

# MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY ENVIRONMENTAL JUSTICE WORK GROUP

JULY 1, 2008

CONSTITUTION HALL, CONCON ROOM, 1:00 -4:00 PM

## Attendance:

- Rhonda Anderson, Sierra Club Environmental Justice Program Detroit
- Corina Andorfer, Staff Attorney, Michigan State Housing Development Authority
- Steven E. Chester, Director, Michigan Department of Environmental Quality
- Harold Core, Special Assistant to the Director, Michigan Department of Civil Rights
- Sylvia Elliott, Director of the Office of Legal Affairs, Michigan Department of Civil Rights
- Bryce Feighner, Air Quality Division, Michigan Department of Environmental Quality
- Lisa Goldstein, Executive Director, Southwest Detroit Environmental Vision
- Brad Van Guilder, Organizer, Ecology Center
- Chuck Hersey, Environmental Manager, Southeast Michigan Council of Governments
- Abed Houssari, Manager, DTE Energy
- Michael Johnston, Director of Regional Affairs, Michigan Manufacturers Association
- Tom Martin, Director of Policy and Legislative Affairs, Michigan Department of Labor & Economic Growth
- Paul Mohai, Professor, University of Michigan School of Natural Resources
- Dr. Vince Nathan, Director, City of Detroit Department of Environmental Affairs
- Lori Noblet, Community Impact/Environmental Justice Coordinator, Michigan Department of Transportation
- Oladipo Oyinsan, Michigan Department of Environmental Quality
- Linda V. Parker, Director, Michigan Department of Civil Rights
- Frank Ruswick, Senior Policy Advisor, Michigan Department of Environmental Quality (Moderator)
- Patricia Spitzley, Chief of the Office of Legal Services, Michigan Department of Natural Resources
- Sara Smith, Michigan Department of Transportation (Meeting Facilitator)
- Andy Such, EnviroPolicy Consultants
- Donelle Wilkins, Executive Director, Detroiter Working for Environmental Justice

## I. Introductions and Welcome

The meeting was called to order at 1:15 p.m. by Director Steven E. Chester, followed by individual introductions of everyone in the room. Director Chester thanked everyone for volunteering his or her time to work on the important work of assisting the Michigan Department of Environmental Quality in the development of a State Environmental Justice Plan, as mandated by Governor Jennifer M. Granholm in Executive Directive No. 2007-23. He also thanked Director Linda V. Parker, Michigan Department of Civil Rights, for her contributions to the establishment of this group, and for continuing to offer her expertise and the expertise of her department.

Director Chester explained the goals in developing an environmental justice plan, which are to develop a means to identify, address and prevent discriminatory effects and disparate impacts of environmental decisions, actions and policy, to develop policies and procedures for State operations, and to develop methods to avoid disparate impacts and seek action to remedy those.

Director Chester then introduced Ms. Sara Smith of MDOT, who will facilitate the workgroup's meetings.

Ms. Smith explained the meeting format and briefly reviewed the agenda. She then introduced Mr. Frank Ruswick, Senior Policy Advisor, MDEQ, who will moderate the workgroup meetings.

## II. Overview of Work Group

Mr. Ruswick explained that the Executive Directive No. 2007-23 is based on recommendations from MDEQ's Environmental Advisory Council of 2006, which called for an environmental justice working group of state officials who would "actively solicit public input" in developing a State environmental justice plan.

Mr. Ruswick then introduced Mr. Bryce Feighner, MDEQ Air Quality Division, who presented a PowerPoint show which highlighted defining moments in the environmental justice movement and included definitions of the terms *environmental racism*, *environmental justice*, *disparate impacts*, *meaningful involvement*, and *fair treatment*.

Mr. Ruswick continued with an explanation of what Michigan's environmental justice policy/plan must accomplish; it must *identify, address, and prevent disproportionate adverse health and environmental impacts and effects; encourage choices for enduring health while recognizing the need for social well-being and economic health; solicit citizen involvement in the process; and develop policies and procedures for State operations*. He went on to list the possible components of a State environmental justice plan: *disparate impacts, petition process, public participation, integration into MDEQ activities, inter-departmental integration, the role of local units of government, Federal requirements, and monitoring*.

