and ideas and place emphasis on safer alternatives to the proposed facility.

Cumulative Impact Analysis⁹

Governor Baker in March 2021 signed Chapter 8 of the Acts of 2021, [An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy](#). The Act directed the Department of Environmental Protection (MassDEP) to:

- Evaluate and seek public comment on incorporating CIA into its review of applications for certain categories of air permits and approvals;
- Propose regulations for accomplishing this; and
- Complete these tasks within 18 months of the signed legislation's June 2021 effective date (or by late December 2022).

MassDEP's BAW air quality program is currently holding monthly stakeholder meetings to help explore what constitutes a cumulative impact analysis related to its programs and regulatory authority, identify when a cumulative impact analysis should be completed, and how the application of a cumulative impact analysis should be used by MassDEP staff when conducting permitting activities in areas with environmental justice populations. New requirements regarding assessment of cumulative impacts must consider both quantitative and qualitative considerations regarding a range of factors including climate resilience needs, social determinants of health, and other important considerations.

MassDEP is seeking partnerships /collaboration with other state and federal agencies as well as non-governmental organizations in researching cases demonstrating the successful application of cumulative impact analyses, determining the appropriate categories of permits and the legal steps necessary for using of protocols developed as part of this effort. When conducting these analyses in permitting, the goal will be to identify whether a proposed activity will create one or more cumulative impacts in an EJ population. The agency anticipates working with, at a minimum, the following entities:

1. Massachusetts Environmental Policy Act Office (MEPA)
2. Attorney General's Office (AGO)
3. Executive Office of Energy and Environmental Affairs (EEA)
4. Massachusetts Department of Public Health
5. Academic Institutions (i.e., UMass Donahue Institute, Boston University School of Public Health)
6. US Environmental Protection Agency (EPA R1 & HQ)
7. Community Based Organizations (CBOs)

⁹ There is MassDEP representation in the EEA Cumulative Impact Workgroup.
<https://www.mass.gov/info-details/cumulative-impact-analysis-in-air-quality-permitting>

8. Other individuals and organizations which have familiarity in conducting cumulative impact analyses, including the Massachusetts Department of Transportation, Energy Facilities Siting Board, and Department of Public Utilities.

Enforcement of this EEA EJ Strategy

For any environmental justice concerns, complaints, compliments or ideas, or to find out more about our agency environmental, energy and climate justice efforts, please contact EEA's Office of Environmental Justice as outlined on Page 19 of this EEA EJ Strategy.

MassDEP EJ Point of Contact:

Deneen Simpson
Director of Environmental Justice
deneen.simpson@mass.gov
857-406-0738

DRAFT

Department of Fish and Game



Environmental Justice Strategy

DRAFT



Table of Contents

Department of Fish and Game	91
DFG’s Mission Statement	93
EJ Strategy	93
<i>DFG’s EJ Team</i>	94
<i>Trainings</i>	94
<i>Communication</i>	95
<i>Outreach to Environmental Justice communities</i>	95
<i>Improving EJ Community Involvement</i>	96
<i>Hiring</i>	98
<i>Metrics for Success</i>	98
Enforcement of this EEA EJ Strategy.....	98

DRAFT



DFG's Mission Statement

The Department of Fish and Game works to preserve the state's natural resources. We exercise responsibility over the Commonwealth's marine and freshwater fisheries, wildlife species, plants, and natural communities, as well as the habitats that support them.

Secretariat EJ Strategy Requirements from the EEA EJ Policy

The Executive Office of Energy & Environmental Affairs (EEA) Environmental Justice Policy (EJ) has directed all EEA agencies to develop their own EJ Strategies. EEA agencies shall consider how to appropriately integrate environmental justice considerations into their departments through policies, programs, or other strategies. EEA agencies shall identify and promote agency-sponsored projects, funding decisions, rulemakings or other actions intended to further environmental justice throughout the Commonwealth to show how the fair distribution of benefits has been measured.¹ EEA will provide guidance to its agencies to fulfill the EJ Strategy requirement.

EJ Strategy

The Department of Fish and Game consists of 4 divisions that each have a wide array of responsibilities. The Division of Marine Fisheries (DMF) manages and regulates the coastal waters of the Commonwealth by promulgating regulations through the Marine Fisheries Advisory Commission (MFAC) to manage fisheries for both recreational and commercial use. The Division of Fisheries and Wildlife (DFW) focuses on protecting inland flora and fauna and houses the natural heritage and endangered species program (NHESP). DFW promulgates regulations through the Fish and Wildlife Board. The Division of Ecological Restoration's (DER) mission is to restore and protect rivers, wetlands, and watersheds for the benefit of people and the environment. DER works with municipalities, NGOs, agencies, and landowners to plan and implement projects such as dam removal, culvert upgrades, coastal wetland restoration, and other projects. DER also provides funding opportunities through grant programs. The Dept. of Fish and Game also is home to the Office of Fishing and Boating Access (OFBA). OFBA provides important access to recreational fishing and boating sites and partners with DMF to construct coastal fishing piers. OFBA has a direct impact on a community's access to the water.

DFG's EJ Strategy encapsulates all the programs, procedures, policies and key agency actions of each of our divisions. The Strategy has been developed to ensure that all divisions activities are serving all the Commonwealth's citizens equally and equitably.

¹ Theoharides, Kathleen. "EEA Environmental Justice Policy, (2021 update)." *Environmental Justice*, <https://www.mass.gov/doc/environmental-justice-policy6242021-update/download>



The Department of Fish and Game's EJ strategy will guide the department and our divisions towards the implementation of the EEA EJ Policy. Our strategy will consist of the following main goals:

- Taking action to ensure the public can easily connect with DFG staff regarding environmental justice concerns and develop processes to properly handle complaints or requests
- Ensuring the inclusion of EJ communities and surmounting language barriers in regulatory processes, educational programming, grant opportunities, and siting new public access locations
- Providing training to DFG staff to promote awareness of EJ issues and to assist with the application of our strategy, and convening a DFG EJ Team for this purpose
- The Division of Ecological Restoration will work with EEA to develop systems for incorporating environmental justice as criteria for awarding grants and selecting Priority Projects.

DFG's EJ Team

- DFG Environmental Justice Coordinators- Mark Reil and James Rossignol
- DER- Beth Lambert, Director
- DMF- Kevin Creighton, CFO
- DFW- Sarah Maier, NHESP- Information Manager and Marion Larson, Chief of Information and Education
- OFBA- Doug Cameron, Director

DFG's EJ Team will meet every quarter to address the issues bulleted above and will consult with appropriate staff in drawing up specific goals and timelines for implementing these goals.

Additional details on DFG actions are described below.

Trainings

The Department will identify a small team of staff from each of the Divisions to ensure that all department staff are receiving appropriate training on environmental justice issues and best practices for integrating environmental justice considerations into agency work. This team will be responsible for organizing trainings and working with EEA's EJ program to gain access to curricula for EJ mapping tools, community engagement, and the provisions of language services for limited English proficiency (LEP) persons. This training will be critical to ensure that the department is able to effectively implement this strategic plan. The team will also play a role in ensuring that the strategic plan continues to develop over time and that metrics are updated and goals are met year over year.

Communication

DFG is required to comply with A&F Bulletin #16 (Language Access Policy) and will develop its own language policy for interacting with LEP persons six months from the effective day of this policy, in addition to the communication strategies outlined below.

The department will provide EJ contact information as well as a central location for postings on public hearings and public meetings to ensure EJ communities can easily review upcoming policy discussions that may impact them. The Department will also focus on improved communications with EJ community groups that may have more direct communications with certain communities.

- An EJ web page will be created under the Departments website by October 1st, 2022, that will provide the public with EJ contact information, all DFG public meeting postings (with translated options), DFG EJ Strategy, and links to appropriate EEA EJ information.
- The website will provide a link for the public to submit a complaint or an information request form to the Departments EJ contacts.

By July 2022 DFG commits to reviewing its programs to ascertain which EJ populations are intersecting with each of its major (4 divisions) functions. A team of staff will be assigned for that purpose. Once those EJ populations are identified, languages needs will be assessed. This review will help implement DFG outreach to all those populations, and will also guide DFG's efforts in regulations, grants, education, ecological restoration projects, and public access siting.

Outreach to Environmental Justice communities

- Develop and use EJ organizations list for outreach. This will be created using EEA's list as well as knowledge within each division.
- DFG will use the following outreach techniques, as appropriate, in communicating about regulatory promulgations activities, availability of grants, and educational programs:
 - o Notification of public meetings and grant opportunities through non-traditional means, such as houses of worship, community centers, community web sites, as well as traditional locations such as libraries and government offices
 - o Use of alternative and/or community-specific media outlets to publicize the project, including local public broadcasting stations, specialized newspapers, social media and community newspapers, and non-English language media
 - o Organizing town hall meetings or other focused community meetings organized by topic, neighborhood, or interest group
 - o Holding community meetings during weekend or evening hours, at accessible locations near public transportation, and/or through zoom or other similar web-



based service if requested or determined to be more effective for reaching EJ populations

- o Organizing public education efforts and using lay-person language and terms in an effort to ensure the community understands the potential impacts of the project and can provide meaningful input, and holding “science fair” type presentations or teach-ins broken by topics
 - o Establishing a local information repository (public library or community center) that is convenient and accessible for the EJ Population where information related to an issue can be obtained
 - o Disseminating information where the community already gathers, such as farmers’ markets, houses of worship, or neighborhood fairs
 - o Disseminating information through social media channels
- Use EJ alternate media list when needed. This will be developed using EEA’s list as well as knowledge within each division.
 - June 30, 2022 DFG will make translations (in the 10 main non-English languages spoken in Massachusetts) of key outreach documents in the hunting, fishing boating licensing programs.
 - By June 30, 2022 DFG will comply with A&F’s Language Access Policy Bulletin #16², which provides for language services for Commonwealth residents who have limited English Proficiency.
 - Following the guidelines in A&F’s Language Access Policy Bulletin #16, the Division of Marine Fisheries shall update shellfish area signage with QR codes that provide for translated signage options in communities with a non-English speaking population (in collaboration with MEP and DPH). Areas in which QR codes are not appropriate will have new signage in appropriate languages. We expect to be able to accomplish this by mid-2023.

Improving EJ Community Involvement

The Department of Fish and Game partakes in regulatory development, grant administration, educational programming, ecological restoration projects, and public access siting.

