

SENATE No. 427

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 relative to environmental justice and toxics release inventory.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/26/2017</i>

SENATE No. 427

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 427) of James B. Eldridge, Michelle M. DuBois and Jack Lewis for legislation to decrease the further siting or expansion of toxic release inventory facilities. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

An Act relative to environmental justice and toxics release inventory.

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 61 of Chapter 30 of the General Laws, as so appearing, is hereby amended by
2 inserting the following after paragraph 3, which ends with the word “resources”:-

3 SECTION 1. The Secretary of the Executive Office of Energy and Environmental Affairs
4 shall direct each Department, Board, or other agency or program in the Secretariat with
5 jurisdiction over the permitting of any TRI Facility to issue recommendations for ways to
6 substantially decrease the further siting or expansion of TRI Facilities within Environmental
7 Justice Population neighborhoods. This action shall be undertaken by the Secretary of EEA no
8 later than 30 days after the bill’s passage.

9 By no later than 180 days after the effective date of this Act, the Secretary of EEA shall
10 initiate a rule-making process that shall establish a cap on the total number of TRI Facilities that
11 may be sited or expanded within any Environmental Justice Population neighborhood. That rule-
12 making process shall prioritize and give substantial weight to achieving a substantial reduction of

13 the risk of the exposure of residents of the neighborhood to toxins listed in the TRI Inventory and
14 shall prioritize and give substantial weight to providing and preserving the access of the residents
15 of the neighborhood to a clean and healthful environment regardless of race, income, national
16 origin or English language proficiency.

17 SECTION 2. Chapter 62 of the General Laws, as so appearing, is hereby amended by
18 inserting the following Definitions:

19 "Environmental justice," the right to be protected from environmental pollution and to
20 live in and enjoy a clean and healthful environment regardless of race, income, national origin or
21 English language proficiency. Environmental justice shall include the equal protection and
22 meaningful involvement of all people with respect to the development, implementation, and
23 enforcement of environmental laws, regulations, and policies and the equitable distribution of
24 environmental benefits.

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

28 "Environmental Justice Population," a neighborhood in which the annual median
29 household income is equal to or less than 65 percent of the statewide median or in which
30 minorities comprise 25 percent or more of the population or in which in which 25 percent or
31 more of households lack English language proficiency or as defined by the Executive Office of
32 EEA or its subordinate agencies in an environmental justice strategy issued pursuant to this Act.

33 "Equal Protection," that no group of people, because of race, ethnicity, class, gender, or
34 handicap bears an unfair share of environmental pollution from industrial, commercial, state and

35 municipal operations or have limited access to natural resources, including waterfronts, parks
36 and open space, and water resources.

37 “Executive Office of EEA,” the Executive Office of Energy and Environmental Affairs.

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

40 “MEPA,” the Massachusetts Environmental Policy Act, M.G.L. Ch.30, Sections 61-62H.

41 “Neighborhood,” a census block group as defined by the U.S. Census Bureau but not
42 including people who live in college dormitories or people under formally authorized, supervised
43 care or custody such as federal or state prisons.

44 “Secretary of EEA,” the Secretary for Energy and Environmental Affairs.

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

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