## III. What Environmental Justice Means to Each Organization.

Mr. Ruswick led the members in a discussion of what environmental justice means to them, individually and organizationally, as well as their expectations. A summary of their comments follows:

- The (environmental justice) focus should be on public health first, economic impact second.
- The goal should be improving quality-of-life.
- The work group's intent, and the thought behind its recommendations, should be well documented.
- Never fail to recognize the contributions of environmental groups and advocates.
- Consider the next generation of environmental issues.
- Analyze the impact of every department's actions on all communities.
- What does environmental justice look like? What do we really want?
- Think outside the box for innovative solutions to pressing problems.
- Break out of the institutional inertia of thinking that existing regulations already protect everyone (that is not true.)
- Economics has to be a critical piece of the conversation in drafting a policy.
- Corporate cultures are imbedded; policy should include an outreach component to break down barriers.
- Keep the Executive Directive's exact instructions in mind during the drafting of the plan, don't get mired down with self-imposed expectations that become burdensome and deflect from the real work of the group.
- Assume that each State department has a potential, if not an actual, environmental justice plan and bring its information back to this group to help write the State plan.

#### IV. Validate Team Charter

Purpose. Ms. Smith led the group in a review and discussion of a draft charter (handout.) After considerable discussion, the members agreed that the primary purpose of the workgroup is to *develop a State environmental justice plan*. The secondary goals will be as listed on the Operating Charter and Guidelines draft.<sup>1</sup>

Meeting Schedule. Members decided to meet bi-monthly, on the second Monday of the month, from 1:00 to 4:00 p.m.<sup>2</sup>

Approval Path. At this time, Director Chester and MDEQ bear the main responsibility for developing the plan. The Environmental Justice Working Group is specifically required by the Executive Directive and will be the vehicle for formulating the content of the plan. In addition, DEQ and Department of Civil Rights staff have suggested the formation of an Executive Committee to further advise Director Chester, track progress during months the Working Group does not meet, and help narrow issues before the Working Group. The Executive Committee is not designed to preempt the role of the Working Group. It is suggested that the Executive Committee consist of Director Chester (representing MDEQ), Director Linda Parker (representing MDCR), Mr. David Wade (representing MDCH), and three public members of the Working Group, as selected by the Working Group. After discussion, the members decided to table the decision to elect an Executive Committee until a later meeting.<sup>3</sup>

Operating Guidelines. The definition of ‘consensus’ was not understood completely by all of the members, and some did not feel comfortable with it as a decision-making process at this time. After discussion, members were asked to formulate their own definitions of ‘consensus’ and ‘commitment’ and bring those with them to the next meeting.<sup>4</sup>

Workgroup Norms. These bullet points, as well as other items in the Operating Charter and Guidelines, were not discussed. Members expressed the need to have more time to review the whole document before indicating approval.<sup>5</sup>

Other. Ms. Smith and Mr. Ruswick explained that a lot of consideration was put into the composition of the Working Group in an attempt to carefully balance the perspectives represented and an effective group size. It was also recognized that many other individuals and organizations could contribute to the development of the Environmental Justice Plan. Therefore, staff is developing a “Resource List” of others who could be involved during the process, but who would not formally be members of the Working Group. While ideas about additional members for the Working Group may be considered, it also may be more appropriate to place those individuals or organizations on the Resource List. Mr. Ruswick will provide the initial names identified for the Resource List, recognizing that these individuals have not yet been contacted. Criteria for nominating are names of groups or organizations that represent communities impacted by environmental policies or actions, and resource organizations not already identified as part of the workgroup but having the potential to contribute valuable input or expertise. Members were asked to submit those names at the end of the meeting, or by email.<sup>6</sup>

---

<sup>1</sup> Action Item: Change bullet point no. 2 under Environmental Justice work group Purpose to read, “Assist in the development of department *environmental justice* plans and review the plans to ensure they are consistent with the overall goals of the policy.”

<sup>2</sup> Action Item: Next meeting is (tentatively) scheduled for September 8, 2008, 1:00 p.m.

<sup>3</sup> Action Item: A point of discussion for a future meeting.