As our Divisions of Fisheries and Wildlife and Marine Fisheries promulgate regulations, the agency will adopt practices to ensure that EJ Populations are active participants in the regulation promulgation review process. This review will include consideration of how specific regulations

² Office of Access and Opportunity. “Language Access Policy and Implementation Guidelines.”

<https://www.mass.gov/doc/language-access-guidelines/download>

affect a specific demographic, and targeted outreach to the affected EJ populations. This process will also include an analysis of how the new regulation would benefit or negatively impact an EJ neighborhood.

Grants administration process is implemented by three of four divisions within the Department. A review of grants administration will be completed by the DFG EJ team with the assistance of EEA's EJ Program to ensure that the awards process is following best practices to ensure EJ communities are not at a disadvantage when applying for our grant programs. This review will focus on the scoring criteria of applications and will provide for additional points for those applicants that positively impact EJ populations and that partner with EJ organizations in their implementation.

Educational programs are administered by three of four divisions and are available to a wide breadth of the public. The department will work with the divisions to ensure that our educational programs are specifically being targeted to EJ communities as needed, to ensure there is equal opportunity across the Commonwealth. Language outreach for these programs will be consistent with the A&F Language Access Plan and Title VI of the U.S. Civil Rights Act of 1964. The educational programs that are offered include, but are not limited to, Hunter Education, Archery Education, Trapping Education, Angler Education, Saltwater Angler Education, and Teaching with Trout.

The Division of Ecological Restoration works in partnership with municipalities, NGOs, agencies, landowners, and others to plan and implement aquatic habitat restoration projects through its Priority Projects Program. Project types include dam removal, culvert upgrades, coastal wetland restoration, and freshwater wetland restoration. The Department and DER will work together to update how environmental justice considerations are reviewed and scored during the Priority Project selection process.

Public access siting for projects such as boat ramps and fishing piers are completed by both the Office of Fishing and Boating Access as well as the Division of Marine Fisheries. The Marine Fisheries Recreational Development Panel plays a key role in the siting of public access sites. The Department will work with the panel to ensure that a process is in place to ensure EJ Populations are equally benefiting from the siting of these projects.

The Department of Fish and Game implements regulations that directly impact indigenous peoples of the Commonwealth. The Department and our regulatory Divisions recognize that Federal and state law protects the rights of indigenous people. We will continue to work with tribal leaders of both federally recognized and state acknowledged tribes as regulations are promulgated that may impact their hunting and fishing activities in the waters and lands regulated by the Division of Fisheries and Wildlife and the Division of Marine Fisheries. A list of

Tribal contacts will be developed with the assistance of EEA's EJ program and utilized to facilitate this interaction.

Hiring

DFG acknowledges the importance of having an agency workforce that reflects the racial, ethnic, and socio-economic diversity of the residents of Massachusetts, including the key role that such a workforce plays in advancing equitable decisions regarding environmental permitting, siting, regulatory development, grant disbursement and enforcement. DFG commits to incorporating diversity hiring practices and to provide training for hiring managers. This will promote equitable decision-making using criteria in job-postings that require successful applicants to demonstrate knowledge and understanding of the needs of vulnerable populations, environmental justice neighborhoods, and under-served areas of the Commonwealth.

Metrics for Success

- The Department of Fish and Game will implement this strategy beginning in FY23 and will use the following as metrics to determine that the Department is on track.
 - Track all requests for information / complaints received by the EJ contacts for DFG.
 - Track the amount of money spent on translations/ interpretations at public meetings
 - Track amount of funds awarded to benefit EJ communities.
 - Track how many shellfish area signage has been updated.
 - Tracking hiring of staff who are multi-lingual, and reflect the racial, ethnic, and socio-economic diversity of the residents of Massachusetts.
 - Track the locations of new access sites located in EJ communities.
 - DER will integrate EJ considerations into its Culvert Replacement Municipal Assistance Grant program and will share the lessons learned with the rest of the Divisions.
 - The DFG internal EJ team will be created with one member from each division and at least one Department wide training will be completed by March 1st, 2022, with continuing training into the future.

Enforcement of this EEA EJ Strategy

For any environmental justice concerns, complaints, compliments or ideas, or to find out more about our agency environmental, energy and climate justice efforts, please contact EEA's Office of Environmental Justice as outlined on Page 19 of this EEA EJ Strategy.

DFG EJ Point of Contact:

James "Jimmy" Rossignol



Aquatic Biologist

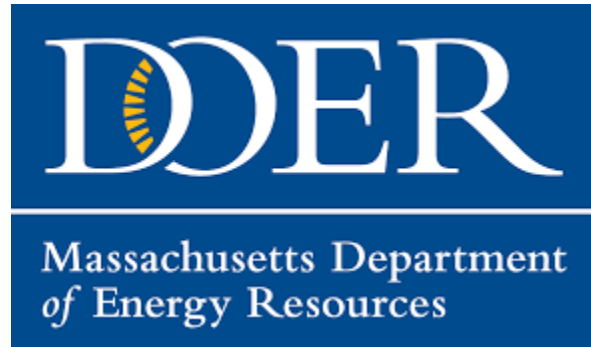
james.rossignol@mass.gov

774-849-0133

DRAFT



Department of Energy Resources



Environmental Justice Strategy

DRAFT

Table of Contents

Department of Energy Resources	100
Introduction.....	102
Environmental Justice Background.....	102
<i>Secretariat Requirements from EEA EJ Policy</i>	102
<i>Legal Authority</i>	102
Key Definitions.....	102
DOER Background.....	104
EJ Strategy	105
<i>Implementation Plan</i>	107
<i>Hiring</i>	108
<i>Conclusion</i>	108
Enforcement of this EEA EJ Strategy.....	108

DRAFT

Department of Energy Resources

Introduction

The Massachusetts Department of Energy Resources (DOER or Department) mission is to develop and implement policies and programs aimed at ensuring the adequacy, security, diversity, and cost-effectiveness of the Commonwealth's energy supply to create a clean, affordable, equitable, and resilient energy future for all residents, businesses, communities, and institutions.

Environmental Justice Background

Secretariat Requirements from EEA EJ Policy

The Executive Office of Energy & Environmental Affairs (EEA) Environmental Justice Policy (EJ) has directed all EEA agencies to develop their own EJ Strategies. EEA agencies shall consider how to appropriately integrate environmental justice considerations into their departments through policies, programs, or other strategies. EEA agencies shall identify and promote agency-sponsored projects, funding decisions, rulemakings or other actions intended to further environmental justice throughout the Commonwealth in order to show how the fair distribution of benefits has been measured.

Legal Authority

EEA and its agencies, offices and programs are required to comply with several state requirements that ensure equity in the implementation of Department policies, program, and initiatives. These authorities include, but are not limited to, [the EEA Environmental Justice Policy, Chapter 8 of the Acts of 2021: An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy](#), MA Executive Orders [EO 526](#) & [EO 552](#), and [the Executive Office of Administration and Finance \(A&F\)'s Language Access Policy \(Bulletin #16\)](#). In addition, because of its status as a recipient of funding from the federal government, DOER must ensure that its EJ Program accords with federal Title VI guidelines that forbid discrimination based on race, color or national origin.¹

Key Definitions

An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy established the following five definitions.

“Environmental Justice” is based on the principle that all people have a right to be protected from environmental hazards and to live in and enjoy a clean and healthful environment

¹ See Title VI under the Civil Rights Act of 1964 [<https://www.epa.gov/ocr/title-vi-laws-and-regulations>], guidelines at [<https://www.epa.gov/ogc/ecrco-guidance-and-policies>]

regardless of race, color, national origin, income, or English language proficiency. Environmental justice is the equal protection and meaningful involvement of all people and communities 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 and burden.

“[Environmental justice principles](#)” support people’s protection from environmental pollution and the ability to live in and enjoy a clean and healthy environment, regardless of race, color, income, class, handicap, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief or English language proficiency, which includes: (i) the meaningful involvement of all people with respect to the development, implementation and enforcement of environmental laws, regulations and policies, including climate change policies; and (ii) the equitable distribution of energy and environmental benefits and environmental burdens.

“[Environmental Justice Population](#)” refers to a neighborhood² that meets one or more of the following criteria:

- The annual median household income is not more than 65 percent of the statewide annual median household income³;
- Minorities comprise 40 percent or more of the population⁴;
- 25 per cent or more of households lack English language proficiency⁵;
- Minorities comprise 25 per cent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 per cent of the statewide annual median household income; or
- A geographic portion of a neighborhood designated by the Secretary as an environmental justice population in accordance with law.

“[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 the access to clean natural resources, including air, water resources, open space, constructed playgrounds and other outdoor recreational facilities and

² “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).

³ “Low Income” means median annual household income at or below 65 percent of the statewide median income for Massachusetts, according to federal census data.

⁴ “Minority” refers to individuals who identify themselves Latino/Hispanic, Black/African American, Asian, Indigenous people, and people who otherwise identify as non-white.

⁵ “English Isolation” refers to households that are English Language Isolated according to federal census forms, or do not have an adult over the age of 14 that speaks only English or English very well.

venues, clean renewable energy course, environmental enforcement, training, and funding disbursed or administered by EEA.

“**Environmental Burdens**” means any destruction, damage, or impairment of natural resources that is not insignificant, resulting from intentional or reasonably foreseeable causes, including but not limited to climate change, air pollution, water pollution, improper sewage disposal, dumping of solid wastes and other noxious substances, excessive noise, activities that limit access to natural resources and constructed outdoor recreational facilities and venues, inadequate remediation of pollution, reduction of ground water levels, impairment of water quality, increased flooding or storm water flows, and damage to inland waterways and waterbodies, wetlands, marine shores and waters, forests, open spaces, and playgrounds from private industrial, commercial or government operations or other activity that contaminates or alters the quality of the environment and poses a risk to public health.

DOER Background

The Commonwealth of Massachusetts Department of Energy Resources is an agency of the Executive Office of Energy and Environmental Affairs. The Department develops and implements policies and programs aimed at ensuring the adequacy, security, diversity, and cost effectiveness of the Commonwealth of Massachusetts’ energy supply within the context of creating a cleaner energy future. To that end, the DOER strives to:

- Ensure deployment of all cost-effective energy efficiency
- Maximize development of clean energy resources
- Create and implement energy strategies to assure reliable supplies and improve the cost of clean energy relative to fossil-fuel based generation
- Support Massachusetts’ clean energy companies and spur Massachusetts’ clean energy employment.

