MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL JUSTICE WORK GROUP

SEPTEMBER 8, 2008
MDOT HORATIO S. EARLE LEARNING CENTER
STATE SECONDARY COMPLEX, DIMONDALE
1:00 -4:00 PM

Attendance:

- Rhonda Anderson, Sierra Club National Environmental Justice Program - Detroit
- Corina Andorfer, Staff Attorney, Michigan State Housing Development Authority
- Steven E. Chester, Director, Michigan Department of Environmental Quality
- Summer Cohen, Coordinator, Keeweenaw Bay Indian Community THPO
- Linda Dykema, Michigan Department of Community Health
- Bryce Feighner, Air Quality Division, Michigan Department of Environmental Quality
- Lisa Goldstein, Executive Director, Southwest Detroit Environmental Vision
- Sara Gosman, Lecturer, University of Michigan Law School
- Chuck Hersey, Environmental Manager, Southeast Michigan Council of Governments
- Abed Houssari, Manager, DTE Energy
- Brian Kandler, Detroit Regional Chamber
- Tom Martin, Director of Policy and Legislative Affairs, Michigan Department of Labor & Economic Growth
- Paul Mohai, Professor, University of Michigan School of Natural Resources
- 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
- Robert Sills, Michigan Department of Environmental Quality
- Joann Simon, MDOT (Meeting Facilitator)
- Pamela Smith, Saginaw County Dept. of Public Health
- Patricia Spitzley, Chief of the Office of Legal Services, Michigan Department of Natural Resources
- Brad van Guilder, Organizer, Ecology Center
- Olatunbosun Williams, Michigan Department of Transportation

I. WELCOME & LOGISTICS

The meeting was called to order at 1:15 p.m. by facilitator Joann Simon, followed by individual introductions by everyone in the room and a brief review of the proposed Agenda and meeting materials.

II. VALIDATE MEETING MINUTES

The minutes of the July 1, 2008 workgroup meeting were approved as presented. Ms. Simon reiterated the importance of meeting Action Item deadlines in between meetings to move the workgroup product forward.

III. VALIDATE TEAM CHARTER

A. Purpose. It was agreed to make changes as follows:

Change the first bullet point to read: *"Assist the Michigan Department of*

Environmental Quality Director in the development of a state Environmental Justice Plan." [1]

Change the second bullet point to read: *"Assist in the … goals of the policy as described in Executive Directive No. 2007-23."* [2]

B. Meeting Schedule. Future meeting locations will be decided two months in advance to the extent practical. Director Chester suggested that some meetings could be conducted in Detroit to accommodate the many members of the workgroup who are from that area; members were receptive to this suggestion, and it was decided to look for a meeting location in Detroit for November. On behalf of MDCR Director Linda Parker, Lynn McNamara offered to check on the availability of a meeting room at the Cadillac Place. Member Chuck Hersey also volunteered to check on the availability of space on November 10 at SEMCOG's offices. Director Chester will confer with Director Parker after today's meeting about this matter.[3]

C. Approval Path. This section was neither approved nor rejected, pending the outcome of future decisions about an Executive Committee (see also, *E. Backup Decision Making Process and Issue Resolution*, below.)

D. Regarding the Operating Guidelines section, there was lengthy discussion about the definition of consensus and the decision-making process to be employed by the workgroup, including the acknowledgement that consensus involves best faith efforts, a commitment to reach consensus, and a voiced expression of agreement (i.e., silence should not be considered 'agreement.') It was agreed to make changes as follows:

Change the definition of 'consensus' in Prime Decision Making Process section to read:

"*Consensus is not the same as 100 percent agreement. In consensus, team members determine that they actively support the decision of the team, even though it might not be their preferred choice. How do you know you have reached consensus? When each member can say with confidence, "My personal views and ideas have been really listened to and considered," "I have openly listened to and considered the ideas and views of every other team member," or "Whether or not this decision would have been my choice, I can support it and work toward its implementation."* [4]

E. Backup Decision Making Process and Issue Resolution. The discussion centered on the tie-in of these processes to establishing an Executive Committee, a discussion topic held over

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[1] Action Item: Proposed Operating Charter Purpose, bullet point one will be amended to read *"Assist the Michigan Department of Environmental Quality Director in the development of a state Environmental Justice Plan."*

[2] Action Item: Proposed Operating Charter Purpose bullet point two will be amended 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 as described in Executive Directive No. 2007-23."*

[3] Action Item: L. McNamara (MDCR) will check on availability of a meeting room at the Cadillac Place Building in Detroit. Chuck Hersey (SEMCOG) will check on the availability of a meeting room at the SEMCOG offices. Directors Chester and Parker will confer and determine the meeting location for November, 2008.

[4] Action Item: Proposed Operating Charter Guidelines-Prime Decision Making Process will be revised to reflect the longer definition of 'consensus,' above.

from the July meeting. The main questions posed by members were, what the powers and parameters of an executive committee, and who will be the members of that committee?

Director Chester said that while ultimate responsibility for the development of an environmental justice plan lies with the MDEQ, under his direction, that does not mean he is empowered to wield unilateral power over the workgroup or their product(s), nor is he desirous of that. The idea of an executive committee was conceived primarily to provide a mechanism for resolving conflict within the workgroup, should such a conflict arise.

As a compromise for working through this topic, it was suggested that an alternative to an executive committee might be more palatable. The alternative might consist of a Work Team (for administrative functions to help move the work forward, such as doing background research, preparing meeting materials, and coordinating and planning meetings) and an Ad Hoc Team (for addressing impasse issues or lack of consensus within the main workgroup), with both teams responsible for providing feedback to the core workgroup. This still does not fully resolve stalemate or lack of consensus circumstances, but will serve as a springboard for the next step. Paul Mohai, Ola Williams, Adeb Houssari and Corina Andorfer agreed to meet as a subcommittee to evaluate this alternative process and will report back to Director Chester with their conclusions and recommendations no later than two weeks prior to the November meeting. Director Chester will make provide the recommendation to the full Working Group for discussion at the November meeting.[5]

F. Address Conflicting Priorities. It was agreed that members should make meetings a priority, but in the case of an emergency, a sole, designated representative should attend and be ready to participate in the workgroup process. Each member will provide the name of one alternate by the end of next week to Sara Smith.[6] It was further agreed to make changes as follows:

> Change the second sentence of the bullet point to read: *"It is the prime participant's responsibility to identify and inform the designated alternate in preparation for the session, and the designated alternate must update the prime participant following the session."*[7]

G. Communication. There were no changes to the proposed Charter language. It is implied and understood that the word 'secondary' refers to a method of communication, not to a designated alternate (member.)

H. Workgroup Norms. There was discussion about core workgroup membership and potential resource persons or groups, with acknowledgement that there might be current core members who would self-identify as resource, rather than core, members. In fact, there have been three new members asked to join the core workgroup: Ms. Pamela Smith from the

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[5] