

Environmental Justice Working Group
Public Participation Subgroup Report

I. Issue Statement

The “Promoting Environmental Justice” Executive Directive, released in November 2007, charges the Department of Environmental Quality (DEQ) with developing and implementing a state environmental justice plan to promote Environmental Justice in Michigan. Among other things, the plan directs DEQ to:

Recommend mechanisms for members of the public, communities, and groups to assert adverse or disproportionate social, economic or environmental impact upon a community and request responsive state action.

The Directive also instructs DEQ to actively solicit public input while developing the plan and establish an environmental justice working group of state officials and members of the public.

The subgroup’s charge is integral to the overall state environmental justice plan. The two “pillars” of environmental justice are assuring no disparate impacts and providing for meaningful public involvement. Accordingly, the Public Participation Subgroup was created and charged with developing a process to successfully incorporate public input during both the creation and implementation stages of the environmental justice plan. Among other things, this process considers the current status of environmental justice conditions and impacts at the community level, relationships and services of the various regulatory agencies and advocacy groups, and the proactive and reactive methods of communications between state agencies and the public regarding environmental issues. The subgroup is also charged with identifying effective tools and techniques to enhance public participation.

II. Context and Assumptions

The Public Participation subgroup relied on the definition of environmental justice included in the Environmental Justice Executive Directive:

Environmental justice means the fair, non-discriminatory treatment and meaningful involvement of Michigan residents regarding the development, implementation, and enforcement of environmental laws, regulations, and policies by this state.

By definition, then, an environmental justice plan must incorporate comprehensive provisions to meaningfully include the public in legal and policy decisions related to environmental issues. The work of this subgroup is critical to the overall plan because full public participation, especially by communities that have been disparately impacted by previous environmental policies or practices, is important to

ensure that future decisions result in more equitable impacts. Indeed, full public involvement in governmental decision-making is a basic tenet of democracy.

The Public Participation subgroup assumed that to facilitate public input an environmental justice plan must be as flexible and diverse as the public itself. Accordingly, the subgroup's report is based on the following premises:

- The term "public" is used in its broadest sense to include anyone who may have an interest in, or be affected by, an environmental program or decision. While this definition is broad, the subgroup recognizes that within that public exist several smaller subpopulations that must have input regarding specific policies. The actual demographics of the interested and affected public may change both over time and with each specific policy being considered.
- Proactive education efforts must be present in the statewide plan. Effective public involvement can only occur if the public has access to background information and understands the issues being discussed.
- Because public involvement is a dynamic process, the environmental justice plan should contain effective methods to measure public input. These may include counting the number of attendees at public meetings and surveying participants.
- The plan should seek to create a cycle of better information and better decisions. Improvements in public outreach improves the information used to make decisions, resulting in better decisions.
- The various public outreach activities described assume the use of translators and interpreters for the benefit of stakeholders who may be more comfortable speaking or reading a language other than English.

Finally, the Public Participation subgroup assumes that the indicated toolkit and recommendations are designed to work in tandem with the Petition Process being developed by another subcommittee. The Petition Process will likely become the primary means by which residents can provide feedback to agencies regarding the impacts of environmental decisions. The recommendations provided by the Public Participation subgroup assume the existence of a working petition process that can be publicized.

III. Relevant Models and Experience

In order to understand how other states have successfully incorporated meaningful public involvement into state environmental justice plans, the subgroup enlisted interns with the DEQ to perform a survey of agencies in other states.

The results of the survey indicated two categories of efforts that the states used to address public participation regarding environmental justice issues. The first category involves placing the responsibility on government actors to encourage meaningful public involvement. Here, state agencies working on projects in areas

susceptible to environmental justice concerns must proactively take steps to ensure their projects do not disenfranchise the local populace, and provide the community at-large with a meaningful say in the decision-making process, regardless of race, income, or ethnicity.

The second category involves placing the responsibility on non-government actors who already require agency approval for their activities in the area of concern. In these cases, public participation can be enhanced by requiring or encouraging companies to collaborate with the state agency regarding outreach efforts and/or to perform outreach efforts on their own.

In addition to the above two categories, the review of other states revealed several more specific principles related to public participation in environmental justice activities. The Public Participation subgroup identified these items as potential techniques to include in Michigan's Environmental Justice Plan (see below). In a perfect world, most of these techniques could be employed on virtually every decision or issue. However, given Michigan's current budget situation, this is not likely. Consequently, the involved public and private actors in each decision should have the option of selecting those items that are most appropriate given the circumstances.