It has long been recognized that transitioning the energy system away from fossil fuels and towards clean and renewable energy is necessary to meet climate goals. However, simply replacing fossil fuel resources with clean and renewable energy will not fully mitigate the disproportionate impacts that have been borne by underserved and overburdened populations, such as minority populations, low-income populations, people who speak English less than fluently, tribes and indigenous populations that experience higher energy burden⁶ higher rates of energy insecurity⁷, and that these communities will bear the brunt of climate change impacts. To mitigate the impacts to these populations, DOER supports access to decision-making

⁶ Energy burden is defined as the percentage of gross household income spent on energy costs.

⁷ Energy insecurity is defined as the inability of a household to meet its basic energy needs.

processes including increasing transparency, access to information, and public engagement on Department policies, programs, and initiatives.

The Department has six policy and program divisions that oversee a wide range of policies, programs, and actions that are further described below.

- [Emerging Technology](#) advances emerging technologies in clean energy and alternative transportation across the Commonwealth.
- [Energy Efficiency](#) develops, implements, and oversees energy efficiency efforts in the Commonwealth in conjunction with other state and federal agencies.
- [Energy Policy, Planning, and Analysis](#) gathers and analyzes energy data to provide a comprehensive overview of energy prices, competitive markets, energy resiliency, and more for the Commonwealth.
- [Green Communities](#) provides grants, technical assistance, and local support to help municipalities reduce energy use and costs by implementing clean energy and energy efficiency projects in municipal buildings, facilities, and schools.
- [Renewable and Alternative Energy](#) supports the implementation of DOER's energy policy through programs and incentives for clean and alternative energy technologies such as wind, solar, biomass, and heat pumps.
- [Leading by Example](#) works collaboratively with state agencies and public colleges and universities to advance clean energy and sustainable practices that reduce the environmental impacts of state government operations.

EJ Strategy

The EJ Strategy is the Department's strategic plan for advancing environmental justice. The objective of the strategy is to improve equitable outcomes for communities that are underserved and overburdened, including but not limited to potentially impacted minority populations, low-income populations, people who are not fluent in English, tribes and indigenous peoples. The Department is committed to the principles of environmental justice in the agency's programs, policies, and activities. Fair treatment and meaningful involvement are the guiding principles for the Department's strategy. The strategy below outlines the Department's vision for environmental justice by establishing strategic goals and listing examples of key actions the Department may take to make progress towards the following goals.

Goal 1: Increase Department awareness of environmental justice considerations that might result from the DOER's programs, policies, and activities.

- Increase awareness of environmental justice issues by establishing environmental justice training, education, and awareness opportunities to ensure that staff are fully aware of their responsibilities under Massachusetts Executive Orders [EO 526](#) and [EO 552](#). Educate

the Department with EEA-developed trainings on available environmental justice resources (including mapping tools) to help staff understand the processes and tools available to assist compliance with EEA's environmental justice policy.

- Develop Department strategies to identify and address environmental justice concerns in Department programs, policies, and activities by participating in the inter-agency environmental justice task force led by EEA. Update Department staff regarding key secretariat actions to advance environmental justice principles.

Achieving better environmental justice outcomes and measurable reductions in disparities requires a workforce that is trained and prepared to address complex environmental justice issues. Instituting training, education, and awareness opportunities for agency staff increases their understanding of the disparate energy burdens and energy benefits that different populations experience. By establishing foundational knowledge, agency staff will be better prepared to analyze, consider, and address environmental justice concerns to the extent practicable and supported by law.

Goal 2: Integrate environmental justice principles into DOER operations including the development and implementation of policies, programs, and activities.

- Develop and disseminate information and resources that highlight opportunities for advancing environmental justice principles in Department's policies, programs, and activities. Continue to assess and determine whether environmental justice principles are thoroughly incorporated into Departmental actions.
- Prioritize support of clean energy and sustainability efforts in environmental justice neighborhoods and other underserved and overburdened communities when program and policy considerations and other factors are fundamentally equivalent during the development of such programs and policies.
- Utilize tools and resources, such as EEA's Environmental Justice Map Viewer Tool and Massachusetts Department of Public Health (DPH) Environmental Justice Mapping tool, to enhance inclusive community planning for environmental justice assessment and to help determine cumulative impacts.

Institutionalizing environmental justice principles in Department decision-making processes will strengthen the DOER's ability to address complex environmental justice issues proactively and will ensure staff are positioned to apply best practices and strategies for advancing environmental justice principles in their decision making and functional areas and improve on-the-ground results for overburdened communities.

Goal 3: Strengthen outreach to communities and stakeholders through public engagement.

- Enhance public participation in Department decision-making by providing resources and technical assistance to stakeholders to productively engage in Department public involvement processes.
- Improve Department language access resources by developing a department-wide language access plan, procuring language access services, and identifying and translating critical agency documents into relevant languages.
- Schedule public hearings in geographically diverse locations throughout the Commonwealth.

Creating opportunities for meaningful involvement in public processes is a foundational component of environmental justice. When meaningful involvement opportunities exist, communities are empowered to take positive action to produce more equitable outcomes in their communities. The Department will strive to support public engagement by reducing barriers to participation to the greatest extent feasible.

Goal 4: Expand collaboration and knowledge-sharing with interagency and community-based partners to efficiently focus DOER resources and technical assistance.

- Collaborate with other EEA agencies to collectively reduce energy-related environmental burdens and increase energy benefits in environmental justice neighborhoods, underserved areas, and overburdened communities. Support initiatives focused on interagency capacity building. Identify and share best practices and lessons learned with Department staff on how to address environmental justice concerns that is gained from interagency collaborations.
- Through stakeholder outreach efforts at DOER and EEA, seek input from applicable stakeholders to develop environmental justice guidance for Department-funding programs and activities.
- Through DOER's EJ Task Force representative, maintain communication with EEA environmental justice staff on DOER's EJ initiatives and provide EJ-related metrics and other data for inclusion in EEA's annual environmental justice report.

Strengthening collaboration and coordination on environmental justice issues between EEA agencies and public stakeholders can lead to more equitable outcomes and the reduction of cumulative environmental burdens, all while increasing energy benefits where practicable and advisable.

Implementation Plan

The Department will develop an implementation plan that includes logistical guidance for the strategies outlined in this document. The implementation plan may also include timelines for action that consider programmatic, legislative, and regulatory responsibilities.

Hiring

The DOER acknowledges the importance of having an agency workforce that reflects the racial, ethnic, and socio-economic diversity of the residents of Massachusetts, including the key role that such a workforce plays in advancing equitable decisions regarding the implementation of energy, climate change, and environmental laws, regulations, and policies. EEA and the DOER commit to incorporating diversity hiring practices and to provide training for hiring managers in order to promote equitable decision-making regarding hiring, including using criteria in job-postings that require successful applicants to demonstrate knowledge and understanding of the needs of environmental justice populations, and underserved and overburdened communities in the Commonwealth.

Conclusion

The Department's strategy reflects its commitment to focus on environmental justice populations by ensuring the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development and implementation of programs, policies, and activities. Mitigating environmental burdens and increasing energy benefits in environmental justice neighborhoods will be an ongoing and evolving process. The Department will track its progress towards meeting the goals outlined in the strategy by collecting data that will be reported in EEA's annual environmental justice report. The DOER will review its strategy bi-annually and in-coordination and consultation with the Executive Office of Energy and Environmental Affairs.

About This Policy: The Department shall implement this Policy consistent with, and to the extent permitted by, existing law and applicable regulations. This Policy is intended only to integrate environmental justice considerations into the Department's policies, programs and other strategies and is not intended to create any right to judicial review of the Department's compliance or noncompliance with the same, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any party against the Department, its management, employees, or any other person.

Enforcement of this EEA EJ Strategy

For any environmental justice concerns, complaints, compliments or ideas, or to find out more about our agency environmental, energy and climate justice efforts, please contact EEA's Office of Environmental Justice as outlined on Page 19 of this EEA EJ Strategy.

DOER EJ Point of Contact:

Danilo Morales

Clean Energy Program and Outreach Manager

Danilo.morales@mass.gov

Department of Public Utilities



Environmental Justice Strategy

DRAFT



Table of Contents

Department of Public Utilities	109
Definitions	111
Mission Statement	112
Statement of Authority	112
Department EJ Strategy.....	112
<i>Public Involvement and Community Engagement</i>	113
<i>Department EJ Analyses</i>	114
<i>Department EJ Team</i>	114
<i>Metrics</i>	114
<i>Trainings/Shared Resources</i>	115
<i>Diversity and Hiring Practices</i>	115
<i>Questions</i>	115
Enforcement of this EEA EJ Strategy.....	115



Definitions

“Department” or “DPU” means the Massachusetts Department of Public Utilities.

“Division” means a branch of the Department that is responsible for the oversight of a specific Department function.

“Environmental Justice”¹ is based on the principle that all people have a right to be protected from environmental hazards and to live in and enjoy a clean and healthful environment regardless of race, color, national origin, income, or English language proficiency. Environmental justice is the equal protection and meaningful involvement of all people and communities 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 and burdens.

“Environmental Justice (“EJ”) Population”² means: (1) a Neighborhood that meets one or more of the following criteria: (a) the annual median household income is not more than 65 percent of the statewide annual median household income; (b) minorities comprise 40 percent or more of the population; (c) 25 percent or more of households lack English language proficiency; or (d) minorities comprise 25 percent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 percent of the statewide annual median household income; or (2) a geographic portion of a neighborhood designated by the Secretary of EEA as an EJ population in accordance with the law.

“Hearing Officer” means an attorney designated by the Commission,³ pursuant to G.L. c. 25, § 4, to preside over a Department proceeding.

“Limited English Proficiency”⁴ means a person who does not speak English as a primary language and who has a limited ability to read, speak, write, or understand English.

“Neighborhood”⁵ means a census block group as defined by the United States Census Bureau, excluding people who live in college dormitories and people who are under formally authorized, supervised care or custody, including federal, state or county prisons.

¹ The Massachusetts Executive Office of Energy and Environmental Affairs (“EEA”), *Environmental Justice Policy of the Executive Office of Energy and Environmental Affairs* (“EJ Policy” updated 2021) at 3 (2017, updated June 24, 2021) available at www.mass.gov/doc/environmental-justice-policy6242021-update/download.

² EJ Policy (updated 2021) at 4.

³ The Department is overseen by the three-member Commission appointed by the Secretary of the EEA with approval by the Governor. The Secretary designates one of the Commissioners as Chairman. *The DPU Commission*, Commonwealth of Massachusetts, <https://www.mass.gov/guides/the-dpu-commission> (last visited Mar. 11, 2021).

