

**HOUSE . . . . . No. 2369**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Christine P. Barber and Mike Connolly***

*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 to ensure cleaner air for communities overburdened by outdoor air pollution.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/15/2025</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/17/2025</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/30/2025</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>1/30/2025</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>2/21/2025</i>
<i>Jennifer Balinsky Armini</i>	<i>8th Essex</i>	<i>2/11/2025</i>
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>6/10/2025</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>6/25/2025</i>
<i>Rob Consalvo</i>	<i>14th Suffolk</i>	<i>4/10/2025</i>
<i>Leigh Davis</i>	<i>3rd Berkshire</i>	<i>4/11/2025</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/14/2025</i>
<i>Kate Donaghue</i>	<i>19th Worcester</i>	<i>4/18/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/27/2025</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>3/25/2025</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>5/22/2025</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>3/14/2025</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>3/19/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/5/2025</i>

<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>5/6/2025</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>6/9/2025</i>
<i>Tara T. Hong</i>	<i>18th Middlesex</i>	<i>2/21/2025</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>5/7/2025</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/5/2025</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>3/4/2025</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>3/28/2025</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>7/7/2025</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/18/2025</i>
<i>William F. MacGregor</i>	<i>10th Suffolk</i>	<i>4/14/2025</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>3/11/2025</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/25/2025</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/1/2025</i>
<i>John Francis Moran</i>	<i>9th Suffolk</i>	<i>9/3/2025</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>3/25/2025</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/7/2025</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>3/9/2025</i>
<i>Adrienne Pusateri Ramos</i>	<i>14th Essex</i>	<i>3/6/2025</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>4/3/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/18/2025</i>
<i>Amy Mah Sangiolo</i>	<i>11th Middlesex</i>	<i>4/3/2025</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>5/6/2025</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>10/5/2025</i>
<i>Greg Schwartz</i>	<i>12th Middlesex</i>	<i>4/2/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/10/2025</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>3/19/2025</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>8/13/2025</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/26/2025</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>	<i>2/18/2025</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>2/6/2025</i>

**HOUSE . . . . . No. 2369**

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By Representatives Barber of Somerville and Connolly of Cambridge, a petition (accompanied by bill, House, No. 2369) of Christine P. Barber, Mindy Domb and others relative to communities with high cumulative exposure burdens to toxic outdoor air contaminants and criteria pollutants. Public Health.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
\_\_\_\_\_

An Act to ensure cleaner air for communities overburdened by outdoor air pollution.

*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 21A of the General Laws, as appearing in the 2022 Official  
2 Edition, is hereby amended by inserting after section 18A the following section:--

3           Section 18B. (a) As used in this section, the following words shall, unless the context  
4 otherwise requires, have the following meanings:—

5           “black carbon,” those fine particles less than or equal to 2.5 micrometers in diameter  
6 commonly known as soot.

7           “department,” the department of environmental protection.

8           “environmental justice population,” the populations defined in section 62 of chapter 30.

9           “HEPA filtration,” a high efficiency particulate arrestance filtration system that removes  
10 at least 99 percent of dust, pollen, mold, bacteria, and any airborne particles with a size of 0.3-  
11 10.0 microns and is equivalent to a MERV 17, MERV 18, MERV 19, or MERV 20 filter.

12           “MERV 16 filter,” a minimum efficiency reporting value filtration system that removes  
13 at least 95 percent of dust, pollen, mold, bacteria, and any airborne particles with a size of 0.3-  
14 10.0 microns.

15           “particulate matter,” and “particulates,” a broad class of chemically and physically  
16 diverse substances that exist as discrete particles in air, including coarse, fine, and ultrafine  
17 particles.

18           “fine particulate matter,” and “fine particulates,” particulate matter less than or equal to  
19 2.5 micrometers in diameter.

20           “ultrafine particulate matter,” and “ultrafine particulates,” particulate matter less than or  
21 equal to 0.1 micrometers in diameter.

22           (b) The department, in consultation with the department of public health, shall convene a  
23 technical air quality advisory committee comprised of: residents of environmental justice  
24 populations living adjacent to major highways; academics with expertise in outdoor air  
25 monitoring, environmental health, air toxics, and air pollution; and labor representatives; for the  
26 purpose of identifying communities with high cumulative exposure burdens to toxic outdoor air  
27 contaminants and criteria pollutants.

