

ENVIRONMENTAL JUSTICE POLICY OF THE EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

"The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose."

Constitution of the Commonwealth of Massachusetts, Article 97.

PREAMBLE

The Executive Office of Environmental Affairs (EOEA) is charged with developing broad environmental policy. EOEA policies are implemented within a number of departments and offices (agencies) that fall within the purview of the Executive Office of Environmental Affairs (EOEA) secretariat. Those agencies include the Department of Environmental Protection, the Department of Environmental Management, the Department of Fisheries, Wildlife, and Environmental Law Enforcement, the Department of Food and Agriculture, the Metropolitan District Commission, the Massachusetts Environmental Policy Act (MEPA) Office, the Office of Technical Assistance, the Division of Conservation Services, the Massachusetts Environmental Trust, MASSGIS, the Massachusetts Watershed Initiative, and the Office of Coastal Zone Management.

Over the past four years, EOEA has been implementing a major policy effort called the Community Preservation Initiative (CPI) to preserve and protect the natural resources of the Commonwealth - community-by-community, watershed-by-watershed. The CPI fosters the involvement of urban, suburban and rural communities in efforts to preserve and protect the state's natural resources, historic and open spaces. As EOEA has visited municipalities across the state, it has become apparent that many communities, particularly in suburban and rural areas, are facing significant challenges as they attempt to guide how and where development occurs while preserving the character of their communities. They are losing their farmlands, forests and open spaces. Other communities, particularly those densely populated urban neighborhoods in and around the state's older industrial areas, are facing a different set of challenges. Residents in these communities live side-by-side numerous existing large and small sources of pollution and old abandoned, contaminated sites, which can pose risks to public health and the environment. By ensuring a healthy living environment and restoring resources that have been degraded in the past, residents can attract new businesses where the infrastructure already exists and create new open spaces that are consistent with the character and needs of their community.

For CPI to be successful, all communities must have a strong voice in environmental decision-making regardless of race, income, national origin or English language proficiency. In addition, increased attention must be focused on communities that are built in and around the state's oldest industrial areas where restoration efforts and targeted enforcement is needed, as well as increased investment in the preservation and enhancement of the Commonwealth's open spaces and urban

park network. To accomplish these tasks, Secretary Bob Durand hereby adopts this Environmental Justice Policy.

This policy was informed by an advisory committee of stakeholders known as the Massachusetts Environmental Justice Advisory Committee (MEJAC), with representatives of community groups, industry, the faith community, academia, and the indigenous community. The direction and vision given by MEJAC was critical to the development of this policy. It was also significantly shaped by comments received during a rigorous seven-month comment period and numerous meetings and discussion sessions with interested parties across the state. Also central to the development of this policy was the advice and commitment of the Environmental Justice Working Group, a multi-agency stakeholder group comprising the Department of Environmental Protection, the Department of Environmental Management, the Department of Fisheries, Wildlife, and Environmental Law Enforcement, the Department of Food and Agriculture, the Metropolitan District Commission, the Massachusetts Environmental Policy Act (MEPA) Office, the Massachusetts Watershed Initiative, the Office of Technical Assistance, the Division of Conservation Services, the Office of Coastal Zone Management, the Department of Housing and Community Development, and the Department of Public Health.

LEGAL AUTHORITY

The standards set forth below apply to EOEA actions to the full extent permitted by law. Chapter 21A, Section 2 of Massachusetts General Laws describes the functions and duties of the Executive Office of Environmental Affairs. Section 2 provides, generally, that "the office and its appropriate departments and divisions shall carry out the state environmental policy and in so doing they shall . . . develop policies, plans, and programs for carrying out their assigned duties."

APPLICABILITY

This Environmental Justice Policy applies to all agencies of the Executive Office of Environmental Affairs. Those agencies are the Department of Environmental Protection, the Department of Environmental Management, the Department of Fisheries, Wildlife, and Environmental Law Enforcement, and the Department of Food and Agriculture, the Metropolitan District Commission, the Massachusetts Environmental Policy Act (MEPA) Office, the Office of Technical Assistance, the Division of Conservation Services, the Massachusetts Environmental Trust, MASSGIS, and the Office of Coastal Zone Management.