⁴ Executive Office of Administration and Finance, *Language Access Policy and Guidelines 2* (March 20, 2015) available at www.mass.gov/doc/language-access-guidelines/download.

⁵ EJ Policy (updated 2021) at 4-5.



Mission Statement

The Department of Public Utilities is an adjudicatory agency overseen by a three-member Commission. The Department is responsible for the oversight of investor-owned electric power, natural gas, and water utilities in the Commonwealth. In addition, the Department is charged with developing alternatives to traditional regulation, monitoring service quality, regulating transportation and gas pipeline safety, and the siting of certain energy facilities.

The mission of the DPU is to ensure that consumers' rights are protected, and that utility companies are providing the most reliable service at the lowest possible cost. The DPU oversees the public safety from transportation and gas pipeline-related accidents, and the energy facilities siting process.⁶ The Department seeks to promote safety, security, reliability of service, affordability, equity, and greenhouse gas emission reductions.

Statement of Authority

Secretariat Environmental Justice Strategy ("EJ Strategy") Requirements from EEA EJ Policy

The EEA EJ Policy requires all EEA agencies to develop individual EJ Strategies tailored to their individual missions.⁷ The Department's EJ Strategy is structured in a manner that ensures the equal protection and meaningful involvement of all people and communities 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 and burdens regardless of race, color, national origin, income, or English language proficiency.

Also, in addition to the EJ Strategy, each EEA agency is required to create a Public Involvement and Community Engagement Plan that outlines its efforts to enhance public participation opportunities for agency activities that potentially affect EJ populations.⁸ The Department intends this document to serve as both its EJ Strategy and Public Involvement and Community Engagement Plan.

Department EJ Strategy

⁶ The Department reviews certain energy facilities under its own statutory jurisdiction that pre-dates the establishment of the Energy Facilities Siting Council in 1973 (the predecessor agency of the Energy Facilities Siting Board ("Siting Board")). The Siting Board is an independent agency administratively located within the Department, although by statute it is not subject to the Department's supervision or control.

⁷ EJ Policy (updated 2021) at 10.

⁸ EJ Policy (updated 2021) at 10.

The Department's EJ Strategy establishes practices and principles, consistent with statutes and regulations, to promote EJ considerations across the Department's proceedings involving EJ communities.⁹ As described in detail below, the Department will seek to:

- Enhance access for public participation in Department proceedings;
- Further EJ analyses used in Department actions and policies and proposals before the Department that involve EJ communities; and
- Promote staff training on language access and EJ matters.

Public Involvement and Community Engagement

Strengthen Community/Public Outreach. The Department will strive to enhance public access to Department hearings and proceedings. The Department will:

- Strive to enhance community outreach, to the extent consistent with applicable law, by publishing public notices on multiple platforms (e.g., social media, print media). At a minimum, the Department will cause the posting of such public notices on EEA's cross-secretariat EJ website, the Department's website, and the relevant jurisdictional company's website;
- Strive to post the public hearing schedule on a translatable Department web page; and
- Maintain an EJ point-of-contact to handle inquiries regarding engagement with EJ communities and language access.

Department EJ Website. The Department will create a webpage designed for EJ populations to be published by December 1, 2022. The EJ webpage will contain information useful for EJ populations, including, but not limited to:

- Contact information for the Department's EJ point-of-contact;
- A link to the EEA EJ Policy;
- A link to EEA's EJ website;
- A link to its Language Access Plan;
- EEA's Title VI Non-Discrimination Complaint Form;
- Information for non-English speakers and persons with limited English proficiency about requesting interpretation and translation services;
- Translations of vital documents relative to consumers' rights;¹⁰ and

⁹ The Siting Board is in the process of developing its own EJ Strategy.

¹⁰ Divisions with relevant documents may include, Transportation Oversight Division, Transportation Network Company Division, Pipeline and Safety Division, the Siting Division, and Consumer Division.



- A non-exhaustive list of useful links on the Department’s website to help customers manage their energy bills. Such links may include information on energy incentive programs and arrearage management programs.

Language Access Policy. The Department is also committed to ensuring that persons with limited English proficiency are provided with the opportunity for meaningful involvement and participation in Department proceedings in accordance with legal requirements, as set out in the Executive Office of Administration and Finance (“A&F”) Administrative Bulletin #16, as revised on March 20, 2015. The Department’s Language Access Plan (“LAP”) describes the Department’s language access services, policies, and procedures and is accessible on its website at: (provide link here).

Department EJ Analyses

Consistent with applicable law and the Department’s scope of authority, the Department will continue to conduct analyses of agency actions that may have an impact on EJ populations, assess strategies to address EJ concerns, and promote the equitable distribution of energy and environmental benefits and burdens.

At the outset of Department proceedings, Hearing Officers will identify whether the proceeding impacts a neighborhood with an EJ population. This process will involve, among other things, a review of geographic information systems data provided by EEA to determine if the affected community or communities meet the criteria for an EJ population. If an EJ population is identified as being impacted by the proposal, the assigned Hearing Officer will notify the EJ point-of-contact, the case supervisor, and the Chief of Staff. The Hearing Officer will provide notice regarding the proceeding in accordance with this EJ Strategy.

Department EJ Team

The Department Chief of Staff will establish an EJ Team comprised of the EJ point-of-contact and representatives selected by the Chief of Staff and Commission. The EJ Team will periodically, but no less than every two years, review best practices for complying with the Department’s EJ Strategy.

Metrics

The Department will create and track the following metrics:

- participation in public hearings,
- EJ webpage statistics,
- requests for interpretation by a participant at a public hearing,
- percent of requests for interpretation fulfilled, and
- number of proceedings that specifically impact an EJ neighborhood, and how notice was provided in each instance

Trainings/Shared Resources

The Department will hold annual staff trainings on the Department's language access and EJ policies. These trainings will include:

- The Department's procedures for requesting interpretation and document translation services;
- The Department's procedures for requesting to work with staff volunteer interpreters; and
- How to successfully use the Department's assisted listening and interpretation equipment.

Department staff will also participate in any required trainings hosted by EEA. Staff will be encouraged, as practicable, to participate in EEA trainings related to:

- The use of available state mapping and screening tools in order to identify EJ Neighborhoods and assess project impacts in these areas;
- The definition, practices, and goals of stakeholder engagement; and
- How to identify an EJ Neighborhood.

Diversity and Hiring Practices

The Department acknowledges the importance of having an agency workforce that reflects the racial, ethnic, and socioeconomic diversity of the residents of Massachusetts, including the key role that such a workforce plays in advancing equitable decisions regarding environmental and energy permitting, siting, regulatory development, policy and law enforcement, and other matters relevant to the Department's jurisdiction. The Department commits to implementing all EEA directives with regard to equitable hiring practices.

Questions

The Department through the EEA EJ Policy and this EJ Strategy works to ensure equal protection and meaningful involvement of all people and communities with respect to the development, implementation, and enforcement of energy, climate change, and environmental laws, regulations, and policies and the equitable distributions of energy and environmental benefits and burdens.

Enforcement of this EEA EJ Strategy

For any environmental justice concerns, complaints, compliments or ideas, or to find out more about our agency environmental, energy and climate justice efforts, please contact EEA's Office of Environmental Justice as outlined on Page 19 of this EEA EJ Strategy.

The Department has a designated EJ point-of-contact named below to answer questions regarding this Strategy or any other environmental justice-related matter.

Agency EJ Point of Contact:

Carline L. Lemoine, Language Access Coordinator
Department of Public Utilities
Legal Division
One South Station, Fifth Floor
Boston, MA 02110
Carline.Lemoine@mass.gov
(617) 305-3532

DRAFT



Commonwealth of Massachusetts Energy Facilities Siting
Board (EFSB)
Environmental Justice Strategy

DRAFT

Table of Contents

Commonwealth of Massachusetts Energy Facilities Siting Board (EFSB)	117
Background	119
Definitions	121
EFSB Public Process	122
<i>Access to Project Information</i>	122
<i>Notice Distribution</i>	122
<i>Public Comments</i>	123
<i>Participation in Proceedings</i>	124
<i>Language Access</i>	124
Climate Change Policies	124
Consistency with MEPA	125
EJ Strategy Implementation	126
<i>Public Involvement and Community Engagement Plan (PIP)</i>	126
<i>Language Access Plan</i>	126
<i>Metrics</i>	127
<i>Periodic Assessments</i>	127
Workforce Commitments	128
Conclusion	128
Enforcement of this EEA EJ Strategy	128

Background

Energy Facilities Siting Board

The Energy Facilities Siting Board (“Siting Board” or “EFSB”) is an independent state board that reviews proposals to construct large energy facilities including generating facilities, electric transmission lines, intra-state natural gas pipelines, and natural gas storage tanks. To obtain EFSB approval, a proponent of a proposed facility must demonstrate that the facility would provide a reliable energy supply, with a minimum impact on the environment, at the lowest possible cost. The Department of Public Utilities (“Department” or “DPU”) administratively supports the work of the EFSB and its staff, but the nine-member EFSB independently determines whether to approve or deny these projects. EFSB staff also conducts DPU siting-related proceedings that do not fall within the EFSB’s jurisdiction.¹

Commonwealth Policies

As part of its review of jurisdictional facilities, the Siting Board must consider whether an applicant’s plans for construction are consistent with current health, environmental protection, and resource use and development policies as adopted by the Commonwealth. G.L. c. 164, § 69J. See also G.L. c. 164, § 69J¼ (requiring consistency with current health, environmental protection, and energy policies). The Siting Board considers a variety of policies, including the Executive Office of Energy and Environmental Affairs’ (“EEA”) Environmental Justice Policy (“EJ Policy”)² and the Commonwealth’s Language Access Policy (Administration and Finance Bulletin #16).^{3,4}

Section 13 of the EJ Policy directs EEA agencies to “develop their own strategies to proactively promote environmental justice in all neighborhoods in ways that are tailored to the agencies’ mission.” The A&F Bulletin #16 directs each agency to develop a language access plan (“LAP”) through which it works to implement protocols for providing services to non-English speakers and persons with limited English proficiency.

¹ The Department reviews certain energy facilities under its own statutory jurisdiction that pre-dates the establishment of the Energy Facilities Siting Council in 1973 (the predecessor agency of the Energy Facilities Siting Board (“Siting Board”). The Siting Board is an independent agency administratively located within the Department, although by statute it is not subject to the Department’s supervision or control.

² The EJ Policy is at: <https://www.mass.gov/doc/environmental-justice-policy6242021-update/download> (updated on June 24, 2021). The EJ Policy also explicitly applies to the EFSB. See Section 20.

³ The A&F Bulletin is at <https://www.mass.gov/doc/language-access-guidelines/download>.

⁴ In March 2021, Governor Baker signed into law Chapter 8 of the Acts of 2021, An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy (“Climate Roadmap Act”). Among the provisions of the Climate Roadmap Act are new legislative requirements relating to environmental justice considerations in environmental reviews conducted under the Massachusetts Environmental Policy Act (“MEPA”). As the MEPA Office implements these requirements, environmental justice policies and practices affecting EFSB and Department siting matters may change in the interest of consistency.

Purpose of EJ Strategy

The EFSB's Environmental Justice Strategy ("EJ Strategy") aims to ensure the equal protection and meaningful involvement of all people and communities 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 and burdens regardless of race, color, national origin, income, or English language proficiency. The EFSB shall consider environmental justice principles in making any policy and rendering any decision related to matters within its statutory jurisdiction. We expect that our EJ Strategy will continue to evolve over time to reflect the needs of the Commonwealth's environmental justice populations. In the near term, we expect that the EJ Strategy may be modified and updated to reflect the recommendations provided by stakeholders regarding outreach to EJ populations in a recent and on-going proceeding docketed as EFSB 21-01 as discussed below.

Notice of Inquiry

On June 30, 2021, the Siting Board opened a Notice of Inquiry ("NOI"), EFSB 21-01, to explore avenues to (1) increase the visibility of the EFSB's public notices and (2) promote equitable and meaningful public and stakeholder involvement in EFSB's proceedings.⁵ Through its NOI, the Siting Board seeks input from relevant stakeholders, public officials, and members of the public on best practices for promoting public involvement in its proceedings. Subject to its review and approval, the Siting Board will issue a final written decision on the NOI, accompanied by a Public Involvement and Community Engagement Plan ("PIP") and EFSB-specific LAP detailing implementation measures and timelines that advance the provisions in the EFSB EJ Strategy. See Section VI, below.

The EFSB received numerous public comment letters from stakeholders in the initial NOI comment period. The comments covered a wide range of ideas on how the EFSB can enhance its procedures and included improvements to alternative notice distribution methods, language access and accommodations, opportunities for public comment, accessibility for public comment hearings, project information on the EFSB website, project applicant compliance, transparency by the EFSB, and awareness of participation in EFSB proceedings. Although the suggestions offered and currently under review are intended to improve the EFSB's overall transparency, service and support to its stakeholders, many of the suggestions are particularly well-suited to the needs of EJ Populations.

NOI Team

The NOI is being conducted by a team comprising the EFSB Director, General Counsel, and staff. The NOI Team intends to develop detailed implementation plans as part of the forthcoming EFSB decision on the NOI that will expand on the provisions contained in this EJ Strategy. Throughout 2022, the NOI Team will consider responses to the NOI, along with additional internal review of

⁵ See <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber/EFSB21-01>.

the Siting Board's policies and procedures and/or consult with other appropriate agencies pursuing similar environmental justice practices (e.g., other EEA agencies and other state energy regulatory agencies) to help guide the Siting Board in the further development and implementation of this EJ Strategy. The NOI Team is currently scheduling additional meetings and opportunities for comment related to the NOI proceeding and expects to issue a decision in that proceeding by the close of 2022.

Definitions

The terminology defined below is taken from EEA's EJ Policy. It is important to clearly define these terms so the public can hold the EFSB accountable in our analysis of proposed facilities and other projects.

"Environmental Justice (EJ) Population" means (A) a neighborhood that meets 1 or more of the following criteria: (i) the annual median household income is not more than 65 per cent of the statewide annual median household income; (ii) minorities comprise 40 per cent or more of the population; (iii) 25 per cent or more of households lack English language proficiency; or (iv) minorities comprise 25 per cent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 per cent of the statewide annual median household income; or (B) a geographic portion of a neighborhood designated by the Secretary as an environmental justice population in accordance with law.

"Environmental Justice Principles" are principles that support protection from environmental pollution and the ability to live in and enjoy a clean and healthy environment, regardless of race, color, income, class, handicap, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief or English language proficiency, which includes: (i) the meaningful involvement of all people with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies, including climate change policies; and (ii) the equitable distribution of energy and environmental benefits and environmental burdens.

"Meaningful Involvement" means that all neighborhoods have the right and opportunity to participate 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, and are given transparency/accountability by government with regard to community input, and encouraged to develop environmental, energy, and climate change stewardship.

"MEPA" is the Massachusetts Environmental Policy Act, M.G.L. Ch.30, Sections 61-621. 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.

“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).

EFSB Public Process

The Siting Board provides a range of opportunities for individuals and organizations to participate and be heard throughout the various phases of its proceedings, from initial applicant filings, through public comment and evidentiary hearings, to Board meetings, and if approved, construction and operation of facilities. Individual and organizational participation interest in EFSB proceedings may range from gathering information from project notices or the EFSB website, to providing oral and written comments at public hearings, to seeking full legal rights of participation, such as receiving documents and other information, offering evidence, questioning witnesses, and appealing decisions of the EFSB.

Access to Project Information

The EFSB seeks to ensure that project information is readily available for review to all stakeholders. A project applicant’s full petition is made available at multiple locations and in multiple languages (as applicable) to provide for public access to these documents. The Siting Board requires an applicant to place physical copies of certain documents in one or more repositories such as a public library, local government office, applicant's office, or other accessible locations in the community. The public can also request physical access to project records at the EFSB/DPU offices or in additional formats (e.g., large print, Braille). Electronic versions of the petitions can be found at the EFSB’s website and the project applicant’s website, which are linked in widely distributed public notices.

Notice Distribution

The EFSB requires extensive and timely notice by applicants for all proposed projects including mailed notices to area residents (including both property owners and renters), businesses, and local and state officials, as well as newspaper publication of notice. The EFSB requires project proponents to notify residents within certain distances of new proposed facilities by U.S. mail.⁶ Based on the demographic information of residents living near a proposed project, the Siting Board may require the notice and mailings to be translated into other languages and published in news media outlets applicable to those other languages and locations.

The EFSB also ensures that project information is posted on the project applicant’s and EFSB’s websites. The EFSB requires applicants to provide additional notice to community-based organizations (including environmental justice organizations) in the area of a project, using the

⁶ The EFSB typically uses the following distances from project boundaries for purposes of establishing required addresses for mailed notices: (a) three hundred feet for transmission lines or gas pipelines; (b) one-eighth of a mile for new electrical switching stations; (c) one-quarter mile for new substations, pipeline meter stations or gas regulators; and (d) one-half mile for new generating facilities, gas storage facilities, and compressor stations.

“EJ Mailing List” developed and maintained by EEA. By notifying residents in the vicinity of a proposed project, the Siting Board seeks to promote awareness of the proposal and enable those who want more information or wish to provide comments with the opportunity to meaningfully contribute to and inform the Board’s consideration of a proposed project.

Public Comments

The Siting Board recognizes that members of a given community where a project may be proposed have first-hand knowledge and unique insights regarding the people, places, environment, culture, and history in such locations. The Siting Board also recognizes the value and importance of gaining an understanding of these local perspectives and expertise, and using this knowledge in its formal review process. The EFSB provides opportunities for both oral and written comment on proposed projects at the beginning of a proceeding. The Siting Board’s objective in conducting a public comment hearing is to provide a robust, inclusive, and useful forum for the public to learn more about a proposed project, and enable the Siting Board to learn about the public’s concerns. The Siting Board relies on comments from the public as an important source of information on potential issues to investigate over the course of a proceeding.

In selecting a venue and dates/times for in-person public comment hearings, the Siting Board considers various factors, including whether:

- The meeting time is most conducive to public participation
- Neighborhood stakeholders or municipal officials recommend the venue location and meeting times
- The venue is near the proposed project location
- The venue is typically used by the community, and can accommodate all interested attendees
- The venue is Americans with Disabilities Act (ADA)-compliant
- The venue is near public transportation and/or has ample free parking
- The venue has sufficient audio-visual equipment connection capabilities
- The venue can adequately ensure public safety

On June 16, 2021, Governor Baker signed into law An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency. This Act includes an extension, until April 1, 2022, of the remote meeting provisions of his March 12, 2020, Executive Order Suspending Certain Provisions of the Open Meeting Law. On February 13, 2022, Governor Baker signed into law An Act making appropriations for the fiscal year 2022 which includes a further extension of the remote meeting provisions until July 15, 2022. Since the pandemic began, the Siting Board has conducted its public comment hearings remotely and posted recordings of the hearings on the [DPU YouTube page](#). When permissible, the Siting Board intends to resume in-person hearings and also provide videoconferencing access for those wishing to participate remotely.

Participation in Proceedings

Individuals, organizations, businesses, or other entities (such as a municipality) wishing to participate beyond the public comment phase of a proceeding may petition the Siting Board to intervene as a party or participate as a limited participant. In order to intervene as a party, a petitioner must demonstrate that he or she is, or may be, "substantially and specifically affected" by the proceeding. The issues raised in the petition to intervene must be specific to the potential intervenor and must fall within the scope of the Siting Board's review, such as visual impacts, noise, air or water pollution, traffic, or magnetic fields that could have a temporary or permanent impact on the petitioners or their property. See 980 CMR 1.05; see also G.L. c. 30A, §§ 1, 10.

Individuals or organizations that are permitted to intervene as a party are known as "intervenors." As a full party, an intervenor may submit questions to the applicant, ask questions at the evidentiary hearings, present evidence, and file briefs consistent with the procedural rules and the schedule established for that case. An intervenor also has the right to appeal an EFSB Final Decision to the Supreme Judicial Court of Massachusetts. Individuals or organizations seeking to participate as a limited participant need not demonstrate "substantial and specific" interest; however, a petition to participate as a limited participant should describe the manner in which the Petitioner is interested, and the purpose for which participation is requested. Limited participants may receive copies of filings and file briefs.

Language Access

The EFSB seeks to ensure that persons with limited English proficiency are provided with the opportunity for meaningful involvement and participation in EFSB proceedings. At the start of a proceeding, Siting Board staff reviews demographic information for the areas in which facilities are proposed to identify populations with limited English proficiency that may require translation of documents and interpretation services. In such cases, the Siting Board requires the project applicant to provide notice in the identified additional languages spoken in the community and, where applicable, publish the notice in non-English language newspapers in local circulation.