<sup>4</sup> Action Item: Define ‘consensus’ and ‘commitment’ as those words pertain to the EJ work group decision-making and conflict resolution process and be prepared to discuss at the next work group meeting.

<sup>5</sup> Action Item: Members will review the Operating Charter and Guidelines document and discuss at the next meeting.

<sup>6</sup> Action Item: Submit names of potential work group and resource members.

V. Determine Relative Priority of Issues.

Members were presented with a (draft) list of the components and priorities for the environmental justice plan. There was a short discussion about the merits of designing the plan to include all of the desired outcomes versus designing the plan to fit existing Federal requirements. Members expressed the need for more time to review the draft. Ms. Smith suggested that the members prioritize the items into three-tiers (low, mid- and high priority.)<sup>7</sup>

VI. How to Incorporate Public Comments. (Next Meeting)<sup>8</sup>

VII. Next Steps.

In conversation earlier in the meeting, Marathon Oil's recently approved oil refinery expansion in southwest Detroit was brought up. Marathon's project included several components that took environmental justice into account and after discussion, members concluded that the project would be a good case study to refer to while developing a State plan.<sup>9</sup> In addition, Mr. Ruswick distributed copies of "Environmental Justice for States: A Guide for Developing Environmental Justice Programs for State Environmental Agencies."<sup>10</sup>

VIII. Review the Day

Action Items/Agenda Items.

- Change bullet point no. 2 under Environmental Justice Workgroup Purpose to read, "Assist in the development of department *environmental justice* plans and review the plans to ensure they are consistent with the overall goals of the policy."
- Members will review the Operating Charter and Guidelines document and discuss at the next meeting.
- Define 'consensus' and 'commitment' as those words pertain to the EJ workgroup decision-making and conflict resolution process. **Email definitions to Ms. Smith by July 30, 2008**, and be prepared to discuss at the next meeting.
- Discuss the concept of an Executive Committee at next meeting.
- Members will review the Workgroup and Resource members list. Members may submit names of potential resource members to Ms. Smith by July 30, 2008.
- Members will review the EJ Plan Component list. Add additional subcomponents if needed. Determine the priority of subcomponents into high, medium, and low categories in terms of what subcomponent to discuss first. **Email the priority to Ms. Smith by July 30, 2008** and be prepared to discuss at the next meeting.
- Members should think about "How to Incorporate Public Involvement to the Working Group" for discussion at the next meeting.
- The workgroup will refer to the Marathon Oil Gasoline Refinery project for examples of environmental justice planning.
- Review *Environmental Justice for States: A Guide for Developing Environmental Justice Programs for State Environmental Agencies* document prior to the next meeting.

<sup>7</sup> Action Item: Review the Component/Priority list for discussion at the next meeting.

<sup>8</sup> Action Item: Discuss How to Incorporate Public Comments at the next meeting.

<sup>9</sup> Action Item: The work group will refer to the Marathon Oil Gasoline Refinery project as one model of environmental justice inclusion.

<sup>10</sup> Rhode Island Legal Services. 2006. *Environmental Justice for States: A Guide for Developing Environmental Justice Programs for State Environmental Agencies*. A Report to the U.S. Environmental Protection Agency. Providence, RI. The work group will review the *Guide* prior to the next meeting and refer to the document in the future.

- An agenda and directions to the location will be sent 2 weeks prior to the next meeting.
- Future Meeting dates:
  - Monday, September 8, 2008; 1:00 – 4:00 p.m.
  - Monday, November 10, 2008; 1:00 – 4:00 p.m.
  - Monday, January 12, 2009; 1:00 – 4:00 p.m.
  - Monday, March 9, 2009; 1:00 – 4:00 p.m.
  - Monday, May 11, 2009; 1:00 – 4:00 p.m.
  - Monday, July 13, 2009; 1:00 – 4:00 p.m.
  - Monday, September 14, 2009; 1:00 – 4:00 p.m.
  - Monday, November 9, 2009; 1:00 – 4:00 p.m.

Mr. Ruswick thanked the members for their participation. Next meeting is September 8, 2008, 1:00 p.m. Location: MDOT Horatio S. Earle Learning Center, Lansing

*Lynn McNamara*  
Recording Secretary  
Michigan Department of Civil Rights