

**HOUSE . . . . . No. 2046**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Lori Ehrlich**

*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 passage of the accompanying bill:

**An Act Relative to Pollution Health Effects Mitigation.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Lori Ehrlich	8th Essex
Jennifer M. Callahan	18th Worcester
Cory Atkins	14th Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO POLLUTION HEALTH EFFECTS MITIGATION.

*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 111 of the General Laws, as appearing in the 2008 Official Edition, is hereby  
2 amended by inserting after section 142O the following section: -

3 Section 142P. (a) There shall be a Pollution Public Health Effects Mitigation Trust Fund to support  
4 research and education regarding the health impacts of pollution on citizens of the Commonwealth of  
5 Massachusetts. The fund shall be administered by the commissioner of the department of public health.  
6 Expenditures from the fund shall be only for the purposes set forth in subsection (d).

7 (b) Revenues credited to the fund shall be from the following sources:

8 (1) funds appropriated by the general court;

9 (2) funds received from federal, state or other sources for the purpose of evaluating the health impacts of  
10 pollution;

11 (3) costs recovered or otherwise received from parties responsible for violating the terms of any valid air  
12 emissions permit;

13 (4) fees imposed pursuant to subsection (c); and

14 (5) interest earned on any monies in the fund.

15 (c) (1) A pollution mitigation fee in an amount not exceeding \$.0002 cents for each pound of any air  
16 pollutant emitted by any facility. The fee shall be remitted to the department of revenue on the thirtieth  
17 day of each month based on the amount of air pollutants emitted during the preceding month.

18 (2) An owner of a facility shall be liable for the fee until it has been paid to the commonwealth.

19 (3) All fees collected pursuant to this section shall be deposited in the fund and shall be disbursed for the  
20 purposes set forth in subsection (d). The state treasurer shall not deposit or transfer revenues generated

21 pursuant to subsection (b) to the General Fund or any other fund other than the Pollution Public Health  
22 Effects Mitigation Trust Fund.

23 (4) The commissioner of the department of public health shall set the amount of the pollution public  
24 health mitigation fee, which shall be not less than .0001 cents for each pound of any air pollutant emitted  
25 by each facility.

26 (d) The commissioner of the department of public health shall use money from the fund:

27 (1) to provide funds for the study of the public health impacts from air pollutants, including but not  
28 limited to acute local impacts such as asthma, upper respiratory conditions or premature death; such  
29 research or studies may be conducted by the department or by a qualified independent medical or public  
30 health expert, organization or educational institution;

31 (2) to educate the public in the vicinity of any existing or proposed facility regarding the actual or  
32 potential health impacts associated with air pollutants emitted by such facilities;

33 (3) to provide funds for research regarding methods or technologies for mitigating health impacts  
34 associated with the emission of air pollutants; and

35 (4) reasonable administrative and personnel expenses related to the administration of the fund and  
36 enforcement of this chapter.

37 (e) (1) The commissioner of the department of public health shall administer the fund in accordance with  
38 this chapter.

39 (2) The department of public health shall develop procedures governing the expenditure of, and  
40 accounting for, money expended from the fund.

41 (3) The commissioner shall ensure that there are adequate moneys available in the fund to carry out this  
42 chapter.

43 (4) The department shall maintain accounting records showing the income and expenses of the fund.