DEFINITIONS

***Environmental justice* is based on the principle that all people have a right to be protected from environmental pollution and to live in and enjoy a clean and healthful environment. Environmental justice is the equal protection and meaningful involvement of all people with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies and the equitable distribution of environmental benefits.**

“Cleaner Production” means a manufacturing process or approach to manufacturing production that is based on toxics use reduction and pollution prevention and that strives to incorporate the following components: waste reduction, non-polluting production, energy efficiency, safe and healthy work environments, and environmentally sound products and packaging.

“Equal Protection” means that no group of people, because of race, ethnicity, class, gender, or handicap bears an unfair share of environmental pollution from industrial, commercial, state and municipal operations or have limited access to natural resources, including greenspace (open space) and water resources.

“Environmental Benefits” means access to funding, open space, enforcement, technical assistance, training, or other beneficial resources disbursed by EOE, its agencies, and its offices.

“Environmental Justice Population” means a neighborhood whose annual median household income is equal to or less than 65 percent of the statewide median or whose population is made up 25 percent Minority, Foreign Born, or Lacking English Language Proficiency.

“Foreign Born ” refers to individuals who identify themselves on federal census forms as not U.S. citizens at birth.

“Lacking English Language Proficiency” refers to households that, according to federal census forms, do not have an adult proficient in English.

“Low Income” means median annual household income at or below 65 percent of the statewide median income for Massachusetts, according to federal census data.

“Meaningful Involvement” means that all neighborhoods have the right to participate in partnership with government in environmental decision-making including needs assessment, planning, implementation, enforcement, and evaluation, and neighborhoods are enabled and administratively assisted to participate fully through education and training means, and encouraged to develop environmental stewardship.

“MEPA” is the Massachusetts Environmental Policy Act, M.G.L. Ch.30, Sections 61-62H. Under the MEPA statute, EOE reviews the potential environmental impacts of state agency actions that exceed certain regulatory thresholds. MEPA involves public review and comment, and is subject to strict statutory deadlines on the length of reviews.

“Minority” refers to individuals who identify themselves on federal census forms as non-white or Hispanic.

“Neighborhood” means a census block group as defined by the U.S. Census Bureau but not including people who live in college dormitories or people under formally authorized, supervised care or custody (i.e. in federal or state prisons).

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"Supplemental Environmental Project" means the performance of environmentally beneficial projects in the settlement of environmental enforcement cases as set forth in "Interim Policy on Supplemental Environmental Projects," Department of Environmental Protection Policy ENF-97.005.

STATEMENT OF PURPOSE

It is the policy of the Executive Office of Environmental Affairs that environmental justice shall be an integral consideration to the extent applicable and allowable by law in the implementation of all EOEAs programs, including but not limited to, the grant of financial resources, the promulgation, implementation and enforcement of laws, regulations, and policies, and the provision of access to both active and passive open space.

Nationally, the need for environmental justice has been most widely recognized in communities of color and low-income communities. This policy builds on the national environmental justice framework in ways that reflect the needs and circumstances specific to Massachusetts. It targets EOEAs resources to service those high-minority/low-income neighborhoods in Massachusetts where the residents are most at risk of being unaware of or unable to participate in environmental decision-making. Working with these EJ Populations, EOEAs will take direct action as part of the implementation of this policy to restore degraded natural resources (21E hazardous waste/brownfield sites), to increase access to open space and parks, and to address environmental and health risks associated with existing and potential new sources of pollution by:

- Enhancing opportunities for residents to participate in environmental decision-making;
- Enhancing the environmental review of new or expanding large sources of air emissions and regional waste facilities in these neighborhoods;
- Ensuring that all existing facilities in these neighborhoods comply with all environmental rules and regulations; and
- Encouraging investment in economic growth in these neighborhoods where there is existing infrastructure, in particular where an opportunity exists to clean up a contaminated site and encourage its clean, productive use.

This policy is not intended to eliminate or in any way minimize EOEAs responsibility to address environmental justice concerns that are raised outside the designated EJ Populations. In fact, this policy is intended to reinforce and enhance EOEAs efforts to meet the existing legal mandates in Title VI of the federal Civil Rights Act of 1964, which apply to all recipients of federal financial assistance, including all EOEAs agencies. These mandates preclude any EOEAs agency or program from using criteria or methods of administration, which have the effect of subjecting individuals to discrimination because of their race, color, or national origin. 40 C.F.R. § 7.35(b). They also preclude any EOEAs agency or program from deeming a site suitable or locating a facility where it will have discriminatory effects on the basis of race, color, or national origin. 40 C.F.R. § 7.35(c). The legal requirements of Title VI of the federal Civil Rights Act of 1964 and 40 C.F.R. Part 7, Subpart B ("Nondiscrimination in Programs Receiving Federal Assistance from the Environmental Protection Agency") imposed on recipients of federal financial assistance are incorporated into this policy by reference.