The EFSB includes simultaneous interpretation for additional languages at both virtual and in-person public comment hearings. These services are provided where there is an identified limited English proficient population and upon request. Interpretation is also provided at evidentiary hearings and Board meetings, as needed. The Siting Board is in the process of updating its LAP. Elements of the LAP, which also includes information on how language needs are assessed, are described in Section VI.B below.

Climate Change Policies

The Siting Board considers the current and future impacts of climate change on environmental justice populations and others in its decisions and evaluates an applicant's treatment of climate change adaptation, mitigation, and resiliency as part of its environmental review. For example,

the EFSB analyzes sea level rise and storm surge impacts on facilities in coastal communities. The Siting Board also assesses a project's compliance with municipal resiliency and climate change plans. The EFSB continues to consider additional climate change policies adopted by the Commonwealth and municipalities in its decisions.

Consistency with MEPA

New MEPA Protocols

The MEPA Office issued new protocols relative to environmental justice: (i) MEPA Public Involvement Protocol for environmental justice populations; and (ii) MEPA Interim Protocol for Analysis of Project Impacts on environmental justice populations. The MEPA Public Involvement Protocol requires that applicants identify nearby EJ Populations and engage in pre-filing outreach to those populations. Project applicants must provide a description of public involvement strategies as part of the MEPA filing, and specifically state how community-based organizations and tribes were informed of ways to request a community meeting. Facility applications before the Siting Board often require a MEPA filing as well. The Siting Board will work with EEA/MEPA to integrate an understanding of the EFSB process and opportunities for participation into pre-filing outreach activities initiated under the MEPA requirements.

The MEPA Interim Protocol for Analysis of Project Impacts on environmental justice populations requires a project applicant to assess and describe any existing unfair or inequitable environmental burden and related public health consequences impacting the environmental justice population. These impacts include those from any prior or current private, industrial, commercial, state, or municipal operation or project that has damaged the environment, including cumulative health impacts and sea level rise. The Siting Board will review these analyses in its evaluation of a project proposal and make applicable findings in its decisions.

Enhanced Public Participation

The Siting Board employs enhanced public participation procedures in its review of energy facility petitions. Under Section 20 of the EJ Policy, enhanced public participation is required for Siting Board proceedings based on the same environmental impact thresholds used by the MEPA Office (in Section 16) for its enhanced public participation:

- 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; 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).

The Siting Board will continue to use enhanced public participation procedures in its review of energy facility petitions.

Enhanced Analysis of Impacts

Pursuant to the EJ Policy, the Siting Board employs enhanced analysis of impacts and mitigation procedures in its review of proposed energy facilities. Under Section 20 of the EJ Policy, the enhanced analysis of impacts and mitigation is required for Siting Board proceedings based on the same environmental impact thresholds used by MEPA (in Section 17) for its enhanced analysis of impacts and mitigation:

- 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). 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.

Decisions issued by the Siting Board include measures to mitigate such impacts for the affected communities, with enhanced review required where environmental justice populations are present. In its review of generation facilities, the Board considers cumulative health impacts, including consideration of compound effects caused by proximity to multiple energy, industrial, or transportation sources. The Siting Board will continue to conduct enhanced analysis of impacts and mitigation procedures in its review of proposed energy facilities under Section 20. The Siting Board will also participate in the Department of Environmental Protection's stakeholder effort to evaluate and seek public comment on development of a cumulative impact methodology.

EJ Strategy Implementation

Public Involvement and Community Engagement Plan (PIP)

All EEA agencies must create a PIP that establishes 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 environmental justice populations. The EFSB is developing its PIP as part of the NOI process (see Section I.D).

Language Access Plan

The EFSB is updating its LAP as part of the NOI process (see Section I.D). The LAP is intended to remove barriers to access and improve opportunities for the public input and participation for stakeholders with limited English language proficiency. The Siting Board's LAP will, at a minimum, contain the following information:

- Identification of thresholds for presumptively translating project documents and providing language interpretation for public comment hearings, evidentiary hearings, and Board meetings

- Description of the EFSB’s language service protocols (i.e., the process to request either interpretation services or translation of documents.)
- Description of the EFSB’s requirements for selecting an interpretation service for hearings
- Description of common “key public documents” that the EFSB will translate into the top languages spoken in the Commonwealth⁷
- Description of project-specific “key public documents” that the EFSB will require to be translated into languages prevalent in the project area⁸
- Description of the EFSB’s approach to outreach to persons with limited English proficiency on its webpages and/or social media

Metrics

To measure progress towards its EJ Strategy goals, the Siting Board will establish metrics to track public participation. EEA will publish these metrics and progress for EEA’s agencies in annual reports. Some of the criteria that may be considered by the Siting Board are the following:

- Number of interpretation and translation requests, including languages requested and accommodated
- Number of hearing and visual accommodation assistance requests and those granted
- Number of non-English newspapers used for notice publication
- Number of requests for the provision of interpretation or translation services made and provided
- Number of times the EFSB used DPU language bank staff for translation/interpretation
- Funds expended by the EFSB and project applicants for interpretation and translation services
- Number of positive/negative comments received regarding quality of translation/interpretation
- Number of language access-related training sessions attended by staff
- Number of meetings with stakeholders (including discussions on language access service provided by the EFSB)

Periodic Assessments

The EFSB will periodically, but no less than every two years, review its EJ Strategy, PIP and LAP. The documents will be reviewed by an EJ Team, including the EFSB Director and General

⁷ The Siting Board considers these documents to include the EFSB Handbook (which provides a detailed description of the Siting Board's review process, and an explanation of the various ways to participate in that process), accommodation request information, and this EJ Strategy. The NOI Team will continue to identify additional documents that are critical for persons to understand their rights in EFSB matters and update the list in the LAP.

⁸ The Siting Board considers these documents to include public notices, MEPA outreach materials (if not already translated), maps legends, and additional outreach materials. The NOI Team will continue to identify additional documents and update the list in the LAP.

Counsel. The review conducted by the EJ Team will continue any unfinished analysis from the NOI and monitor agency performance as measured by the metric data collected and examine new opportunities or techniques.

Workforce Commitments

Trainings

Siting Board staff will attend trainings conducted by EEA and the Department on language access and environmental justice policies, and/or any appropriate trainings by external organizations (e.g., U.S. Environmental Protection Agency). Required trainings hosted by EEA include:

- The use of available state mapping and screening tools to identify environmental justice neighborhoods and assess project impacts in these areas; and
- The definition, practices, and goals of stakeholder engagement.

Staffing

The Siting Board understands and values the importance of having an agency workforce that reflects the racial, ethnic, and socioeconomic diversity of the residents of Massachusetts. It is the Siting Board's view that such a workforce plays a vital role in advancing equitable decisions regarding environmental and energy permitting, siting, regulatory development, policy and law enforcement, and other matters relevant to the Siting Board's jurisdiction. The Siting Board commits to implementing all EEA directives regarding equitable hiring practices.

The nine-member Siting Board is composed of the Secretary of EEA, who serves as Chair, the Secretary of Housing and Economic Development, the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Energy Resources, two Commissioners from the DPU, and three public members appointed by the Governor. The three public members are experienced in environmental, labor and energy issues. The statutory composition of the Siting Board provides broad subject matter expertise; as a matter of agency policy, the EFSB aspires that have a Board that also reflects the racial, ethnic, and socioeconomic diversity of the residents of Massachusetts.

Conclusion

The Siting Board through the EEA EJ Policy and this EJ Strategy commits to ensuring equal protection and meaningful involvement of all people and communities with respect to the development, implementation, and enforcement of energy, climate change, and environmental laws, regulations, and policies and the equitable distributions of energy and environmental benefits and burdens.

Enforcement of this EEA EJ Strategy

For any environmental justice concerns, complaints, compliments or ideas, or to find out more about our agency environmental, energy and climate justice efforts, please contact EEA's Office of Environmental Justice as outlined on Page 19 of this EEA EJ Strategy.

For questions regarding this EJ Strategy, please contact:

Andrew Greene
Director, Energy Facilities Siting Board
Andrew.Greene@mass.gov

For specific accommodation requests, please contact:

Geneen Bartley
Administrative Assistant, Energy Facilities Siting Board
Geneen.Bartley@mass.gov

DRAFT

Massachusetts Clean Energy Center



Environmental Justice Strategy

DRAFT

Table of Contents

Massachusetts Clean Energy Center	130
MassCEC Background and Mission Statement	132
EEA Environmental Justice Policy.....	132
EJ and Diversity, Equity, and Inclusion (DEI) Strategy.....	134
<i>Promoting Education and Awareness of EJ and DEI.....</i>	<i>134</i>
<i>Strengthen EJ and DEI Stakeholder Networks and Enhance Communication</i>	<i>135</i>
<i>EJ and DEI Strategies and Metrics in Program Areas.....</i>	<i>137</i>
Enforcement of this EEA EJ Strategy.....	139

DRAFT

Massachusetts Clean Energy Center (MassCEC)

Environmental Justice, Diversity, Equity, and Inclusion Strategy

MassCEC Background and Mission Statement

Established by Chapter 23J of the General Laws, the Massachusetts Clean Energy Center (MassCEC) began operating in 2009. MassCEC is a quasi-public agency funded primarily by the Massachusetts Renewable Energy Trust Fund, authorized by the Massachusetts Legislature in 1997.

MassCEC is dedicated to growing the clean energy sector through support for innovation, market development and adoption, and workforce and industry development. MassCEC's mission is to accelerate the clean energy and climate solution innovation that is critical to meeting the Commonwealth's climate goals, advancing Massachusetts' position as an international climate leader while growing the state's clean energy economy.

MassCEC is committed to creating a diverse, equitable, and inclusive organization where everyone is welcomed, supported, respected, and valued. We are committed to incorporating principles of diversity, equity, inclusion, and environmental justice in all aspects of our work in order to promote the equitable distribution of the health and economic benefits of clean energy and support a diverse and inclusive clean energy industry. MassCEC strives to lead and innovate in equitable clean energy and climate solutions.

Working in close coordination with the Executive Office of Energy and Environmental Affairs (EEA), MassCEC supports innovative clean energy and climate solutions with a focus in four critical areas: the built environment, transportation, net zero grid, and offshore wind. Through strategic grants and investments, MassCEC supports solutions that foster development of the state's clean energy economy, accelerate the state's reduction of greenhouse gas (GHG) emissions, and drive down costs to both businesses and consumers associated with clean energy and climate solutions. MassCEC also funds workforce training efforts to ensure we have a well-trained and diverse clean energy workforce to meet the state's ambitious climate goals, and supports programs that make clean energy technologies and solutions accessible for low- and moderate-income residents and residents in environmental justice communities. Throughout its various programs and initiatives, MassCEC facilitates collaboration across a wide range of stakeholders (including companies, academic innovators, private investors, government agencies, non-profit organizations, and communities) to catalyze and deploy clean energy and climate solutions throughout the Commonwealth.

