

June 4, 2021

Via email

Vallery Cardoso
Deputy Director of Environmental Justice
Executive Office of Energy and Environmental Affairs
100 Cambridge St., Suite 900
Boston, MA 02114
Vallery.B.Cardoso@mass.gov

Re: EEA EJ Strategy

Dear Vallery,

On behalf of Charles River Watershed Association (“CRWA”), I am writing to provide feedback on the environmental justice (“EJ”) strategy being developed by EEA. CRWA participated in several of the focus groups that were held last week, and we appreciate the opportunity to share these additional thoughts.

As one of the country’s oldest watershed organizations, CRWA protects, preserves, and enhances the Charles River and its watershed through science, advocacy, and the law. Our initiatives over the last five decades have dramatically improved the quality of water in the watershed, fundamentally changed approaches to water resource management, and protected the Charles River as a public resource for current and future generations.

Based on our extensive experience working with EEA agencies, the MEPA process, and communities within our watershed, we offer the following feedback:

- 1. What are the top 5 Environmental Justice (EJ) concerns of your organization and the communities with which you work, i.e., air quality, water quality, energy infrastructure, etc.?**
 - Stormwater runoff and management related to effects of flooding & pollution, among other issues
 - Urban heat island
 - Equitable access to rivers, green space, and trees - specifically, protecting and increasing public access to waterways and natural resources in EJ communities

- Incorporating EJ community voices into the earliest phases of projects to avoid potential disconnect between amenities being pushed (e.g., dog parks) in projects and amenities desired by EJ populations
- Power outages and ability to stay cool/warm during summer/winter

2. What are other EJ issues of concern?

- Ensuring that as we move towards a more sustainable world, the benefits of green jobs (including jobs in the fields of green infrastructure and water resources management), increased investment in clean energy industries, and clean air, clean water, and open space are shared by all, particularly those that have been most harmed by environmental racism
- Creating strategies to mitigate effects of “green gentrification” where adding nature-based amenities in the built environment and more open space could increase property values, driving out lower income renters and residents
- Combined Sewer Overflows (CSOs) and Sanitary Sewer Overflows (SSOs), including public notifications for SSOs and CSOs especially in areas where a system is not already in place, which is required via the sewage notification law
- Ensuring equitable access to meetings by hosting meetings and sessions in EJ communities and in close proximity to public transit
- Coastal flooding, sea level rise, storm surge
- Reducing concentration of polluting industries around EJ communities

3. What can EEA and its agencies do to improve our public participation process, i.e., encourage more robust community engagement and collaboration?

Engagement:

- Meaningful outreach guided by a target plan that incorporates specific municipality, community, and local considerations to identify stakeholders and have quality engagement
- Active outreach to the community early in process when there is opportunity to incorporate community feedback
- Dedicated listening session with community
- Utilizing existing channels within communities (e.g., churches, schools/PTOs, Boys & Girls Clubs) to engage community members

Accessibility:

- Provide a variety of meeting times that are conducive to targeted groups attending meetings (e.g., after work hours)

- Provide verbal translation services for non-native English speakers and proper translation of written materials
- Use layperson language and define technical words
- List a contact person at each agency for individuals to reach out to and ensure listed contact can provide adequate responses

Context:

- Provide context with stories of how community members and residents have changed the trajectory of a policy or impacted change to give them hope that their input will be listened to and is impactful
- Lay out the path of decision-making that includes timeline of project and step-by-step process highlighting where community input will be incorporated
- Provide trainings for individuals to understand the public process and encourage participation
- Hire diverse workforce that will understand these issues on a personal level
- Provide an adequate timeline for trust building and non-traditional community outreach in state-led and state-funded projects

4. Has the remote or virtual meeting format been a benefit or disadvantage for community engagement in the COVID era? If a benefit, would you like virtual meetings to continue post COVID?

Virtual meetings have their strengths and weaknesses. Depending on the meeting format, virtual meetings can block the public voice by not providing individuals with an opportunity to speak. They can also limit visibility of allies and other community members in attendance, making them poor for networking and organizing opportunities. Virtual meetings are not ideal for individuals who are not tech savvy or who do not have reliable internet access.