Environmental Justice Populations

EJ Populations are those segments of the population that EOEA has determined to be most at risk of being unaware of or unable to participate in environmental decision-making or to gain access to state environmental resources. They are defined as neighborhoods (U.S. Census Bureau census block groups) that meet *one or more* of the following criteria:

- The median annual household income is at or below 65 percent of the statewide median income for Massachusetts; *or*
- 25 percent of the residents are minority; *or*
- 25 percent of the residents are foreign born, *or*
- 25 percent of the residents are lacking English language proficiency.

Map 1 is incorporated as part of this policy to identify the EJ Populations for the purpose of this policy, based on 2000 U.S. Census data currently available to MASSGIS. It identifies the neighborhoods in Massachusetts that meet one or more of the above criteria.

Servicing EJ Populations

Many of these EJ Populations are located in densely populated urban neighborhoods, in and around the state's oldest industrial sites, while some are located in suburban and rural communities. These high-minority/low-income neighborhoods encompass only a small portion of the land area of the Commonwealth but they host, or are in close proximity to, many of the state's contaminated and abandoned sites and large sources of air emissions.¹ Given the environmental and health risks associated with degraded natural resources (21E hazardous waste/brownfield sites) and the presence of multiple air sources, this policy identifies below a number of specific services to be provided to EJ Populations by the Secretary, EOEA agencies and other related state agencies. These services are designed to enhance public participation, target compliance and enforcement, enhance the review of new large air sources and regional waste facilities, and encourage economic growth through the cleanup and redevelopment of brownfields sites.

Office of the Secretary

1. **The Director of Environmental Justice and Brownfields Programs.** EOEA has established a policy position entitled The Director of Environmental Justice and Brownfields Redevelopment (The Director) within the Office of the Secretary. The Director acts as the initial point of contact on all environmental justice matters and shall coordinate the implementation of this policy, track progress and prepare annual reports for public distribution. The Director shall develop a workplan and timeline for the implementation of the policy within the Office of the Secretary.
2. **EJ Training.** EOEA shall provide an introductory environmental justice training program for EOEA secretariat employees, watershed teams, and for municipalities that may be

¹EJ Populations encompass approximately 5% of the land area of the Commonwealth and are home to about 29% of the population. The attached Maps 2 and 3 show the location of EJ Populations in relation to the location of large sources of air emissions and hazardous waste (21E) sites, respectively.

seeking to claim EJ "bonus credit" for grant programs, enforcement, or for any other resources prioritized or focused on neighborhoods where EJ Populations reside. The following staff must receive environmental justice training: a) staff serving on Regional Agency EJ Outreach Teams (see below); b) staff disbursing grants to municipalities, individuals, and organizations for the provision of open space, river maintenance or restoration, education, and technical assistance; c) MEPA staff; and d) EJ Working Group.

3. **Fact Sheets.** EOEA shall develop fact sheets on MEPA, Urban Self Help, Massachusetts Environmental Trust, and other programs to inform residents in neighborhoods where EJ Populations reside that these programs exist and how they function. These fact sheets may be made available in languages other than English upon request.
4. **EJ Mailing List.** EOEA shall develop an "EJ Mailing List" of interested members of EJ Populations, non-profit organizations, and others. This list will be distributed to EOEA agencies and programs to be incorporated into mailing lists for newsletters and other general outreach information.
5. **Alternative Media Outlets.** EOEA shall develop a list of alternative information outlets to be made available to EOEA agencies seeking public comments and to project proponents who may be asked to publish public notices for projects that are in or may otherwise impact EJ Populations.
6. **Information Repositories.** Upon request, EOEA shall consider the use of information repositories in neighborhoods where EJ Populations reside other than and in addition to normal repositories, such as public libraries.
7. **EJ Course Added to CPI.** EOEA shall work with the University of Massachusetts to develop a new course in EJ for the Community Preservation Institute (CPI), a community capacity-building training program. This course shall be offered as part of the Community Preservation Institute by no later than Spring Semester 2003.
8. **Regional Agency EJ Outreach Teams.** EOEA shall establish Regional Agency EJ Outreach Teams of EJ liaisons from each agency and region. The first meeting of the Regional Agency EJ Outreach Teams shall be no later than October 30, 2002. The Teams shall meet with neighborhood residents and community-based organizations to achieve the following goals:
 - a. To open lines of communication with local neighborhood groups through routine meetings,
 - b. To establish specific task forces,
 - c. To further identify languages issues,
 - d. To identify a list of community-based projects (for grant funding, for consideration as potential MEPA mitigation, and to develop a list of Supplemental Environmental Projects for DEP),
 - e. To allow issues with existing facilities to be raised and addressed,
 - f. To assist DEP and other agencies with targeting enforcement,