EEA Environmental Justice Policy

EEA's [Environmental Justice \(EJ\) Policy](#) requires all EEA agencies to develop their own EJ strategies. The policy states that "EEA agencies shall consider how to appropriately integrate environmental justice considerations into their departments through policies, programs, or other

strategies. EEA agencies shall identify and promote agency-sponsored projects, funding decisions, rulemakings or other actions intended to further environmental justice throughout the Commonwealth in order to show how the fair distribution of benefits has been measured.¹

The EJ Policy describes “environmental justice” in the following manner:

“Environmental justice is based on the principle that all people have a right to be protected from environmental hazards and to live in and enjoy a clean and healthful environment regardless of race, color, national origin, income, or English language proficiency. Environmental justice is the equal protection and meaningful involvement of all people and communities 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 and burdens.”

Further, the policy defines “energy benefits” as “access to funding, training, renewable or alternative energy, energy efficiency or other beneficial resources disbursed by EEA, its agencies and its offices.”

EJ neighborhoods 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, or are especially vulnerable. They are defined as neighborhoods (U.S. Census Bureau census block group data for minority criteria, and American Community Survey (ACS) data for state median income and English isolation criteria) that meet one or more of the following criteria:

- The annual median household income is not more than 65 per cent of the statewide annual median household income; minorities comprise 40 per cent or more of the population;
- 25 per cent or more of households lack English language proficiency; or
- Minorities comprise 25 per cent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 per cent of the statewide annual median household income.

As a quasi-public state agency, MassCEC is not subject to the EEA EJ policy but nonetheless seeks to integrate the principles of environmental justice and reach EJ neighborhoods and other underserved populations with clean energy benefits. Further, as an agency that supports the growth of the clean energy industry, MassCEC seeks to promote the principles of diversity,

¹ June 24, 2021 “Environmental Justice Policy of Executive Office of Energy and Environmental Affairs, <https://www.mass.gov/doc/environmental-justice-policy6242021-update/download>. MassCEC is voluntarily adopting this Policy as a best practice in light of its close working relationship with EEA and its desire to proactively address DEI and EJ within its organizational structure and programmatic work.

equity, and inclusion (DEI) throughout the industry and help guide its growth in a diverse, equitable, and inclusive manner.

EJ and Diversity, Equity, and Inclusion (DEI) Strategy

MassCEC's EJ and DEI Strategy outlines the strategic framework and key actions MassCEC will take to integrate environmental justice principles within its programs, partnerships, and role as leader and convener of the clean energy industry.

Key Agency Actions:

- Work towards a MassCEC workforce that reflects the racial, ethnic, and socio-economic diversity of the residents of Massachusetts, educate staff on DEI and EJ principles, and share resources and best practices with external stakeholders where appropriate;
- Strengthen DEI and EJ-related stakeholder networks and enhance communication throughout development and implementation of MassCEC programs and activities in order to meaningfully involve and equitably distribute program benefits to a diverse set of populations and communities that reflect the racial, ethnic and socio-economic diversity of the residents of Massachusetts;
- Establish goals for agency wide spending for areas such as EJ neighborhoods, Gateway Cities, Low- and Moderate-Income Initiatives, and Translation services by end of FY2023. Additional details on MassCEC actions in these areas are described below.

Promoting Education and Awareness of EJ and DEI

MassCEC acknowledges the importance of having a workforce that reflects the racial, ethnic, and socio-economic diversity of the residents of Massachusetts, including the key role that such a workforce plays in advancing equitable decisions regarding environmental and energy burdens and grant disbursement.

MassCEC will ensure that staff understand EJ and DEI principles through EJ- and DEI-related trainings and workshops. When applicable and appropriate, MassCEC will seek to share EJ and DEI resources and best practice guides with industry, government entities, and other interested parties. Below is a non-exhaustive list of actions that MassCEC will take to educate its own staff on EJ- and DEI-related principles and share best practices with the clean energy community:

- Retain a DEI consultant to train and educate MassCEC staff on DEI principles;
- Convene working groups comprised of MassCEC staff to assess and develop strategy on EJ and DEI issues within MassCEC and also within MassCEC's programming;
- Attend EEA-hosted EJ trainings and disseminate appropriate knowledge and best practices to MassCEC staff and stakeholders;
- Incorporate diversity into our hiring practices and provide training for hiring managers in order to promote equitable decision-making, including in the hiring process, evaluating

applicants' ability to consider the needs of vulnerable populations, environmental justice neighborhoods, and under-served areas of the Commonwealth;

- Incorporate DEI and EJ- training into new employee on-boarding process;
- Seek to publicize job openings at MassCEC in relevant forums that may be more accessible to members EJ communities (e.g., job boards and web sites at relevant interest groups and advocacy organizations, and Universities and Community Colleges that service EJ Neighborhoods);
- Acknowledgement of employees' efforts to support MassCEC's EJ/DEI work during performance reviews.
- Update MassCEC's About Us website to include MassCEC's values and commitment to equity, and update website, job postings, and program collateral respectively;
- Host key agency documents and DEI- and EJ-related documents on the MassCEC website for public access in multiple languages as appropriate and available, tracking number of documents translated and financial resources utilized for translation; and
- Share best practices and learnings with clean energy industry and other government entities, as appropriate and applicable.

Strengthen EJ and DEI Stakeholder Networks and Enhance Communication

Through its role as a clean energy technology and market accelerator, MassCEC has strong relationships with the private sector. However, in order to develop programs that ensure the equitable distribution of clean energy benefits, MassCEC must develop equally strong relationships with EJ neighborhoods and DEI community groups, advocacy groups, and other EJ- and DEI-related stakeholders.

MassCEC will meaningfully involve these groups in program development, recruitment, and implementation. EEA's EJ Policy states that "meaningful involvement" encompasses the following: "all neighborhoods have the right and opportunity to participate 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, and are given transparency/accountability by government with regard to community input, and encouraged to develop environmental, energy, and climate change stewardship." Below is a non-exhaustive list of actions that MassCEC will take to strengthen its collaboration and communication with EJ and DEI stakeholders:

- Provide a list of EJ and DEI organizations, community groups, EJ media groups, advocacy groups accessible to all MassCEC staff:
 - Include previously engaged organizations and regularly update with new connections; and
 - Share and coordinate with EEA and EEA agencies, as appropriate and applicable.

- Build relationships with EJ and DEI stakeholders and community groups through regular communication and engagement:
 - Convene meetings with DEI and EJ stakeholders (such as neighborhood-based organizations, DEI-focused industry groups, and low-income ratepayer advocacy groups, environmental justice advocacy groups) to understand clean energy needs and priorities.
 - Attend EEA-led listening sessions and focus groups with EJ stakeholders
- Develop best practices to engage EJ and DEI-related stakeholders in both MassCEC program development and implementation:
 - Develop guiding frameworks and protocols for collecting stakeholder input for MassCEC program design, engaging stakeholders early and often, and offering language services if requested and feasible;
 - Develop best practices and accountability mechanisms for engaging stakeholders throughout relevant MassCEC programs or grant project implementation such as ensuring one Community Development group, one community-based organization or non-governmental organization, and one EJ advocacy group provide high level best practices recommendations on program development
 - Example: Grant opportunities including EmPower (a clean energy access program), ACTNow (a clean transportation program), and the Offshore Wind workforce development program sought feedback from EJ and DEI-related stakeholders to develop solicitation materials, with survey outreach and Notices of Intent. These programs also sought feedback informally through direct outreach;
 - Example: An income-tiered EV carshare pilot project under MassCEC's ACTNow program includes a Community Development Corporation, as a member of the grant project team, to help in developing a replicable community partnership model for future project implementation.
 - Example: Use the MassCEC Clean Energy & Equity Working Group to provide input into development of MassCEC's Workforce Development Strategy and programming.
- Develop mentorship methodology in applicable MassCEC programs to create a more diverse future pipeline of grant applicants and recipients:
 - Target capacity-building with EJ and DEI-related partners, vocational schools, community colleges, community-based organizations and non-profits, etc.;
 - Example: The Clean Energy Internship program, which facilitates the placement of MA students and recent graduates into clean energy careers, has a specific carveout of funding for minority students and will leverage trusted training partner organizations to reach these students. The program in FY 2022 will support up to four of these organizations to recruit and mentor minority students.

- Example: MassCEC’s technology innovation programs provide additional support to incubators, accelerators, and other innovation industry partners for DEI initiatives in order to support diversifying the clean energy innovation industry.
- Publicize relevant programs, grant opportunities, and trainings within EJ neighborhoods with postings, local community group sponsorship, flyers, or outreach events in community centers, faith-based centers, and already established neighborhood pathways;
- Prioritize EJ and other underserved populations in program participation where appropriate through targeted communication, education, and training:
 - Assess and increase accessibility of current communication and outreach;
 - Provide program materials in other languages, where appropriate;
 - Diversify communication channels where appropriate (e.g., leveraging community partner networks and existing in-person EJ neighborhood communication pathways like: churches, farmers’ markets, fairs, community centers, schools etc.);
 - Continue to use social media and other web-based tools to reach broader audiences;
 - Seek partnerships with trusted community partners to reach priority populations;
 - Develop educational materials, programs, or initiatives based on the feedback from MassCEC’s Clean Energy & Equity Working Group;
 - May include technical literacy initiatives, directed media campaigns, etc.;
 - Example: The EmPower Massachusetts pilot program has included stakeholder workshops, targeting those that represent historically underserved or vulnerable communities (including environmental justice communities, low-income advocates, minority groups) with the goal of identifying applicants and facilitating relationships for grant opportunities. If the grant applicant for the program is not a community-based organization, the applicant will be required to partner with a community-based organization for project implementation.

EJ and DEI Strategies and Metrics in Program Areas

MassCEC will consider and integrate environmental justice and DEI principles throughout its programs and strategic initiatives starting at the program level by December 31, 2022. Through the meaningful involvement of EJ and DEI stakeholders, the agency will seek to understand EJ and DEI priorities and needs within its innovation, market development and adoption, and workforce and industry development programs.

MassCEC will develop best practices to integrate EJ and DEI considerations into its major functions as an agency (e.g., development of programs, convening industry) by fall 2022.

