

HOUSE No. 481

The Commonwealth of Massachusetts

PRESENTED BY:

Michelle M. DuBois

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 providing for a temporary emissions cap on particulate matter contaminants in adversely affected COVID-19 populations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/15/2021</i>

HOUSE No. 481

By Ms. DuBois of Brockton, a petition (accompanied by bill, House, No. 481) of Michelle M. DuBois relative to a temporary emissions cap on particulate matter contaminants in adversely affected COVID-19 populations. Covid-19 and Emergency Preparedness and Management.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act providing for a temporary emissions cap on particulate matter contaminants in adversely affected COVID-19 populations.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a temporary emissions cap on particulate matter contaminants in adversely affected COVID-19 populations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

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. The general court hereby declares and finds the following:
- 2 (a) Higher than normal air pollution can proliferate the transmission of infectious disease;
- 3 (b) Particulate matter such as PM2.5 contains microscopic solids or liquid droplets small
- 4 enough that they can be inhaled and cause serious health problems;
- 5 (c) Preliminary studies show that an increase of 1 $\mu\text{g}/\text{m}^3$ in long-term PM2.5 exposure is
- 6 associated with an 8 per cent increase in the COVID-19 mortality rate; and
- 7 (d) Residents living in high air pollution areas are at greater risk of contracting COVID-
- 8 19.

9 SECTION 2 (a) Notwithstanding any general or special law to the contrary, no agency,
10 department, board, commission or authority of the commonwealth shall issue a permit, as
11 defined in section 62 of chapter 30 of the General Laws, that may result in an increase of 1
12 microgram per cubic meter (1 ug/m³) of particulate matter 2.5, hereinafter referred to as PM_{2.5},
13 in a community already known to have higher than normal air pollution. For the purposes of this
14 act the term “community” shall mean a community that contains residential dwellings within a
15 census block, census block group, census tract or municipality. The term “already known to have
16 higher than normal air pollution” shall mean any amount of PM_{2.5} higher than the primary or
17 secondary ambient air quality standards for PM_{2.5} as set forth in 310 CMR 6.10(2)(b) and (c).

18 (b) Upon receipt of an application for a permit under this act, the agency, department,
19 board, commission or authority shall forward such application to the department of
20 environmental protection. The department shall forthwith require the applicant to demonstrate
21 that the proposed project does not result in an increase of 1 ug/m³ of PM_{2.5} in a community
22 already known to have higher than normal air pollution. If the applicant demonstrates
23 compliance with subsection (a) to the department’s satisfaction, the department may forward the
24 permit application for its review by the agency, department, board, commission or authority of
25 the commonwealth in accordance with any applicable general or special law or rule or
26 regulation.

27 (c) The failure of an agency, department, board, commission or authority of the
28 commonwealth to forward an application for permit to the department of environmental
29 protection shall be deemed a denial of the permit.

30 (d) The department of environmental protection may promulgate emergency regulations
31 to implement the provisions of this section.

32 SECTION 3. This act shall expire on the date the Massachusetts Governor lifts the March
33 10 2020 Declaration of a State of Emergency to Respond to COVID-19 or when communities
34 with higher than normal air pollution, as defined in this act has zero hospitalizations for COVID-
35 19.