- g. To assist the Office of Technical Assistance (OTA) and other agencies with targeting assistance; and
 - h. To identify potential economic development opportunities that promote cleaner production and sustainable business practices.
9. **EJ Working Group.** EOEA has established and will continue to coordinate the efforts of an EJ Working Group made up of senior-level managers from each EOEA agency and other relevant agencies. The EJ Working Group seeks to maximize state resources, research, and technical assistance to further the goals of this policy and includes work with the Department of Economic Development (DED), the Department of Housing and Community Development (DHCD), and the Department of Public Health (DPH) to ensure Environmental Justice concerns are evaluated and addressed.
10. **EJ Maps.** MASSGIS has prepared Map 1 based on 2000 U.S. Census data to identify EJ Populations to be serviced by this policy. MASSGIS will update this map at least every ten years as new U.S. Census data becomes available.

EOEA Agency Services

General Requirements

11. **Agency EJ Strategies.** Agencies shall develop their own strategies to proactively promote environmental justice in all neighborhoods in ways that are tailored to the specific mission of each agency. In addition to the particular services already specified below, EOEA agencies shall identify and promote agency-sponsored projects, funding decisions, rulemakings or other actions intended to further environmental justice in the Commonwealth. Working with the Regional Agency Action Teams and the EJ Working Group, agencies shall finalize their agency strategies no later than March 1, 2003.
12. **Senior-Level Commitment.** All EOEA agencies shall designate senior-level managers to participate in and actively support the EJ Working Group and the Regional Agency EJ Outreach Teams.

Enhancing Public Participation

13. **Agency Public Participation Programs.** As part of their EJ strategies, all EOEA agencies shall have an inclusive, robust public participation program that focuses agency resources on outreach activities that enhance public participation opportunities for agency activities that potentially affect EJ Populations. Each EOEA agency must create a Public Participation Strategy. In developing these public participation plans, agencies shall consider the following outreach efforts:
- Scheduling public meetings or hearings at locations and times convenient for neighborhood stakeholders;
 - Translating public notices into other languages;
 - Offering interpreters and translated documents at public meetings;

- Providing notices as early as possible to all neighborhoods potentially impacted by a decision; and
- Assisting EJ Populations with grant applications and questions about environmental regulations to assist them with compliance and sustainability.

14. **Enhanced Public Participation Under MEPA.**² As part of the Secretary’s commitment to Environmental Justice, enhanced public participation will be required for the following projects as they undergo review in accordance with MEPA:

- (1) Any project that exceeds an Environmental Notification Form (ENF) threshold for air, solid and hazardous waste (other than remediation projects), or wastewater and sewage sludge treatment and disposal³; and
- (2) The project site is located within one mile of an EJ Population (or in the case of projects exceeding an ENF threshold for air, within five miles of an EJ Population).

Enhanced public participation may include use of alternative media outlets such as community or ethnic newspapers, use of alternative information repositories, and translation of materials or interpretation services at public meetings where the relevant EJ Population uses a primary language other than English in the home.

Enhancing the Review of New MEPA Projects in EJ Populations

15. **Enhanced Analysis of Impacts and Mitigation Under MEPA.**⁴ In addition to the enhanced public participation requirements specified in paragraph 14 above, projects undergoing MEPA review shall require enhanced analysis of impacts and mitigation for an Environmental Impact Report (EIR) scope under the following two conditions:

- (1) The project exceeds a mandatory EIR threshold for air, solid and hazardous waste (other than remediation projects), or wastewater and sewage sludge treatment and disposal; *and*
- (2) The project site is located within one mile of an EJ Population (or in the case of projects exceeding a mandatory EIR threshold for air, within five miles of an EJ Population)⁵.

Enhanced analysis of impacts and mitigation may include analysis of multiple air impacts; data on baseline public health conditions within the affected EJ Population; analysis of technological, site planning, and operational alternatives to reduce impacts; and proposed on-site and off-site mitigation measures to reduce multiple impacts and increase environmental benefits for the affected EJ Population. The project proponent may submit

² Projects that have filed an Environmental Notification Form prior to October 1, 2002, shall not be subject to Sections 14 or 15, unless there is a subsequent material change in the proposed project.

³ The applicable MEPA thresholds for an ENF are codified at 301 CMR 11.03(5)(b)(1), 301 CMR 11.03(5)(b)(2), 301CMR 11.03(5)(b)(5), 301 CMR 11.03 (8)(b), and 301 CMR 11.03(9)(b).

⁴ Projects that have filed an Environmental Notification Form prior to October 1, 2002, shall not be subject to Sections 14 or 15, unless there is a subsequent material change in the proposed project.

⁵ The applicable MEPA thresholds for an EIR are codified at 301CMR 11.03(5)(a)(1), 301 CMR 11.03(5)(a)(6), 301 CMR 11.03(8)(a), and 301 CMR 11.03(9)(a).

actual air modeling data on the project's area of potential air impacts in its EIR to modify the presumed five-mile impact area referred to in condition (2) above.

Targeting Compliance, Enforcement and Technical Assistance

16. **Outreach.** Regional Agency EJ Outreach Teams outlined above shall work with local neighborhoods to identify enforcement priorities on a local basis.
17. **Targeted Inspections, Enforcement and Assistance.** DEP shall prioritize neighborhoods where EJ Populations reside when selecting sectors and facilities for inspection and monitoring, prosecuting non-compliance, providing compliance assistance and allocating resources.
18. **Community -Based Projects.** DEP shall communicate the list of community-based projects generated by the EJ Regional Agency Outreach Teams when negotiating return to compliance agreements (i.e., Supplemental Environmental Projects or SEPs).
19. **Compliance Assistance.** On a regular and ongoing basis, EOEAs shall assist federal agencies, boards of local health and community-based organizations in neighborhoods where EJ Populations reside in addressing compliance matters related to the EOEAs' jurisdiction.
20. **OTA Services.** On a regular and ongoing basis, OTA shall offer services to new and expanding facilities in neighborhoods where EJ Populations reside through its "Right from the Start" program to give advice on toxic use reduction.
21. **Public Health.** EOEAs and DEP have been meeting regularly and shall continue to meet regularly with DPH to coordinate on environmental issues potentially affecting public health, including matters related to exposures from multiple sources of pollution.

Investments in the Economy and Open Space

Promoting Brownfields Revitalization as Environmental Restoration

22. **Remediation Projects.** EOEAs have acknowledged the environmental benefits of brownfields revitalization in its 1998 revisions to the MEPA regulations, which focus on future impacts. The regulatory revisions eliminated all thresholds for hazardous waste remediation, as well as those based solely on project size or cost.
23. **Brownfield Reuse as Restoration.** Brownfield projects that do trigger MEPA may be considered as environmental restoration projects comparable to dam removal and wetland restoration projects, allowing for potential expedited review. In making its decision, EOEAs will consider the extent to which the new proposal would prevent pollution and eliminate or minimize risks to public health and the environment.

24. **Brownfields Grants and Loans.** EOEА has determined that site assessment grants and loans from the Brownfields Redevelopment Fund administered under the Massachusetts Brownfields Act by Mass Development do not qualify as state financial assistance for the purposes of triggering MEPA review.
25. **Tax Credits.** EOEА has determined that investment tax credits for equipment, tenant fit-ups, and other post-development activities do not qualify as state financial assistance for the purposes of MEPA review.
26. **Brownfields Inventory.** EOEА shall support the U-CIP Brownfields Inventory Project that has been spearheaded by the Governor's Office for Brownfield Revitalization. This support shall include, at a minimum, one full-time EOEА employee who shall be on assignment to this project for fiscal year 2003 or longer, partial funding for the project, and the assistance of DEP and MASSGIS.
27. **Enhanced Funding.** EOEА has earmarked \$1,000,000 in additional capital funding for fiscal year 2003 to support DEP efforts to identify, track, and remediate 21E sites located in the neighborhoods where EJ Populations reside. Selection for sites where these funds will be spent shall involve public input
28. **Technical Assistance Grants.** As a part of its Technical Assistance Grant Program, DEP shall incorporate environmental justice as a criterion for awarding grants to non-profit organizations.
29. **21E Technical Assistances.** DEP shall prioritize technical assistance to neighborhoods with 21E sites located in neighborhoods where EJ Populations reside.
30. **Municipal Outreach.** DEP shall prioritize municipal outreach to neighborhoods with 21E sites located in neighborhoods where EJ Populations reside.
31. **AUL Audits.** Environmental Justice shall be a factor in establishing priorities for Activity Use Limitation (AUL) audits.
32. **Targeted 21E Investigations.** DEP shall incorporate environmental justice as a criterion in prioritizing the investigation of potential 21E sites.
33. **Reduction on Cost Recovery.** DEP shall take environmental justice into consideration when negotiating cost recovery on 21E sites located in neighborhoods where EJ Populations reside.
34. **Back Taxes to Municipalities.** DEP shall provide for commensurate cost recovery to municipalities for "back taxes" (exclusive of interest and penalties) on 21E sites located in neighborhoods where EJ Populations reside. For example, if DEP recovers 20 percent of a lien, DEP shall pay 20 percent on municipal property taxes owed on the property if it is located in a neighborhood where an EJ Population resides.

