

HOUSE No. 2369**The Commonwealth of Massachusetts**

PRESENTED BY:

Christine P. Barber and Mike Connolly*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:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/15/2025</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/17/2025</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/30/2025</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>1/30/2025</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>2/21/2025</i>
<i>Jennifer Balinsky Armini</i>	<i>8th Essex</i>	<i>2/11/2025</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/14/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/27/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/5/2025</i>
<i>Tara T. Hong</i>	<i>18th Middlesex</i>	<i>2/21/2025</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/5/2025</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>3/4/2025</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/18/2025</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>3/11/2025</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/25/2025</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/1/2025</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/7/2025</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>3/9/2025</i>

<i>Adrienne Pusateri Ramos</i>	<i>14th Essex</i>	<i>3/6/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/18/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/10/2025</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/26/2025</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>	<i>2/18/2025</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>2/6/2025</i>

HOUSE No. 2369

By Representatives Barber of Somerville and Connolly of Cambridge, a petition (accompanied by bill, House, No. 2369) of Christine P. Barber, Mindy Domb and others relative to communities with high cumulative exposure burdens to toxic outdoor air contaminants and criteria pollutants. Public Health.

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.

“HEPA filtration,” a high efficiency particulate arrestance filtration system that removes at least 99 percent of dust, pollen, mold, bacteria, and any airborne particles with a size of 0.3-10.0 microns and is equivalent to a MERV 17, MERV 18, MERV 19, or MERV 20 filter.

“MERV 16 filter,” a minimum efficiency reporting value filtration system that removes at least 95 percent of dust, pollen, mold, bacteria, and any airborne particles with a size of 0.3-10.0 microns.

“particulate matter,” and “particulates,” a broad class of chemically and physically diverse substances that exist as discrete particles in air, including coarse, fine, and ultrafine particles.

“fine particulate matter,” and “fine particulates,” particulate matter less than or equal to 2.5 micrometers in diameter.

“ultrafine particulate matter,” and “ultrafine particulates,” particulate matter less than or equal to 0.1 micrometers in diameter.

(b) The department, in consultation with the department of public health, shall convene a technical air quality advisory committee comprised of: residents of environmental justice populations living adjacent to major highways; academics with expertise in outdoor air monitoring, environmental health, air toxics, and air pollution; and labor representatives; for the purpose of identifying communities with high cumulative exposure burdens to toxic outdoor air contaminants and criteria pollutants.

Said advisory committee shall consist of: 1 person appointed by the Governor with a background in background in public health or environmental policy, who shall serve as Chair; 2

persons appointed by the secretary of the executive office of energy and environmental affairs with a background in public health or environmental justice; 1 person appointed by the Attorney General with a background in environmental law or regulatory compliance; and 5 persons who shall be representatives of community-based or environmental justice organizations, 2 of whom shall be appointed by the Governor, 1 of whom shall be appointed by the Speaker of the House, 1 of whom shall be appointed by the Senate President, and 1 of whom shall be appointed by the Attorney General.

When making appointments, an appointing authority shall select individuals who are from, or have experience advocating for, communities that have been disproportionately harmed by air pollution and environmental injustice.

Any vacancy in a seat on the advisory committee shall be filled by the appropriate appointing authority within 60 days of the vacancy. The appointing authority may remove an advisory board member who was appointed by that appointing authority for cause. Before removal, the advisory board member shall be provided with a written statement of the reason for removal and an opportunity to be heard.

The department shall convene the technical advisory committee by December 1, 2025. No later than June 30, 2026 and every three years thereafter, the technical advisory committee shall identify the likely air pollution hotspots due to high concentrations of traffic- and industry-related air pollution throughout the Commonwealth that should be equipped with new or expanded air monitors and establish a definition of “air quality” and “air quality target pollutants” that includes, but is not limited to, consideration of criteria pollutants, black carbon, and ultrafine particulate matter.

The advisory committee shall provide recommendations regarding the installation of air filtration in eligible buildings located within 200 meters of a class 1, class 2 or class 3 roadway, marine terminal, airport, or a train station or train yard serving diesel locomotives. Eligible buildings include: (i) existing residential public housing; (ii) existing residential private multifamily housing with more than two tenant-occupied units; (iii) existing public schools serving students of any age in grades kindergarten through twelfth grade; (iv) existing private schools serving students of any age in grades kindergarten through twelfth grade; (v) existing charter schools serving students of any age in grades kindergarten through twelfth grade; (vi) existing college and university buildings with one or more classrooms; (vii) existing commercial buildings with businesses that have five or more full-time employees; and (viii) existing correctional facilities, including prisons and jails.

The advisory committee shall identify funding sources to provide incentives for eligible buildings that are schools, private housing, and public housing to cover the cost of installing air filtration equipment.

Air filtration equipment installed in eligible buildings that are schools, commercial buildings greater than 20,000 square feet, and residential buildings with more than 10 units shall be MERV 16 or other equipment that removes at least the same amount of ultrafine particulate matter as a MERV 16 filter.

(c) By December 31, 2026, the department shall install and operate stationary air monitors in at least eight air pollution hotspots that measure for at least one of the following pollutants: black carbon, nitrogen oxides, ultrafine particulate matter.

By June 30, 2027, the department shall establish baseline air quality in air pollution hotspots. Data from the air monitors shall be publicly accessible and provide near-time information. The department shall work with residents of environmental justice populations to conduct participatory action research where residents can use mobile air sensors to expand the number of locations where residents can track air quality. Once those hotspots are determined and the baseline data is established, the department of environmental protection shall set annual targets to decrease air quality target pollutants between 2026 and 2035 to improve the air quality in that location. Air monitoring data shall be collected every three years between 2026 and 2035 to measure progress toward achieving air quality target pollutants reduction targets and make such data publicly available.

By December 31, 2030, the department shall ensure that air pollution hotspots achieve air quality target pollutant concentrations that are at least 50 percent below the baseline in each hotspot and certify as such by publicly reporting compliance.

By December 31, 2035, the department shall ensure that air quality target pollutants concentrations in hotspots are at least 75 percent below the baseline in each hotspot and certify as such by publicly reporting compliance.

(d) The provisions of this section may be enforced by means of an action in the superior court seeking either injunctive relief, a declaratory judgment, a writ of mandamus or any combination thereof. No such action may be commenced without the plaintiff providing written notice of the violations of this chapter to defendants at least 60 days prior to filing a legal action 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.