Make Public Participation Meaningful

- Outreach needs to be ongoing to build relationships and establish trust between residents, community groups, and the agency.
- Outreach needs to empower the people. Communication should be “two-way” in that the agency not only offers an outlet for the public to learn and comment, but offers valuable responses and feedback to the local community.
- Outreach needs to occur early in the process. Traditional methods used to inform the public and receive input through formal public comment periods often do not allow adequate time for agencies, companies and the public to collaborate and develop innovative solutions to difficult environmental problems.
- Avoid employing methods that will have a negative impact on the trust relationship.
- Take advantage of the diversity of the agency's staff. Use these members when communicating with the public to make residents feel more comfortable and help establish trust.
- There needs to be a strong sense of accountability within the agency to its own policy and implementation strategies.

Educate Relevant Staff Members on the Topic of Environmental Justice

- Effective two-way communication involves strong local neighborhood and residential organizational capacity and understanding within both the state agencies and the community.
- Topics in training should include environmental justice training, effective relationship-building, collaborative negotiation techniques and strengthening

local cultural awareness. The training could be provided by the Environmental Protection Agency (EPA) or other federal and state entities.

- Agency members need to know:
 - *Who* is affected and *where* they are located.
 - *What* type of information needs to be provided to the public and *how* can that information be provided in the most effective and efficient way.

Outreach and Public Notification

- Outreach should be in a manner that allows state agencies to effectively and efficiently communicate with the affected public. Agencies can utilize a number of different mechanisms to determine which information disseminating technique or “tool” will be appropriate based on the circumstances.
 - Toolkit Includes:
 - Telephone “hotline” access during business hours to relevant parties
 - Factsheets
 - Public notices
 - Community newsletters
 - Newspaper postings
 - Mailing lists (email or hard copy)
 - Providing documents in “plain English” and/or appropriate languages for the community
 - Direct contact/meetings with community groups and leaders
 - Soliciting and receiving comments via e-mail
 - Issuing press releases to remind the public of meetings or hearings
 - Attendance lists at meetings/hearings (though should be voluntary)
 - Repositories of historical records and policy documents related to environmental justice issues
 - Community Technology Centers (described below)
 - Community Meetings/Public Hearings
 - Webcasts of community meetings/public hearings
 - Online forums for stakeholders and residents to voice their concerns
 - Conducting collaborative meetings in the community at which environmental groups as well as the company and the agency participate as presenters
 - Focus Groups
 - Environmental Justice Advisory Committee comprised of key stakeholders
 - Should consist of private sector businesses, community groups, government, and other interested parties
 - Ask to gather public input from their constituents
 - Posting site specific information on-line
 - Conducting follow-up surveys of public participants

- The 2008 MDEQ/MDNR/MDA Leadership Academy developed the Matrix Tool (Attachment B) from the International Association for Public Participation matrix provided by Dr. Maureen McDonough from Michigan State University. The Matrix Tool identifies specific public participation techniques for agencies to utilize relative to the level of public participation that they wish to achieve. Those levels of involvement are Inform, Consult, Involve and Collaborate. For example, some techniques tend only to inform, while others tend toward the other levels of involvement. The Matrix Tool also compares the public participation techniques to key performance measures.

Electronic Access and Public Participation

- Increase electronic access to build public participation by first establishing a user-friendly environmental justice website that is clear and simple to navigate and read. On this website post public notices, environmental justice policy, public permit information, and other documents for public review in plain language and translated into another language if necessary. Use any combination of the tools from the “toolkit” to encourage online participation and communication.
- Encourage the donation of excess computers and technology to community centers, libraries, etc., to establish “Community Technology Centers” for the purpose of benefitting those low-income or minority groups that do not have access to the internet. Connect community groups to all aspects of state agencies including computer-based research, internet research, risk assessment, and online training programs that will enable community residents to become aware of important agency functions such as inspection programs, enforcement activities, monitoring results, grant opportunities, etc.

Community Meetings

- When requested by a member of the public, or when a site or project is of heightened interest and importance, a community meeting should be held for the purposes of disseminating information, documenting community concerns, and engaging public discussion.
- Community meetings should be organized in a manner that is accessible to the public. Scheduling of meetings should be sympathetic to those with demanding work schedules, and childcare needs. Agencies should receive input from the community before scheduling these meetings, and should allow parents that have childcare responsibilities to bring along their families. Language translators and reasonable accommodations for disabilities should be considered as part of the planning of community meetings and all facilities should be fully accessible.

