

TO:

Executive Office of Energy and Environmental Affairs

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UMass Energy Geographies & Politics Project

UMass RiverSmart Communities

University of Massachusetts Amherst

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Please accept these comments on EEA's draft Environmental Justice Strategy.

We are professors at the University of Massachusetts Amherst who are part of two initiatives focused on environmental and community sustainability and equity in Massachusetts and New England. The *UMass Energy Geographies and Politics Project* works to understand and inform Massachusetts and New England energy policies, institutions, and markets, especially related to a clean energy transition; electric grid development and reform; and the relation to local ecosystems and communities, particularly rivers and river communities, both urban and rural. The *UMass RiverSmart Communities program* (<https://extension.umass.edu/riversmart/>) combines social and river science, institutional and policy research, and community outreach to research and address river floods in New England. It is our vision that river management can restore the environmental integrity of rivers while ensuring that New England communities thrive in a world where floods naturally occur. Both projects aim to support ecological sustainability and environmental justice within the complex terrain of practical policy solutions.

The following comments come from our work on state energy policy, local energy facility siting and management deliberations, and flood resilience science and hazard mitigation. Our work has been particularly focused in and around the Connecticut River and western Massachusetts; and it emphasizes the interconnections between abstract-seeming policies and local biophysical processes and change, including impacts on local human communities. Our comments reflect these perspectives, which we believe to be important additions to an often metro Boston-based approach to state policy. At the same time, we are relative newcomers to understanding the full depth of what the Commonwealth has already done in developing the EJ policy, community definitions, and strategy, and so our comments are for the most part broadly conceptual rather than specific and detailed.

We commend EEA and Massachusetts policymakers for their leadership in assessing, understanding, and addressing environmental justice (EJ). We salute the development of the EEA's EJ Strategy as a broad and genuine effort to think through not only how to talk about or write rules about EJ, but how to implement EJ principles in policy practice.

We have five areas of comment:

1. Definitions of EJ needs based on census-based geographical clustering are valuable but insufficient

The definition of Massachusetts EJ communities in the EEA EJ Policy follows the broader state definition, recently [updated in 2022](#). This identifies EJ populations by census block group. Most of the EJ Strategy accepts this definition as given, and proposes to prioritize outreach, grants, enforcement, and other agency action in these geographic areas. We suggest that EEA agencies need to strategically supplement this geographical definition of EJ communities in several ways:

- Water pollution, aquatic resources, and river floods all flow downstream (and sometimes swim or flow upstream). In some cases it may be important to prioritize action in a non-EJ location in order to protect or benefit an EJ location downstream (or upstream). This should be part of site-based analyses and grant and staff prioritization of EEA agencies that work along rivers and streams. For example, protection of a wetland, upgrading of a culvert, or development of fish passage can provide flood protection or recreational resources in a different location. It appears that DER is beginning to consider this in their EJ Strategy; other agencies and processes should do this as well. EEA agencies should also facilitate outreach to and participation from upstream and downstream affected communities.
- In many small-population towns in rural parts of the state, a block group is an entire municipality. This is too large an area to easily define where state resources should be prioritized. Additionally, some towns may not meet the statewide threshold yet have areas where there are clusters of low-income people, older adults, or other vulnerable populations. The Franklin Regional Council of Governments (FRCOG) has worked with MassDOT to develop a lower-threshold EJ definition for areas that lie within 1% annual chance flood zones and have concentrations of vulnerable populations. EEA and its agencies should have a system for adopting similar alternative definitions as appropriate for these more rural locations.
- Small-population municipalities, even when they have middle-income residents, often have very limited staff. Especially when it comes to outreach and technical support, these towns may need extra help from the state even if they do not meet EJ thresholds. If the EJ policy and strategies divert resources away from these towns, some kind of alternative strategy—providing support through regional planning organizations or MACC or other institutions, for example—may be warranted.
- Indigenous and Native American populations are often dispersed and may not show up in any block group with a high enough percentage to meet EJ criteria. However, they may have shared interest in a location of historical and cultural use or importance. In this case there may need to be attention in the location of shared interest, not only the census areas where the population lives.

2. Ecological productivity and access to healthy environments are broad EJ issues.

The EJ policy and the EJ strategy focus especially on environmental issues of toxic burdens, and access to meetings and information. Equally important are access to healthy natural environments and their products, including fresh air, recreational areas for families, good soils for farming for supplemental food provisioning, and fish. The latter can be important food supplementation resources for low-income people in rural and urban areas along rivers, including the Connecticut, Westfield, and Deerfield Rivers. The goals of improving environmental access and productivity need to be absorbed into EEA EJ strategies well beyond DCR.