MassCEC will begin tracking agency wide spending in EJ neighborhoods, Gateway Cities, Diversity Equity and Inclusion Initiatives, Low and Moderate Income Initiatives, and Translation services in FY2023, with a full year of information tracking occurring in FY2024. MassCEC will set agency wide goals for the future in these areas by July 2022. Below is a non-exhaustive list of actions that MassCEC will take to incorporate EJ and DEI principles within its key areas of work:

- Gather feedback from stakeholders, including EJ neighborhood representatives through initiatives such as the EEA EJ Listening Sessions to identify, refine, and implement EJ and DEI goals and priorities within relevant MassCEC's programs and strategic initiatives;
- Integrate EJ and DEI principles and identified goals within programmatic decision-making, addressing both MassCEC-wide program development and project-specific decision-making to facilitate the just, diverse, equitable, and inclusive distribution of energy benefits and other MassCEC impacts throughout the Commonwealth;
- Establish goals for agency wide spending for areas such as EJ neighborhoods, Gateway Cities, Low- and Moderate-Income Initiatives, and Translation services by FY2023. Spending will be tracked in these areas starting FY2024.
- Develop and ensure implementation of a standardized process and template that incorporates EJ and/or DEI criteria and language into solicitations, RFPs and contracts where appropriate to promote a diverse, equal, and inclusive clean energy industry:
 - Example: Contracts under the Investments BRIDGES loan program included a provision that requires a company, within ninety (90) days of a letter agreement, institute a DEI policy to encourage hiring of a diverse team, provide equal and fair treatment for all team members, and ensure a workplace environment where all team members feel valued and have to the opportunity to fully participate in creating business success; and
 - Example: The MassCEC Offshore Wind Team has included a section in the selection criteria for an offshore wind workforce development solicitation that considers the extent to which an applicant demonstrates a genuine and proactive commitment to DEI and EJ as part of evaluation and selection process.
- Develop grants or initiatives to provide clean energy benefits to EJ neighborhoods. Identify existing MassCEC grants or initiatives that have a potential connection to EJ populations and work with grantees and/or partners to identify ways to enhance benefits to these communities, including reducing or eliminating the cost-share required:
 - Example: The EmPower Massachusetts grant program is specifically designed to bring clean energy benefits to historically underserved populations, including EJ neighborhoods, and all projects will be led by community-based organizations, individuals, or other groups with a history of working with these populations. The goals of the program are to implement clean energy projects in these communities and to build organizational and community capacity for future projects;

- Example: The ACTNow clean transportation program reduced the required cost share (25% rather than standard 50%) for projects that benefit EJ communities; and
- Example: The Clean Energy Internship Program reserves funding for students and employers in Gateway cities so as to diversify students and employers in the program.
- Example: The Technical Trades pilot is seeking to explore how MassCEC can best support training that results in certificates, accreditations, and on-the-job training so that workforce training can better serve residents who aren't pursuing college degrees.
- Prioritize programs and initiatives that enhance EJ and DEI goals in MassCEC's programmatic planning process.
 - Example: The Catalyst grant program recently opened with a carveout for woman- and minority-owned startups in order to support diversity in the clean energy industry.
 - Example: MassCEC developed a transportation grant program ACT4All ("Accelerating Clean Transportation for All") that identified equitable transportation access and reduction of burden as key goals of the potential projects.

Enforcement of this EEA EJ Strategy

For any environmental justice concerns, complaints, compliments or ideas, or to find out more about our agency environmental, energy and climate justice efforts, please contact EEA's Office of Environmental Justice as outlined on Page 19 of this EEA EJ Strategy.

Agency EJ Point of Contact:

Beverly Craig
 Senior Program Manager
 Low and Moderate Income Programs
bcraig@masscec.com
 617-447-3133

or

Jade Lu
 Clean Transportation Program Manager
jlu@masscec.com

Massachusetts Water Resources Authority



Environmental Justice Strategy

DRAFT



Table of Contents

Massachusetts Water Resources Authority	140
Mission.....	142
Purpose.....	142
MWRA EJ Strategy and Principles	142
<i>Public Participation and Outreach</i>	143
<i>Communication</i>	143
<i>Trainings</i>	144
<i>Grant Opportunities</i>	144
<i>Cumulative Impact Analysis</i>	144
<i>Hiring & Performance Review</i>	144
<i>Environmental Compliance</i>	145
Enforcement of this EEA EJ Strategy.....	145



Mission

The mission of the Massachusetts Water Resources Authority is to provide reliable, cost-effective high quality water and sewer services that protect public health, promote environmental stewardship, maintain customer confidence and support a prosperous economy.

Purpose

The Executive Office of Energy & Environmental Affairs (EEA) Environmental Justice (EJ) Policy¹ has directed all EEA agencies to develop their own EJ Strategies. The Massachusetts Water Resources EJ Strategy outlines MWRA's actions and visions for promoting EJ considerations across MWRA's programs, policies and activities.

The MWRA is committed to this mission articulated in Article 97 of the Massachusetts Constitution for all residents of the Commonwealth. As a living document, this strategy shall be reviewed, and regularly revised as necessary in consideration of evolving environmental justice issues, programs, policies and activities.

MWRA EJ Strategy and Principles

The Massachusetts Water Resources Authority's commitment to environmental justice spans beyond the context of this strategy. We continue to engage in ongoing activities to improve communication, access and involvement from all members of the public. As we continue to incorporate environmental justice (EJ) principles in our decision-making processes, our Environmental Justice Strategy will be the roadmap upon which the authority will use to guide, achieve and expand on our goals, activities and initiatives.

The MWRA recognizes the need to continue to work with communities to address environmental justice issues and will encourage community-driven partnerships with various stakeholders, expand and promote educational outreach. We are working to make sure we have EJ representation on our Metropolitan Tunnel working group and intend to include EJ considerations as we move forward with the planning and design of this new tunnel. We also intend to comply with all of MEPA's new EJ requirements in our upcoming Draft Environmental Impact Report for MEPA. Additionally, MWRA is starting to consider ways that we can identify and track projects in EJ neighborhoods as well as those projects that provide benefits to EJ communities.

Through the following initiatives, the MWRA plans to better serve and strengthen the needs of the residents of the Commonwealth.

¹ <https://www.mass.gov/environmental-justice>

Public Participation and Outreach

The services outlined below are designed to enhance and increase public awareness and access to information on the MWRA webpage with Massachusetts residents, EJ population members and advocacy groups about activities and resources related to environmental justice. Through this effort, MWRA will increase:

- Current ways of implementing new technologies to share EJ information, i.e. social media. Twitter and using EEA's EJ organization list as an alternative media outlet will be among the new methods considered, including but not limited to community email listservs, senior and community centers and culturally specific newspapers.
- MWRA will work with EEA and the Interagency Work Group to ensure compliance with A&F Bulletin #16, requiring Language Access Plans for each Department. Further, MWRA will enhance its website with online translation tools, and will make interpreters and translation services available when limited English proficiency (LEP) population is identified or when requested by the EJ population.
- MWRA will provide and distribute notification to impacted communities regarding construction projects in the public domain to address those communities who may be disproportionately impacted.
- MWRA will conduct public meetings, listening sessions, and forums in a manner that is inclusive of minority and low income populations. If necessary, include Virtual Outreach/Engagement or other services that allow meetings to take place without all participants being in the same location.
- MWRA will continue to evaluate exposure to high lead levels in drinking water and take steps to expand access to lead testing programs and resources with a focus on EJ communities.

Communication

The MWRA website provides useful information such as, MWRA EJ contact person, links to Federal Laws & Executive Orders, EJ maps and EEA's EJ Viewer. Information about MWRA language interpreter/translation assistance will also be available.

MWRA will continue to update and use the webpage as a tool to communicate with MWRA staff, residents of the Commonwealth, EJ population members and advocacy groups about the types of EJ programs, projects, and activities that MWRA is involved in and opportunities for residents to participate.

Trainings

The MWRA will implement the following initiatives to promote environmental justice considerations.

- To ensure that agency staff understand EJ requirements and issues, MWRA will educate our employees about our Environmental Justice Policy (EJ) and our responsibility to work collaboratively with our EJ population members and communities.
- MWRA staff will be encouraged to attend trainings hosted by EEA or third party consultant regarding EJ issues with trainings to include, how to use New EJ maps, what is Stakeholder/Community Engagement? What is an EJ neighborhood?
- For the neighborhoods in which it is doing work or disbursing grants, MWRA has and will continue to host EJ information sessions in order to inform community members on how to provide feedback, get information, apply, etc. in interacting with MWRA.

Grant Opportunities

MWRA will use EJ criteria and incorporate language into grants where appropriate to increase Grant opportunities as available in EJ populations to aid and empower minority, low-income, and tribal populations in their efforts to build and sustain environmentally sound communities.

Cumulative Impact Analysis

Under the requirements of the EEA EJ Policy, MWRA is required to measure our progress on EJ work and write report about it annually. Starting in calendar year 2022, MWRA will look at authority projects that are underway, and their associated costs and benefits to our communities (specifically EJ communities) and will work to develop a methodology to quantify the cumulative impact of proposed projects. Further, the MWRA will collaborate with other state and federal agencies and review and build upon current work designed to identify EJ communities and Indian Tribes with disproportionately high and adverse environmental exposures.

Hiring & Performance Review

The MWRA acknowledges the importance of having an agency workforce that reflects the racial, ethnic, and socio-economic diversity of the residents of Massachusetts, including the key role that such a workforce plays in advancing equitable decisions regarding environmental and energy permitting, siting, regulatory development, grant disbursement and law enforcement. Our Agency commits to incorporating diversity hiring practices, and to provide training for hiring managers in order to promote this equitable decision-making, including using criteria in

interview questions that require successful applicants to demonstrate knowledge and understanding of the needs of vulnerable populations, environmental justice neighborhoods, and under-served areas of the Commonwealth. Further, MWRA has and will continue to attend career fairs that pertain to environmental and social responsibility, diversity, equity and inclusion.

Environmental Compliance

MWRA is committed to incorporating environmental justice in its processes, decision-making and programs and will consider proposing environmental justice projects if supplemental environmental projects are required because of any state or federal enforcement action.

Enforcement of this EEA EJ Strategy

For any environmental justice concerns, complaints, compliments or ideas, or to find out more about our agency environmental, energy and climate justice efforts, please contact EEA's Office of Environmental Justice as outlined on Page 19 of this EEA EJ Strategy.

Agency EJ Point of Contact:

Tomeka Cribb-Jones

Associate Special Assistant for Affirmation Action and Compliance

Tomeka.Cribb-Jones@mwra.com