

HOUSE No. 2914

The Commonwealth of Massachusetts

PRESENTED BY:

Michelle M. DuBois and RoseLee Vincent

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act limiting toxics release inventory facilities in environmental justice communities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/20/2017</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>	<i>1/20/2017</i>
<i>Carmin L. Gentile</i>	<i>13th Middlesex</i>	<i>10/24/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>10/24/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>1/30/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>10/24/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>10/24/2017</i>

HOUSE No. 2914

By Representatives DuBois of Brockton and Vincent of Revere, a petition (accompanied by bill, House, No. 2914) of Michelle M. DuBois, RoseLee Vincent and others relative to decreasing the siting or expansion of toxics release inventory facilities within certain low income or minority populated neighborhoods. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act limiting toxics release inventory facilities in environmental justice communities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 30 of the General Laws, as so appearing, is hereby amended by
2 inserting the following sections:-

3 Section 62J. As used in this section and in section 62K, the following definitions shall
4 apply, unless the context clearly requires otherwise:

5 “Environmental justice,” the right to be protected from environmental pollution and to
6 live in and enjoy a clean and healthful environment regardless of race, income, national origin or
7 English language proficiency. Environmental justice shall include the equal protection and
8 meaningful involvement of all people with respect to the development, implementation, and
9 enforcement of environmental laws, regulations, and policies and the equitable distribution of
10 environmental benefits.

11 "Environmental Benefits," access to funding, open space, enforcement, technical
12 assistance, training, or other beneficial resources disbursed by the executive secretariats and their
13 agencies and offices.

14 "Environmental Justice Population," a neighborhood in which the annual median
15 household income is equal to or less than 65 percent of the statewide median or in which
16 minorities comprise 25 percent or more of the population or in which in which 25 percent or
17 more of households lack English language proficiency or as defined by the Executive Office of
18 EEA or its subordinate agencies in an environmental justice strategy issued pursuant to other
19 law.

20 "Equal Protection," that no group of people, because of race, ethnicity, class, gender, or
21 handicap bears an unfair share of environmental pollution from industrial, commercial, state and
22 municipal operations or have limited access to natural resources, including waterfronts, parks
23 and open space, and water resources.

24 "Executive Office of EEA," the Executive Office of Energy and Environmental Affairs.

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

27 "Neighborhood," a census block group as defined by the U.S. Census Bureau but not
28 including people who live in college dormitories or people under formally authorized, supervised
29 care or custody such as federal or state prisons.

30 "Secretary of EEA," the Secretary for Energy and Environmental Affairs.

31 “Toxics Release Inventory,” the Toxics Release Inventory and Toxics Release Inventory
32 Program of the United States Environmental Protection Agency.

33 “TRI Facility,” any industrial or commercial facility subject to the regulations, policies,
34 or reporting requirements of the Toxics Release Inventory Program of the United States
35 Environmental Protection Agency or comparable laws or regulations of the Commonwealth for
36 the management and control of pollutants or toxins that pose a significant risk to public health or
37 the environment.

38 Section 62K. The Secretary of the Executive Office of Energy and Environmental Affairs
39 shall direct each Department, Board, or other agency or program in the Secretariat with
40 jurisdiction over the permitting of any TRI Facility to issue recommendations for ways to
41 substantially decrease the further siting or expansion of TRI Facilities within Environmental
42 Justice Population neighborhoods. This action shall be undertaken by the Secretary of EEA no
43 later than 30 days after the bill’s passage.

44 By no later than 180 days after the effective date of this Act, the Secretary of EEA shall
45 initiate a rule-making process that shall establish a cap on the total number of TRI Facilities that
46 may be sited or expanded within any Environmental Justice Population neighborhood. That rule-
47 making process shall prioritize and give substantial weight to achieving a substantial reduction of
48 the risk of the exposure of residents of the neighborhood to toxins listed in the TRI Inventory and
49 shall prioritize and give substantial weight to providing and preserving the access of the residents
50 of the neighborhood to a clean and healthful environment regardless of race, income, national
51 origin or English language proficiency.