

HOUSE No. 893

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 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>2/15/2021</i>

HOUSE No. 893

By Ms. DuBois of Brockton, a petition (accompanied by bill, House, No. 893) of Michelle M. DuBois 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 Ninety-Second General Court
(2021-2022)**

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

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

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

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

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

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

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

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

29 By no later than 180 days after the effective date of this Act, the Secretary of EEA shall
30 initiate a rule-making process that shall establish a cap on the total number of TRI Facilities that
31 may be sited or expanded within any Environmental Justice Population neighborhood. That rule-
32 making process shall prioritize and give substantial weight to achieving a substantial reduction of
33 the risk of the exposure of residents of the neighborhood to toxins listed in the TRI Inventory and

34 shall prioritize and give substantial weight to providing and preserving the access of the residents
35 of the neighborhood to a clean and healthful environment regardless of race, income, national
36 origin or English language proficiency.