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DEVAL L. PATRICK
GOVERNOR

By His Excellency
DEVAL L. PATRICK
GOVERNOR

EXECUTIVE ORDER NO. 552

EXECUTIVE ORDER ON ENVIRONMENTAL JUSTICE

WHEREAS, Article 97 of the Constitution of the Commonwealth of Massachusetts provides that 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";

WHEREAS, Environmental justice means that all people have a right to be protected from environmental pollution and to live in and enjoy a clean and healthy environment regardless of race, income, national origin or English language proficiency;

WHEREAS, Environmental justice populations are discrete and identifiable communities, mostly lower income and of color, that are at risk of being disparately and negatively impacted by environmental policies and overburdened by a higher density of known contaminated sites and by air and water pollution;

WHEREAS, all residents of the Commonwealth should be involved in the development, implementation, and enforcement of environmental laws, regulations, and policies, as well as equal beneficiaries of them;

SECRETARY OF STATE
REGULATIONS DIVISION
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WHEREAS, under the Commonwealth's existing Environmental Justice Policy, first adopted in 2002, the Executive Office of Energy and Environmental Affairs continues to ensure that environmental justice is an integral consideration in the development and implementation of all state programs, including but not limited to, the grant of financial resources in the form of grants, loans, or other forms of economic assistance as authorized by law to protect environmental resources or provide recreational opportunities, and the provision of access to open space;

WHEREAS, the Massachusetts Climate Protection and Green Economy Act, codified in G.L. c. 21N, § 5, provides that the Secretary of Energy and Environmental Affairs shall determine "whether activities undertaken to comply with state regulations and efforts disproportionately impact low-income communities" and "consider overall societal benefits, including reductions in other air pollutants, diversification of energy sources and other benefits to the economy, environment and public health";

WHEREAS, to encourage sustained and continued efforts now and into the future to ensure that environmental justice remains a priority for the Executive branch;

NOW THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c.2, § 1, art.1, do hereby order as follows:

Section 1. Within fourteen days of the issuance of this Executive Order, the Secretary of Energy and Environmental Affairs shall appoint a Director of Environmental Justice within her office and make every effort to ensure the position is continuously staffed. The Director shall serve as liaison with designated Environmental Justice Coordinators in each Secretariat, a position established in Section 5 of this Executive Order.

Section 2. There is hereby established the Governor's Environmental Justice Advisory Council. The Advisory Council shall advise the Governor and the Secretary of Energy and Environmental Affairs on policies, practices, and specific actions that the Commonwealth should implement to ensure that the objectives of this Executive Order are accomplished.

The Advisory Council shall consist of at least nine, but not more than fifteen persons, including a Chair, each of whom shall be appointed by the

Governor. All members shall serve without compensation at the pleasure of the Governor in a solely advisory capacity.

The Advisory Council's work shall include, but need not be limited to, making written recommendations to the Governor and the Director of Environmental Justice concerning policies, practices, and specific actions that the Commonwealth should implement to ensure that the objectives of this Executive Order are accomplished.

The Advisory Council shall meet at such times and places as determined by the Chair and shall submit an initial report to the Governor and Director of Environmental Justice within six months following the appointment of the Council's members. Thereafter, the Advisory Council shall meet at least semi-annually and submit supplemental reports giving advice and recommendations to the Governor and Director of Environmental Justice no less often than once per year.

The Advisory Council may hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice, and shall prepare for public review and include in its reports a summary of the comments and recommendations made at the public meetings.

Section 3. Within sixty days of this Order, the Executive Office of Energy and Environmental Affairs shall update its Environmental Justice Policy and post it online. This strategy shall include ensuring equal compliance and enforcement for facilities subject to environmental regulatory programs and/or permitting requirements and located in geographic areas with identified Environmental Justice Populations, establishing a process for reviewing which MEPA thresholds apply for enhanced public participation and substantive review, ensuring brownfield remediation in Environmental Justice Population areas, and creating an online Environmental Justice repository of information about the Commonwealth's environmental justice initiatives for the general public and project proponents.

Section 4. Within sixty days of this Order, the Executive Office of Energy and Environmental Affairs shall review and revise, as needed, the definition of "Environmental Justice Population" in the 2002 Environmental Justice Policy. This review shall include consultation with the Interagency

Environmental Justice Working Group and interested parties across the state. Thereafter, this definition shall be reviewed every ten (10) years. The Executive Office of Energy and Environmental Affairs shall make publicly accessible maps and other information about the location of Environmental Justice Populations through the online environmental justice repository. Maps and statistical data shall be updated at least every five years. Other Secretariats shall assist the Executive Office of Energy and Environmental Affairs by sharing income, demographic, health and similar data, as requested.

Section 5. Within one hundred-eighty days of this Order, each Secretariat shall develop and post online its own strategy to promote Environmental Justice in ways that are tailored to the specific authority, mission and programs within the secretariat. Secretariat strategies shall include: i) identification of permitting or other applicable regulatory authority over development projects, brownfield remediation, industrial operations, and commercial facilities, which may impact Environmental Justice Populations and description of any mechanism to ensure that Environmental Justice Populations are protected (including through their participation) in the review process; ii) identification of economic development opportunities, environmental benefits, and other discretionary funding programs that do, or appropriately should, consider the needs of an Environmental Justice Population in the award process; and iii) an enhanced public participation plan for Environmental Justice Populations potentially affected by development projects, brownfield remediation, industrial operations, and commercial facilities that focuses secretariat resources on outreach activities that enhance public participation opportunities in Environmental Justice Populations, including a plan for communicating in multiple languages and scheduling public meetings at locations and times convenient for neighborhood stakeholders. In determining whether a program protects and/or considers the needs of an Environmental Justice Population, the strategy may accept use of an existing definition of protected or priority population that varies from the Environmental Justice definition so long as the intent of this Order is substantially met. Secretariat strategies shall be reviewed every five years, and updated as needed.

Within thirty days, each Secretariat shall designate an Environmental Justice Coordinator. The secretariat's Environmental Justice Coordinator shall be the main point of contact regarding secretariat environmental

justice matters and be responsible for developing and implementing the strategy.

Section 6. An Interagency Environmental Justice Working Group shall be established to maximize state resources, research, and technical assistance to further the goals of this Executive Order. The Environmental Justice Coordinators shall serve as their Secretariat representatives to the Interagency Environmental Justice Working Group. The Director shall convene meetings of the Environmental Justice Working Group and serve as Chair. Within one seventy-five days of this Order, the Interagency Environmental Justice Working Group should hold at least one meeting and develop a schedule for subsequent meetings.

Section 7. Nothing in this Executive Order shall be construed to require action inconsistent with any applicable state or federal law.

Section 8. This Executive Order shall remain in effect until amended, superseded or revoked by subsequent Executive Order.



Given at the Executive Chamber in Boston
This twentieth day of November in the year
two thousand and fourteen and of the
Independence of the United States two
hundred and thirty-nine.

A handwritten signature in black ink, appearing to read "Deval L. Patrick".

DEVAL L. PATRICK
GOVERNOR
Commonwealth of Massachusetts

A handwritten signature in black ink, appearing to read "William Francis Galvin".

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth