

HOUSE No. 1448

The Commonwealth of Massachusetts

PRESENTED BY:

Michael S. Day, (BY REQUEST)

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 Improve enforcement of environmental quality.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Vincent L. Dixon</i>	<i>60 Lake St. Unit N, Winchester Massachusetts 01890</i>	<i>1/20/2023</i>

HOUSE No. 1448

By Representative Day of Stoneham (by request), a petition (accompanied by bill, House, No. 1448) of Vincent L. Dixon relative to the enforcement of laws and legal regulations related to public health, environmental pollution, and environmental justice. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to Improve enforcement of environmental quality.

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 I. – The Massachusetts General Laws are hereby amended by inserting the
2 following new chapter:

3 Citizen Environmental Negligence – Right of Action Act

4 PURPOSE – Public Policy requires various avenues of enforcement, that provide
5 enforcement of laws, and legal regulations, including those that relate to Public Health,
6 Environmental Pollution, and Environmental Justice.

7 SECTION II. – Any individual, community, or local organization, negatively damaged,
8 by Specific Environmental Pollution (SEP), may bring a Civil Action, in a District Court of The
9 Commonwealth of Massachusetts; without respect to the amount of controversy, citizenship of
10 the parties, or possibility of other regulatory and/or administrative remedy; seeking redress, by
11 order, compensation, and/or other appropriate legal action.

12 Such Specific Environmental Pollution (SEP), which may be either evidently deliberate;
13 and/or apparently unintentional, but causing negligent harm, can be addressed, in court actions;
14 and those persons, communities, and organizations having suffered negative damage, may
15 receive appropriate compensation, and/or remedial actions.

16 SECTION III-A. – A Right Of Action (ROA) brought by such party, or parties, with
17 sufficient standing, based on actual, or sufficient evidence of harm, shall be entitled to an
18 attorney, appointed by a District Court; and such court, may appoint appropriate legal counsel,
19 and authorize initiation of legal action.

20 SECTION III-B. – Definition of Forms of Action – Actions Brought Under This Statute

21 Such actions, may be specified, as individual Rights Of Action (ROA); Community
22 Rights Of Action (CRA); and/or Class Actions.

23 SECTION IV – Definition of Damages, And/Or Remedial Requirements

24 If a Court determines that a Corporation, Individual, Organization, or other entity, has
25 deliberately, or unintentionally caused environmental harm, that violates laws, and regulations,
26 of The Commonwealth of Massachusetts, damages may be awarded, and/or Specified Remedial
27 Required Actions, may be ordered.

28 In the circumstances of individual harm, and/or community, or organizational impact
29 (such as schools, or other locations), damages of at least \$1000,

30 per infraction (such as, but not limited to, individual daily instances of, polluting water,
31 air, soil, and/or other circumstances), may be ordered.

32 Specified Remedial Required Actions (SRRA) may be ordered, as needed, either by
33 themselves, and/or distinct from specific award of negligent damages.