



Integrating Environmental Justice into Policymaking: Progress and Barriers

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Environmental Justice in Massachusetts





Environmental Justice Principles



1. Meaningful involvement of all people with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies, including climate change policies.
2. Equitable distribution of energy and environmental benefits and burdens.



Next Generation Roadmap Law 2021



Environmental Justice Populations

- the annual median household income is 65 percent or less of the statewide annual median household income.
- minorities make up 40 percent or more of the population.
- 25 percent or more of households identify as speaking English less than "very well".
- minorities make up 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.

Cumulative Impact Analysis



Healey-Driscoll Administration EJ Commitment



Investing in Environmental Justice

- FY 2024: 1% of overall state budget to executive Office of Energy and Environmental Affairs – more than \$105 million or 24%
- Creation of Undersecretary of Environmental Justice and Equity and tripled team
- \$2 million in language access: interpretation and translation
- Environmental justice liaisons in all EEA Agencies and Offices
- First-ever Environmental Justice Strategy released February 2024



Office of Environmental Justice & Equity



Environmental Justice Team at EEA

- María Belén Power, Undersecretary of Environmental Justice and Equity
- Crystal Johnson, Assistant Secretary of Environmental Justice and Equity
- Pending, Director
- Caroline Lemoine, Deputy Director
- Krishana Abraham-Petrie, Program Manager
- Pending, EJ Liaison
- Gina Lee, Executive Assistant



Internal Engagement & Coordination



Environmental Justice Taskforce & Language Access Working Group

Internal to EEA & Convened by EJ Office

Coordination and collaboration on environmental justice implementation:

- Department of Energy Resources
- Department of Public Utilities
- Energy Facility Siting Board
- Department of Environmental Protection
- Department of Conservation and Recreation
- Department of Fish and Game
- Department of Agricultural Resources
- Coastal Zone Management
- Massachusetts Water Resource Authority
- Mass Clean Energy Center
- Mass Environmental Policy Act
- Mass Environmental Police
- Office of Technical Assistance

Environmental Justice Interagency Working Group

Includes all Secretariats under the Healey Driscoll Administration

Convened by EJ Office

Collaboration with Climate Office and Chief Hoffer



External Engagement & Coordination



Environmental Justice Council

- 15 members appointed by Governor
- Meets every 2 months (sometimes more often)

Environmental Justice Table

- Statewide coalition external to government
- Convened and anchored by environmental justice groups

Justice 40 Working Group

- Convened fall of 2023 by the Office of EJ and Equity
- Organizations from across the State
- Meets monthly

Additional Engagement

- Project/Policy-Specific Engagement
- Trainings/Workshops in Communities
- Listening Sessions in Communities



Environmental Justice Priorities



Meaningful Engagement:

- Language Access
- Tribal and Indigenous Communities
- Outcome Reflects Process

Equitable Distribution:

- Workforce Development
- Benefits vs Burdens / Cumulative Impact Analysis
- Community Benefit Agreements
- Justice 40



This Afternoon's Presentation...



- Public Involvement
 - Early engagement
- Environmental Justice Strategy
- Language Access
- Metrics & Data
- Cumulative Impact Analysis
- Barriers? How Are We Doing?
- Summary & MassDEP EJ Contacts



Public Involvement /Community Engagement



- Know the community (demographics, past environmental permits, issues /concerns).
- Ensure early and often notification.
- Advance notification to impacted community.
- Provide fact sheets in plain-language.
- Consider impacted community concerns in decision-making.
- Ensure engagement is incorporated into the permitting (or key agency activity timeline).



Environmental Justice Strategy

- Requirement of:
 - Executive Order #552 - [No. 552: Executive Order on environmental justice | Mass.gov](#)
 - 2021 EEA EJ Policy - [Environmental Justice Policy | Mass.gov](#)
- Agency Workplan – Promote environmental justice in all neighborhoods in ways that are tailored to our agency mission – Provide clean air, water and land!
- Components of EJ Strategy (key agency actions & activities).
 - Hiring & Recruitment – workforce reflect the diverse communities we serve.
 - Communication – Two-way dialogue – different ways to share information – website, fact sheets, community meetings, public meetings, open-houses, coffee hours, social media, virtual platforms.
 - Language Access
 - Community Engagement & Public Involvement – Training, Provide guidance about what community engagement & public involvement looks like (floor not the ceiling).
 - Enforcement
 - Grants & Funding
 - Cumulative Impact Analysis
 - Metrics