3. Metrics should be outcome-based.

Many of the metrics in the Strategy are process-based and agency focused: dollars spent, meetings offered, etc. It is not clear that these metrics will incentivize substantive change on the ground and in communities. There need to be more outcome-based indicators. Environmental indicators should include air, water, and land quality indicators near EJ populations. These should include biological indicators for assessments of ecological health, especially in locations where EJ populations use or depend on waters and lands for recreation, supplemental gardening and farming, and fishing. A good biological indicator for water ecological health is macroinvertebrate populations.

Additionally, access to natural environments should be assessed; community desires / needs for access to healthy natural environments should be a metric.

The state should make use of existing and developing data on environmental and public health metrics such as CSO data, and make these widely available in a unified database. These should be used to consider baseline and future EJ conditions and outcomes.

4. Different agencies must coordinate EJ analysis, assessment, and programs

The coordinated approach to EJ within the EEA Policy and Strategy are welcome. Too often policies are debated and implemented without full accounting of their impacts on environmental resources and the EJ communities that depend on them, or are affected by them. For example, improving a road may impact rivers; replacing a culvert with a same-size version after a flood emergency can reproduce the risk.

Within the EEA, there is particular need to account for the environmental effects of energy policies, including geographically distant effects. DOER and MassCEC often implement policies based on technologies, markets, and financial incentives; what is not understood in many cases is where new installations are likely to be built, how they will impact local environments and communities, and how these may affect EJ communities. Another way to put this: as with water

that may flow downhill, electricity policies may have upstream or downstream implications, and this must be part of the EJ analysis. Both DOER and MassCEC in this Strategy move toward more holistic outreach, analysis, and accounting; this should be instituted as a wider and deeper practice.

Additionally, the DPU's deliberations have profound effects on both the costs of energy and water and the uses of ratepayer funds, as well as the development and use of energy and water resources. These are fundamental concerns for EJ populations. Yet the DPU section of the EJ Strategy is very limited. A top priority for the DPU in implementing the EEA's EJ Policy should be to make rate cases legible to the public, so ratepayers understand what their money is paying for, and how DPU weighs its different goals toward the public and toward regulated utilities, and how stakeholders might have input into these complex technical and legal deliberations. This then can be used to begin to help bring in EJ communities and concerns more explicitly into DPU activities and consider the implications of DPU decisions on EJ communities across the state.

In addition to promoting analysis of how EEA energy agencies may affect environmental resources in EJ communities, EEA and EEA agencies need to provide similar mutual EJ analyses with other agencies outside EEA. For example, if protection of an environmental resource will drastically limit development or property values in an EJ community, is there a way for HED to provide extra access to grant funding that might take advantage of these improved environmental amenities?

Finally, as described under #1, some regions, towns, and state and federal agencies are already developing alternative ways they understand and apply EJ for their communities and programs. This local and programmatic adaptation will need to continue. But EEA and other state agencies should also review these periodically and work toward developing consistent metrics and approaches that under-resourced communities can understand and use more readily, without having to master dozens of different definitions-in-practice.

5. Rural, remote communities and dispersed EJ populations have distinct needs for outreach and access to state programs.

The attention to historically underrepresented and minoritized communities like low-income urban neighborhoods with high proportions of people of color is well warranted. However, other issues come into play in rural and remote EJ areas, with EJ populations dispersed across wider areas. In many rural and remote towns in Massachusetts, there are deindustrialized small towns and cities where poverty rates are high, employment opportunities are few, and town governments have few staff and limited capacity. There are inadequate fiscal resources to take on major infrastructure upgrades like stabilizing failing culverts, unstable 200-year-old mill buildings, and combined sewage outflows—even though these could affect areas far beyond a local community, and, if addressed, could provide rich resources and improvements for people

seeking affordable places to live, recreate, and start businesses. Also, there are often few organized EJ groups in places like this, and state employees are spread thin.

In places like these, to be accountable for EJ issues, state agencies must work through existing organizations that are used to outreach in these small, remote communities. The Strategy should include explicit recognition of this issue and include plans to provide outreach and funding, mitigation and other opportunities through municipal governments in larger towns (e.g. Westfield, Northampton, Greenfield), and regional planning organizations like FRCOG, the Natural Resource Conservation Service, and nonprofit and civic service groups to reach the smaller towns and dispersed populations. Additionally, there should be ways for a region, watershed, or the state to collectively invest in a major improvement project that can have wide EJ benefits.

Thanks very much for your dedication and this exciting and timely initiative.

Signed,

A handwritten signature in cursive script that reads "Eve Vogel".

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