35. **NRD Waivers.** EOEA has on an *ad hoc* basis, waived natural resource damages (NRD) for covenants-not-to-sue under the Brownfields Act. EOEA shall work with the Massachusetts Office of the Attorney General to develop guidelines for NRD waivers on projects that promote sustainable reuses on brownfields sites located in neighborhoods where EJ Populations reside. These guidelines must be in place no later than October 31, 2002.
36. **Brownfields Partnerships.** EOEA shall continue to work with the Department of Economic Development, the Governor's Office for Brownfields Revitalization, MassDevelopment, the Massachusetts Office of the Attorney General, DHCD, and other agencies to maximize brownfields remediation and redevelopment programs and to promote cleaner production infill development in neighborhoods where EJ Populations reside.

Promoting Economic Partnerships

37. **DED.** EOEA has and shall continue to work with the Department of Economic Development to promote economic development projects that incorporate cleaner production practices in neighborhoods where EJ populations reside.
38. **EACC.** With the assistance of DED, EOEA shall formally request that the Economic Assistance Coordinating Council (EACC) adopt a proposal that would encourage new and existing manufacturing operations that are seeking incentives through the Economic Development Incentive Program to consult with OTA on cleaner production manufacturing practices.
39. **MOBD.** The Massachusetts Office of Business Development has offered to participate in the Regional Agency EJ Outreach teams in order to more effectively link the issues of economic and environmental justice at the neighborhood level.
40. **DHCD.** EOEA shall work closely with DHCD to maximize the benefit of its resources on issues of growth and community development in neighborhoods where EJ Populations reside.

Promotion of Open Space

41. **Targeted Open Space Resources.** EOEA shall endeavor to target its resources to more effectively create, restore, and maintain open spaces located in neighborhoods where EJ Populations reside.
42. **USH.** EOEA has amended the Urban Self Help (USH) regulations to incorporate environmental justice into the award scoring system.
43. **Riverways and MET.** EOEA shall work with the Riverways Program and the Massachusetts Environmental Trust (MET) to develop systems for incorporating environmental justice as a criterion for awarding grants with the goal of having these systems in place by the next funding cycle for these grant programs.

44. **ILC.** The Interagency Land Committee (ILC), that includes the MDC, DFWELE, and DEM shall make it a priority to promote preserving and restoring open spaces in neighborhoods where EJ Populations reside.

45. **Watersheds.** The Massachusetts Watershed Initiative shall work to identify and address environmental justice issues and to identify and reclaim brownfields sites impacting or threatening watersheds.

DISCLAIMERS

This policy is not intended to supersede existing law or regulation. EOEA agencies shall implement this policy consistent with, and to the extent permitted by, existing law.

This policy is intended only to improve the internal management of EOEA agencies and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against EOEA, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance of EOEA, its agencies, its officers, or any other person with this policy.

This policy is not intended to regulate agencies outside the EOEA secretariat, except to the extent that those agencies have decisions pending before EOEA agencies. This policy is not intended to interfere with, supercede, or create any new obligations on the Energy Facility Siting Board, an entity which is not by law or otherwise a part of the EOEA secretariat.

EFFECTIVE DATE

This Environmental Justice Policy is effective immediately upon execution. Every three years the Secretary will review the policy and its implementation and may, after soliciting public input, amend the policy to more effectively serve its purposes.

EXECUTION

Executed this ____ day of _____, 2002 at Boston, Massachusetts.

By: _____

Bob Durand
Secretary for Environmental Affairs