



## **SUPPORT S.2186/H.3362**

### *An Act Ensuring a Healthy Future for Environmental Justice Communities*

Sen. Gomez (Hampden), Rep. Livingston (Boston), Rep. Ramos (Chicopee/Springfield)

**BILL PURPOSE:** S.2186/H.3362 prohibits any new or expanded power plant that generates air pollution from qualifying for Massachusetts' Renewable Energy Portfolio Standard (RPS) if it is located in or within five miles of an environmental justice population.

**THE ISSUE:** Across the country, power plants and other pollution sources have been disproportionately sited in low-income communities and communities of color. Massachusetts is no exception. Six of the seven garbage incinerators in Massachusetts are located in or near communities that meet the Commonwealth's definition of "environmental justice"<sup>1</sup> and a commercial-scale wood-burning biomass power plant has been proposed for Springfield, where most of the census blocks meet at least one of the three criteria for environmental justice populations in Massachusetts.<sup>2</sup>

Even though garbage incinerators and biomass power plants are highly polluting, they are eligible for renewable energy subsidies through Massachusetts' Renewable Energy Portfolio Standard (RPS). Under the RPS statute, eligible sources of renewable energy include combustion of municipal solid waste, landfill gas, woody biomass, and other biofuels.<sup>3</sup> While the current RPS rules only allow highly efficient biomass power plants to qualify, the Massachusetts Department of Energy Resources (DOER) has proposed to open up the RPS program to allow far more polluting biomass plants to qualify.<sup>4</sup>

Wood-burning power plants and garbage incinerators should not be subsidized as clean or renewable energy: they emit more greenhouse gas emissions and conventional air pollutants from their smokestacks than coal plants per unit of energy produced. Even when using "state-of-the-art" pollution controls, these power plants release large quantities of fine particulate matter (PM 2.5), the leading cause of air pollution-related deaths and illnesses in the U.S., as well as smog precursors, acid gases, heavy metals, volatile organic chemicals, and other hazardous air pollutants. Wherever these plants are sited, they pose a health risk to surrounding communities, particularly sensitive populations such as children, the elderly, and people with heart and lung diseases or compromised immune systems.

Environmental justice populations are at the greatest risk of health harms from power plant operations due to a number of compounding factors, including cumulative exposure to disproportionately high levels of air and water pollution, high levels of chronic health problems such as asthma, diabetes, and hypertension, and long-standing social and economic inequalities including racial and ethnic disparities in access to health care. Such communities have historically lacked the political clout and resources to fight the siting, construction, and operation of polluting facilities in their neighborhoods. This past year has tragically exposed the correlation between higher air pollution in communities of color and increased mortality rates associated with Covid-19.<sup>5</sup> Due to long-standing inequalities in living,

working, health, and social conditions, people of color in the U.S. are 4-5 times more likely to be hospitalized from Covid-19 than non-Hispanic white persons.<sup>6</sup>

In recognition of these concerns, the Massachusetts Department of Environmental Protection recently revoked the air permit for the Palmer Renewable Energy biomass power plant proposed in Springfield, citing more recent information about health impacts of air and water pollution on environmental justice populations, including “multiple studies establishing a relationship between low-income and minority communities with elevated air pollution levels and increased severity of disease and/or mortality for Covid-19 patients in these communities.”<sup>7</sup> Subsequently, DOER amended its proposed RPS rule changes to exclude new biomass power plants from qualifying for the RPS if they are located within an environmental justice population or within 5 miles of an environmental justice population.

**WHY THIS LEGISLATION IS NEEDED:** The RPS is an important funding stream for power plant developers. The Springfield biomass plant would have generated \$10-15 million a year through sales of Renewable Energy Credits (RECs), paid for by Massachusetts ratepayers. We should not be providing financial incentives for power plants that will worsen air quality and add to the public health burdens in environmental justice communities. While DOER’s proposed rule change prohibiting biomass power plants in or near EJ communities from qualifying for the RPS is a major step forward, this legislation would provide even greater protection because (a) it codifies this provision in statute; (b) it covers all polluting power generators, not just biomass plants, and (c) it would apply to both new facilities and significant expansions of existing facilities. This legislation is consistent with the Commonwealth’s climate change policies, environmental justice policies, and solid waste management policies.

**PFPI urges you to support and co-sponsor S.2186/H.3362, An act ensuring a healthy future for environmental justice communities.**

*For further information please contact James McCaffrey, New England Legislative Director, Partnership for Policy Integrity / 617-388-7644 / [james.mccaffrey@pfpi.net](mailto:james.mccaffrey@pfpi.net)*

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<sup>1</sup> Baptista, A, A. Perovich, *et al.*, 2019. “U.S. Municipal Solid Waste Incinerators: An Industry in Decline.” The New School Tishman Environment and Design Center, at <https://www.tishmancenter.org/projects-publications>.

<sup>2</sup> MA’s 2017 Environmental Justice Policy defines an environmental justice population as a census block group that meets at least one of the following criteria: “25% of households have a median annual household income at or below 65 percent of the statewide median for Massachusetts; or 25% or more of the residents are minority; or 25% or more of the residents have English Isolation.” [https://www.mass.gov/files/documents/2017/11/29/2017-environmental-justice-policy\\_0.pdf](https://www.mass.gov/files/documents/2017/11/29/2017-environmental-justice-policy_0.pdf).

<sup>3</sup> MGL Ch. 25A, § 11F.

<sup>4</sup> See DOER’s proposed RPS Phase 2- Biomass Changes, April 16, 2021, at <https://www.mass.gov/service-details/rps-class-ii-rulemaking>.

<sup>5</sup> Wu, X., R.C. Nethery, M.B. Sabath, D. Braun, and F. Dominici, 2020. Air pollution and COVID-19 mortality in the United States: Strengths and limitations of an ecological regression analysis. *Science Advances* 6(45), p.eabd4049.

<sup>6</sup> U.S. Centers for Disease Control and Prevention (Dec. 10, 2020) “[COVID-19 in Racial and Ethnic Minority Groups.](#)”

<sup>7</sup> Letter from Michael Gorski, MassDEP to Vic Gatto, Palmer Renewable Energy, dated April 2, 2021. Posted at <http://www.pfpi.net/wp-content/uploads/2021/04/Palmer-Renewables-Revocation-Final-1.pdf>.