

HOUSE No. 789

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>1/20/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>1/20/2023</i>

HOUSE No. 789

By Representative DuBois of Brockton, a petition (accompanied by bill, House, No. 789) of Michelle M. DuBois and Rodney M. Elliott relative to decreasing the siting or expansion of toxics release inventory facilities within certain low income or minority populated neighborhoods. Environment and Natural Resources.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 893 OF 2021-2022.]

The Commonwealth of Massachusetts

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

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 in the 2020 official
2 edition, is hereby amended by 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 “Environmental justice population,” as defined in the Acts of 2021, section 56, chapter 8.

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

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

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

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

27 By no later than 180 days after the effective date of this Act, the Secretary of EEA shall
28 initiate a rule-making process that shall establish a cap on the total number of TRI Facilities that
29 may be sited or expanded within any Environmental Justice Population neighborhood. That rule-

30 making process shall prioritize and give substantial weight to achieving a substantial reduction of
31 the risk of the exposure of residents of the neighborhood to toxins listed in the TRI Inventory and
32 shall prioritize and give substantial weight to providing and preserving the access of the residents
33 of the neighborhood to a clean and healthful environment regardless of race, income, national
34 origin or English language proficiency.