

Environmental Justice Working Group
Role of Local Units of Government Subgroup
October 2, 2009

I. Issue Statement

This report summarizes the findings of the *Role of Local Units of Government Subgroup*. The subgroup was charged with the task of recommending a uniform approach which local governmental bodies may use to ensure the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, income, or education level, in environmental decision-making. The group specifically focused on defining measures which better equip local units of government to: (1) identifying EJ areas and issues; and (2) acting as a liaison between state and federal government and community members. In order to address this charge, the subgroup used the following approach:

- A. Members completed a search of existing EJ plans which include local units of government.
- B. Next, the group met to discuss the findings of their search.
- C. The subgroup examined the initial findings of the other subgroups.
- D. Enlisted the services of MDEQ Legal Externs to:
 - i. Complete a more exhaustive research to determine if there are existing EJ plans which involve local units of government.

II. Context and Assumptions

Executive Directive No. 2007-23 calls for the development of an environmental justice plan which develops a means to identify, address, and prevent discriminatory effects and disparate impacts of environmental decisions while assuring meaningful involvement of individuals from the effected communities. Section II.A.1 and Section II.A.5 of the Directive states,

“The Department of Environmental Quality shall develop and implement a state environmental justice plan to promote environmental justice in Michigan. The plan shall: identify and address discriminatory public health or environmental effects of state laws, regulations, policies, and activities on Michigan residents, including and examination of disproportionate impacts and 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 role of local units of government (LUGs) can play a valuable and important role in both areas of the environmental justice. Local governments interact with the community as well as state government departments and agencies on a daily basis,

establishing them as an effective vehicle in which residents may articulate their concerns involving environmental justice issues.

The role of local government can be a valuable and important role in both areas of environmental justice. Since LUGs interact daily with both the community and state governmental agencies, they can become effective vehicles that allow residents to articulate concerns involving environmental justice. This means of information exchange could then assist state agencies by identifying EJ issues more timely and provide opportunities for them to utilize their EJ resources more efficiently and effectively.

Assumptions:

- 1) Local governments are well positioned to identify the most problematic environmental justice areas within its own community and to diagnose the particular problems associated within these areas.
- 2) Local governments are well suited to communicate with the public, as they interact with community members on a daily basis.
- 3) Local and state units of governments have communication mechanisms currently in place which, when utilized effectively, would allow them to have a transparent and consistent means to reciprocate information early within the process of siting a facility.
- 4) Local units of government have an obligation to its citizenry to: a.) be knowledgeable of environmental concerns of residents and disparate health impacts within their communities; b) explore health risks as well as economic benefits when considering the siting of facilities; c) be capable of guiding residents through a petition process; 4) be willing to re-evaluate/re-establish zoning laws to eliminate disproportionate health burdens; and 5) maintain deliberative local political processes.
- 5) Local governments in environmental justice areas are more likely than not to spend its limited tax monies in areas that have immediate and visible effects, like stifling crime, or funding education, not only to appease the public but to get election votes.

III. Relevant Models and Experience

In researching existing programs, San Francisco, California was the only local unit of government found to have an EJ program. This local government program simply serves as a mechanism to distribute federal grants to potential EJ areas upon application and request. The cornerstone of this program relies on making sure environmental justice information is available to public (in this case, through the website which provides a lot of information in a user-friendly fashion) so that local residents and groups have easy access to grant money and various EJ tools (i.e., GIS.)

Based on the above reasoning, EPA guidelines for local government, and the City Government of San Francisco, it seems most feasible to limit the role of local government within the environmental justice framework to a few key areas, (1) identifying EJ areas and issues, and (2) acting as a liaison between state and federal government and community members. Further involvement may be too costly as well as cause conflict between government agencies as well as those proposing new businesses, developments, and/or jobs.

IV. Recommendation

Based upon the above noted findings, the Role of Local Government Subgroup recommends the following two concurrent tracks to address environmental justice in municipalities.

- A. Similar to the City of San Francisco Michigan local governments should establish a process to assist community groups to receive resources (i.e., grant funding, technical assistance, and/or educational information) which empower the citizenry to identify and address their unique EJ issues. This measure also addresses the outcry from citizens who feel that they are unfairly placed at a disadvantage when trying to interpret the technical information in documents. Funding for such activities could be attained through local governments: 1) applying for grant funding to be distributed to community organizations; 2) assessing an annual fee for existing and new facilities located in affected communities; and 3) petitioners seeking changes to operating permits because of the potential disparate impacts on the community.
- B. The second track will be more specific to each local municipality where appropriate agencies would be required to establish processes to identify, assess, and eliminate disparities in Michigan communities through Local Units of Governments (LUGs):
 - i. Ensuring that all pertinent local government agencies as well as State departments and agencies are involved in permitting processes. All would be required to exchange information and to commit resources (i.e., technical expertise) to the public. This is not to be view as anti-business but will ensure that residents have access to pertinent information for review before decisions are made (i.e., permit, license, etc.). Furthermore, collaboration at public hearings allows all parties access to the same information from the same source.
 - ii. Requiring a Public Notice Process to insure that notifications reach the proper audience (i.e., those within potentially impacted communities). This will encourage LUGs to engage in public hearings for all proposal that will use "Intensive Industrial" land use as developable property for residence within a half mile radius or that may be impacted due to truck traffic within a mile radius.

- iii. Revising local codes so that they are sensitive to cumulative impacts within communities and ensure compliance with environmental regulations and building codes.
- iv. Requiring public hearings regarding EJ issues during zoning ordinance review and revision process. This does not dictate whether a facility can be located within a particular area. However, this will force prospective developers to present the facility siting plans to the community, provide a platform for the community concerns to be heard, establish a community relation liaison, and develop a contingency and an evacuation plan, if necessary.

We do perceive that these activities could receive push back from operators and easily be halted by local politics. However, with eliminating disparities as an ultimate goal, considerable thought should be given to these recommendations.

V. Comment Information

If you have comments or concerns, please e-mail Pamela Smith at psmith@saginawcounty.com or call (989) 758-3801.