28           Said advisory committee shall consist of: 1 person appointed by the Governor with a  
29 background in background in public health or environmental policy, who shall serve as Chair; 2

30 persons appointed by the secretary of the executive office of energy and environmental affairs  
31 with a background in public health or environmental justice; 1 person appointed by the Attorney  
32 General with a background in environmental law or regulatory compliance; and 5 persons who  
33 shall be representatives of community-based or environmental justice organizations, 2 of whom  
34 shall be appointed by the Governor, 1 of whom shall be appointed by the Speaker of the House, 1  
35 of whom shall be appointed by the Senate President, and 1 of whom shall be appointed by the  
36 Attorney General.

37           When making appointments, an appointing authority shall select individuals who are  
38 from, or have experience advocating for, communities that have been disproportionately harmed  
39 by air pollution and environmental injustice.

40           Any vacancy in a seat on the advisory committee shall be filled by the appropriate  
41 appointing authority within 60 days of the vacancy. The appointing authority may remove an  
42 advisory board member who was appointed by that appointing authority for cause. Before  
43 removal, the advisory board member shall be provided with a written statement of the reason for  
44 removal and an opportunity to be heard.

45           The department shall convene the technical advisory committee by December 1, 2025.  
46 No later than June 30, 2026 and every three years thereafter, the technical advisory committee  
47 shall identify the likely air pollution hotspots due to high concentrations of traffic- and industry-  
48 related air pollution throughout the Commonwealth that should be equipped with new or  
49 expanded air monitors and establish a definition of “air quality” and “air quality target  
50 pollutants” that includes, but is not limited to, consideration of criteria pollutants, black carbon,  
51 and ultrafine particulate matter.

52           The advisory committee shall provide recommendations regarding the installation of air  
53   filtration in eligible buildings located within 200 meters of a class 1, class 2 or class 3 roadway,  
54   marine terminal, airport, or a train station or train yard serving diesel locomotives. Eligible  
55   buildings include: (i) existing residential public housing; (ii) existing residential private  
56   multifamily housing with more than two tenant-occupied units; (iii) existing public schools  
57   serving students of any age in grades kindergarten through twelfth grade; (iv) existing private  
58   schools serving students of any age in grades kindergarten through twelfth grade; (v) existing  
59   charter schools serving students of any age in grades kindergarten through twelfth grade; (vi)  
60   existing college and university buildings with one or more classrooms; (vii) existing commercial  
61   buildings with businesses that have five or more full-time employees; and (viii) existing  
62   correctional facilities, including prisons and jails.

63           The advisory committee shall identify funding sources to provide incentives for eligible  
64   buildings that are schools, private housing, and public housing to cover the cost of installing air  
65   filtration equipment.

66           Air filtration equipment installed in eligible buildings that are schools, commercial  
67   buildings greater than 20,000 square feet, and residential buildings with more than 10 units shall  
68   be MERV 16 or other equipment that removes at least the same amount of ultrafine particulate  
69   matter as a MERV 16 filter.

70           (c) By December 31, 2026, the department shall install and operate stationary air  
71   monitors in at least eight air pollution hotspots that measure for at least one of the following  
72   pollutants: black carbon, nitrogen oxides, ultrafine particulate matter.

73 By June 30, 2027, the department shall establish baseline air quality in air pollution  
74 hotspots. Data from the air monitors shall be publicly accessible and provide near-time  
75 information. The department shall work with residents of environmental justice populations to  
76 conduct participatory action research where residents can use mobile air sensors to expand the  
77 number of locations where residents can track air quality. Once those hotspots are determined  
78 and the baseline data is established, the department of environmental protection shall set annual  
79 targets to decrease air quality target pollutants between 2026 and 2035 to improve the air quality  
80 in that location. Air monitoring data shall be collected every three years between 2026 and 2035  
81 to measure progress toward achieving air quality target pollutants reduction targets and make  
82 such data publicly available.

83 By December 31, 2030, the department shall ensure that air pollution hotspots achieve air  
84 quality target pollutant concentrations that are at least 50 percent below the baseline in each  
85 hotspot and certify as such by publicly reporting compliance.

86 By December 31, 2035, the department shall ensure that air quality target pollutants  
87 concentrations in hotspots are at least 75 percent below the baseline in each hotspot and certify  
88 as such by publicly reporting compliance.

89 (d) The provisions of this section may be enforced by means of an action in the superior  
90 court seeking either injunctive relief, a declaratory judgment, a writ of mandamus or any  
91 combination thereof. No such action may be commenced without the plaintiff providing written  
92 notice of the violations of this chapter to defendants at least 60 days prior to filing a legal action  
93 in superior court. All persons shall have standing to commence such enforcement actions.

94 Reasonable attorneys' fees shall be recoverable by all substantially prevailing plaintiffs who seek  
95 relief under this section.