

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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:

Patricia D. Jehlen

DISTRICT/ADDRESS:

Second Middlesex

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1382 OF 2023-2024.]

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

79 environmental protection shall set annual targets to decrease air quality target pollutants
80 between 2026 and 2035 to improve the air quality in that location. Air monitoring data shall be
81 collected every three years between 2026 and 2035 to measure progress toward achieving air
82 quality target pollutants reduction targets and make 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.