Meeting people in their communities is a powerful tool that should not be lost. However, virtual meetings have also increased accessibility for individuals who may not typically be able to attend meetings, such as those with kids, disabilities, limited transportation options, limited spare time, etc.

CRWA recommends offering both virtual and in-person meeting options.

5. What communities have we missed in our outreach for statewide programs? How can we better reach them?

6. What has EEA or its agencies done well in recent months/years with regard to promoting environmental justice?

- Initiating these conversations/stakeholder input sessions
- Incorporating EJ into the MVP process
- Creating EJ maps
- Interim MEPA policy/adding EJ to MEPA regulations
- Hiring EJ staff at EEA and DEP
- Leading the way for other state agencies to incorporate EJ issues into their programs (e.g., DEP grants)

7. What could EEA or its agencies have done better?

- Stop harmful projects from being approved in EJ communities by moving more quickly on implementing EJ policies
- Better communication about situations where a decision has been changed by applying an EJ lens
- Making sure EJ policy is not just “checking boxes” but is done in a robust and meaningful way (qualitative and not quantitative)
- Update environmental laws and regulations (Wetlands Protection Act, Chapter 91, etc) to include climate change and EJ considerations
- Seriously consider cumulative impacts - failure to do so and to address existing environmental burdens on communities results in creation and expansion of sacrifice zones in communities of color and/or low income EJ communities
- Create opportunities to rectify previously-approved harmful projects
- Develop a system to hold project proponents accountable

8. What state-developed science, mapping and technical resources are most helpful to you and your community? What other resources are most needed? What are the ways in which we can make this information more accessible to your community?

Helpful Resources:

- Climate Ready Boston - user friendly, no technical experience required; creating these types of maps statewide would be helpful so that people can put in inputs and see how their own neighborhood will be affected
- RMAT tool - a good way to create a streamlined process for assessing climate vulnerabilities so that projects in EJ communities do not get a “pass”
- Resilient MA Climate Change Clearinghouse is a great resource

Needed Resources:

- Support for communities who completed their MVP planning process early on to reimagine their plans based on subsequent best-practices learned
- Ensure all presentations/discussions about flooding include inland flooding, not just coastal
- Summarize what cities/towns should be doing with regard to climate action (both mitigation and resilience) versus what they are doing (so that it is easy to identify what they are doing and areas of improvement)

9. Are you and/or the communities with which you work aware of the requirements under the Massachusetts Environmental Policy Act? If so, how have you participated in the MEPA process?

Yes, we comment on nearly every project within our watershed that undergoes MEPA review; however, the MEPA process is not really accessible to the general public. Project information is not widely distributed and is hard to find even if you are looking for it, MEPA filings tend to be very technical and not accessible to those without specific expertise, and members of the public don't always feel like they can or should weigh in unless they have particular expertise on an issue (it is not clear that weighing in with personal stories and concerns is an important part of the public comment process).

The public in many cases is not even aware of the MEPA process!

10. What are appropriate metrics to measure our progress in the EJ efforts you've identified?

- Harmful projects are not approved in EJ communities, especially not at greater rates than they are in other communities
- Health metrics of EJ populations
- Surveys of EJ populations demonstrating increased sense of being listened to
- Increased presence/participation in public hearings/meetings by EJ populations (e.g., number of meetings or percent of meetings on a project in non-English, etc.)
- More diverse workforce at EEA/agencies
- Improved air, drinking water, and surface water quality in EJ communities
- Number of community members reached

11. Please include any additional thoughts you may have here:

One very effective way to educate the public on issues is using the MBTA and Regional Transit Authority bus, bus stop, and waiting areas to provide simple signage in multiple languages or in easy to understand symbols. Our public agencies are missing this opportunity.

More environmental data needs to be collected on water and air quality in EJ communities. Many EJ communities across the Commonwealth do not have the capacity, systems and resources in place to collect this data. The Commonwealth should support this gap.

Thank you for considering this input, and please do not hesitate to reach out with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Heather Miller".

Heather Miller, Esq.
General Counsel & Policy Director