Language Access

- Compliance with Title VI – Civil Rights Act of 1964.
- Compliance with Executive Order #615 - [No. 615: Promoting Access to Government Services and Information by Identifying and Minimizing Language Access Barriers | Mass.gov](#).
- Compliance with A&F Bulletin #16 - [Language Access Policy and Guidelines \(A&F 16\) | Mass.gov](#)
- Know the demographics of the community (Is English isolation a concern?)
- Proactively translate key information into languages spoken in the community.
- Offer Interpreter/Translation Services (don't make the community ask).



Metrics & Data

How do we know how we are doing if we don't know where we are?

- Tracking the number of solid waste/ hazardous waste permits currently in EJ areas and how many permitted (includes expansion or modifications) in CY or SFY?
- How many grants issued? How many benefitted EJ populations or were EJ advocates, CBOs, etc., eligible to apply?
- Community Meetings (not project driven).
- Hiring/Recruitment – How many diverse applicants applied/interviewed for positions and hired – SFY and CY. **(Our workforce should reflect the communities we serve).**



Cumulative Impact Analysis (AQ)



- Requirement of Chapter 8 of the Acts of 2021 [An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy](#) (aka Climate Roadmap Act).
- Directed MassDEP to evaluate and seek public comment on incorporating CIA into certain air permits, and to propose regulations w/in 18 months to require CIA.
- Regulations now final and apply to permits submitted on or after July 1, 2024,
 - In or near EJ Populations (as defined by Climate Roadmap Act & EEA EJ Policy).
- Cumulative Impact Analysis Web page - [Cumulative Impact Analysis in Air Quality Permitting | Mass.gov](#).



Cumulative Impact Analysis (AQ)



Regulations require:

- Enhanced Community Engagement and involvement of community groups
- Assessment of 33 Indicators – socio-economic, health, Nearby facilities, Air Quality/Climate, Nearby Sensitive Receptors (Schools, Long-term care facilities, Public housing, Childcare facilities & Prisons)
- Air Dispersion Modeling and inclusion of emissions from nearby sources to demonstrate air quality standards are met
- Meeting new air toxics risk limits and use of Massachusetts Air Toxics Risk Screening Tool (MATRiST)
- Longer public comment period from 30 to 60 days
- Program review to consider program enhancements in 2024 and 2035



Barriers with CIA...

- Data not available for all concerns raised by stakeholders.
- Statutory and/or Regulatory authority limitations (MassDEP)
 - Climate Roadmap Act CIA requirements are specific.
- MassDEP CIA Process only applies to “certain” AQ Permits.
- EJ Populations have issues/concerns outside of MassDEP authority/jurisdiction.
- MassDEP has constraints to address “lived-experiences and real-life burdens” of EJ Populations.
 - EJ Populations have issues/concerns outside of MassDEP authority/jurisdiction, i.e., homelessness, jobs, food insecurity, crime, etc.



Barriers in General...

- Environmental Justice must be a **PRIORITY** at the agency!!!
 - This will ensure staff are supporting the EJ Principles.
 - Community Engagement/Public Involvement & Benefits and Burdens.
- The proposed project is not easily understood (impacts).
 - Plain language is crucial. [Refrain from using technical/scientific terms, when possible].
- Commenters don't always know how to provide comments in permitting.
 - Therefore comments/concerns are not considered if not drafted/submitted appropriately.
- Community Engagement/Public Involvement is inadequate.
 - Lack of Notice from the Agency or the Project Proponent to the impacted community.



Are We Making A Difference?

We will know we are making a difference when...

- MassDEP is no longer permitting in the same way.
 - Projects are not proposed and approved in the same “over-burdened & underserved” communities.
- Impacted Communities are organically a part of the conversation & involved.
- Environmental Justice Principles [public involvement – community engagement & benefits and burdens analysis] are part of our DNA.
 - EJ Stakeholders/Advocates/Communities – don’t have to fight to be heard or involved!
- Stakeholders and Advocates have access to MassDEP key agency actions and activities (concerns considered in decision-making – stakeholders see and know how their concerns were considered).



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