

HOUSE No. 3374

The Commonwealth of Massachusetts

PRESENTED BY:

Adrian C. Madaro

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 improving air quality in airport environmental justice communities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>1/20/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/13/2023</i>

HOUSE No. 3374

By Representative Madaro of Boston, a petition (accompanied by bill, House, No. 3374) of Adrian C. Madaro and Michelle M. DuBois that the Massachusetts Port Authority prepare and publish a strategy report containing policies with respect to the assessment and management of the current and future quality of air and noise levels in the East Boston section of the city of Boston. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act improving air quality in airport 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 465 of the Acts of 1956 is hereby amended by adding the following
2 4 sections:-

3 Section 37. (a) The Authority shall prepare and publish a strategy report containing
4 policies with respect to the assessment and management of the current and future quality of air
5 and noise levels in the East Boston section of the city regarding the environmental impact of the
6 General Edward Lawrence Logan International Airport, hereinafter referred to as Logan Airport.

7 The strategy shall consist of or include—

8 (1) a statement which relates to the East Boston section of the city; and

9 (2) statements with respect to standards and measurements relating to the quality of air

10 and noise levels; objectives for the restriction of the levels at which particular substances are

11 present in the air and objectives for restrictions of noise levels; and measures which are to be
12 taken by the Authority, state and local authorities and other persons for the purpose of achieving
13 those objectives.

14 (b) Before publishing the strategy or any modification of it, the Authority shall publish a
15 draft of the proposed strategy or modification, together with notice of a date before which, and
16 an address at which, public comments may be made to the Authority concerning the draft so
17 published; and shall take into account any such representations made. Copies of the draft or any
18 modification shall be made available to the public at no charge.

19 (c) The Authority shall from time to time cause a review to be conducted of the quality
20 for the time being, and the likely future quality within the relevant period, of air and noise levels
21 within the Authority's East Boston area of Logan Airport. The Authority shall also cause an
22 assessment to be made of whether air quality standards and objectives and noise level standards
23 and objectives are being achieved, or are likely to be achieved, within the relevant period. The
24 Authority shall forthwith prepare, before the expiration of the period of 12 months beginning
25 within the effective date of this section, a report of the results of the assessment.

26 (d) If, on an assessment under subsection (c), it appears that any air quality standards or
27 objectives or noise level standards and objectives are not being achieved, or are not likely within
28 the relevant period to be achieved, within the area of Logan Airport, the Authority shall identify
29 any parts of its area in which it appears that those standards or objectives are not likely to be
30 achieved within the relevant period.

31 (e) Where, as a result of the air quality and noise level review, it appears that any air
32 quality standards or objectives or noise level standards and objectives are not being achieved, or

33 are not likely within the relevant period to be achieved, within the East Boston area of Logan
34 Airport, the Authority shall designate the East Boston area as an air quality management area or
35 a noise level management area hereinafter referred to in this act as the “designated area”, all or
36 any part of East Boston in which it appears that those standards or objectives are not being
37 achieved, or are not likely to be achieved within the relevant period.

38 (f) The Authority shall post air quality and noise level measurements, including, but not
39 limited to, those from department of environmental protection air quality monitors located in the
40 East Boston section of the city of Boston on a publicly accessible internet website as reasonably
41 frequent as possible. The Authority shall utilize said data in all reporting on the environmental
42 impacts of operations at Logan Airport.

43 Section 38. The Authority, in consultation with state and local government, shall take
44 measures to remediate the designated area.

45 The Authority shall prepare a written action plan in pursuit of the achievement of air
46 quality standards and objectives or noise level standards and objectives in the designated area, of
47 any powers exercisable by the Authority.

48 The action plan shall include a statement of the time or times by or within which the
49 Authority proposes to implement each of the proposed measures comprised in the action plan.

50 The Authority may from time to time revise an action plan.

51 Section 39. (a) If the Authority fails to make an assessment of whether air quality
52 standards and objectives or noise level standards and objectives are being achieved in accordance
53 with this act, or are likely to be achieved within the relevant period, within the designated area,

54 the department of environmental protection, hereinafter referred to as the department, shall issue
55 an order that:

56 (1) air quality standards or objectives are not being achieved, or are not likely within the
57 relevant period to be achieved by the Authority, within the designated area;

58 (2) noise level standards or objectives are not being achieved, or are not likely within the
59 relevant period to be achieved by the Authority, within the designated area;

60 (3) that the Authority has failed to discharge any duty imposed on it under or by virtue of
61 sections 37 to 39, inclusive;

62 (4) that the actions, or proposed actions, of the Authority in purported compliance with
63 the provisions of this act are inappropriate in all the circumstances; or

64 (5) that developments in science or technology, or material changes in circumstances,
65 have rendered inappropriate the actions or proposed actions of the Authority in pursuance of
66 sections 37 to 39, inclusive.

67 (b) Upon the issuance of such order the department shall give directions to the Authority
68 requiring it to take such steps as may be specified by the department, including, that the
69 department shall require the Authority to cause an air quality review or noise level review to be
70 conducted under direction of the department whether in whole or in part, or to be so conducted
71 with such differences as may be specified or described in such requirement; and to prepare in
72 accordance with such requirement an action plan for the designated area and to implement, in
73 accordance with the directions, any measures in an action plan.

74 Section 40. The Massachusetts Port Authority in coordination with the bureau of
75 environmental health of the department of public health shall regularly conduct an environmental
76 risk assessment of the health impacts of the General Lawrence Logan Airport in the East Boston
77 section of the city of Boston and the town of Winthrop. Such assessment shall include, but not be
78 limited to: (1) air quality monitoring, including, but not limited to, utilizing data from air quality
79 monitoring stations operated by the department of environmental protection in the East Boston
80 section of the city of Boston, and the total particle number concentration of both indoor and
81 outdoor spaces; (2) air quality modeling, utilizing data from said air quality monitoring to
82 construct high spatial resolution pollution concentration estimates for the East Boston section of
83 the city of Boston; (3) time activity exposure analysis, utilizing data from said air quality
84 monitoring with a time activity analysis to calculate integrated participant exposure to each
85 pollutant; and (4) health association surveys, to associate pollutant exposure with classes of
86 health outcomes, including, but not limited to: cardiovascular diseases, neurological diseases,
87 respiratory diseases and cancers.

88 The Authority shall regularly report its findings together with any recommended response
89 actions by the commonwealth not less than every ten years, to be published on the Authority's
90 website, with a copy transmitted to the house and senate committees on ways and means,
91 beginning not later than January 1, 2030.

92 SECTION 2. Section 142B of chapter 111 of the General Laws, as appearing in the 2016
93 Official Edition, is hereby amended by striking out the eighth paragraph and inserting in place
94 thereof the following paragraph:-

95 The department shall maintain and operate such air sampling stations and devices; make
96 or perform such routine and special examinations, inspections, observations, determinations,
97 laboratory analyses, and surveys; maintain such records; and perform such other acts as it deems
98 necessary to conduct an adequate air pollution control program within the metropolitan air
99 pollution control district. The department shall, in its annual Air Monitoring Network plan,
100 which it prepares in accordance with Title 40 CFR Part 58.10, at each location where the
101 department monitors for particulate matter 2.5 micrometers and smaller in diameter, monitor and
102 report for ultrafine particulate matter less than 100 nanometers in diameter, in addition to its
103 other monitoring at those locations.

104 SECTION 4. Section 2 shall take effect on January 1, 2025.