Identify Community Leaders

- One of the easiest ways to gain the trust of local residents and to effectively communicate with them is through the people they trust and respect. It is important to identify these community leaders and establish relationships with

them. Community leaders may be from religious, environmental justice advocacy, medical, educational, or any other institution that serves the community on a regular basis. Working with these groups or individuals will not only establish trust within the community, but will grant insight into the community's needs and concerns, putting the agencies in a better position to address those needs.

Cooperation with Other Entities

- Success of these programs comes from inter-agency partnerships and cooperation with other entities such as academic institutions. Agencies should consult other Michigan agencies to see how they can work together to achieve the same goals. Collaboration will be useful in areas that involve some type of study or information gathering. (*e.g.* Geographic Information Systems (GIS) usage in identifying environmental justice areas, translation of documents.)

IV. Recommendation

Based on the charge of the Public Participation subgroup, and the review of environmental agencies in other states, this subgroup makes the following recommendations in three stages:

During the Development of the Statewide Plan

The Environmental Justice Working Group Public Participation subgroup will elicit comment and input from interested parties to assist in the development of a statewide Environmental Justice Plan. Specific efforts will be made to involve the environmental justice community. In doing so, however, there must be recognition of the existing resource and time constraints. Given these limitations, the subgroup recommends the following actions:

1. Input from interested parties was obtained through the "Resource Group" process on priority issues. The Resource Group is comprised of individuals who have expressed an interest in assisting the development of the state environmental justice plan or who have been identified as being able to contribute expertise or perspectives to the effort. This group should be used as evaluators once the draft Environmental Justice Plan is completed.
2. The subgroup has already completed a series of focus group meetings in Southwest Detroit, Saginaw, Petoskey and Benton Harbor. The group may hold at least one more focus group meeting as needed to assure geographic coverage. In addition, members of the subgroup continue to visit the regular meetings of organizations around the state that have indicated an interest in environmental justice issues. During these meetings, participants are given information regarding environmental justice and the workgroup, and then asked to discuss a series of questions.

The subgroup recommends that the attached information (Attachment A) secured from these discussions be incorporated into the creation of the statewide plan.

Public Comment on the Draft Plan

The public should also be given sufficient opportunity to comment on the statewide environmental justice plan before it is finalized. We propose a public comment period of at least 60 days. Subject to cost, notice of the comment period and availability of the draft plan would be made in the DEQ Calendar, several major newspapers located throughout the state, and local community newspapers identified to the Environmental Justice Working Group. The draft plan would be made available in electronic format on the DEQ Website, communicated to Local Health Departments (LHD) with a suggestion to place a link on the LHD websites, and in hard copy at each of the DEQ's eight district offices and two field offices. LHDs would be encouraged to make hard copies available upon request. The DEQ would also inform the Resource Group and Focus Group participants and environmental community organizations and others who provided input in development of the draft plan of the opportunity to comment on the draft plan.

It is possible that the state environmental justice plan will consist of individual components developed at different times covering specific topic areas. In this case, there should be an opportunity for public comment on each component before it is finalized.

Completed Environmental Justice Plan

Once the plan is finalized, the group recommends that the state and each of its agencies utilize the above mentioned toolkit to secure meaningful public participation. Again, items can be used in various combinations within the limitations of time and state resources. The group further recommends that agencies create program specific mechanisms for measuring public participation. Such methods may include measuring the number of attendees to community meetings, feedback contacts regarding various issues or projects, or implementing surveys.

The Public Participation subgroup is aware that another subgroup is responsible for developing recommendations for a Public Petition process as part of a statewide environmental justice plan. It is worth noting that during the focus group meetings chaired by the subgroup, a number of participants emphasized the importance of the plan including the opportunity for, and the means to, petition the Executive Branch to raise concerns about future projects that may adversely impact environmental justice communities.

We believe the Petition Process being developed by that subgroup will be the most critical component of facilitating public feedback on environmental justice issues. The work of this subgroup is primarily to augment the petition process by providing guidelines and a toolkit for public outreach. The public must be informed and aware

of environmental justice issues and any relevant decisions before they can fully take advantage of any petition process.

V. Alternatives

No alternatives were considered and rejected by the subgroup. However, the number of formal focus group meetings was limited to four due to existing resource and time constraints. Also, the amount of public advertising regarding the draft plan will also be subject to cost and budget considerations. More public input was provided from the various organizational meetings during the same time period.

VI. Comment Information

All comments on this subgroup report are due August 12, 2009. Please send them to Harold Core at coreh@michigan.gov.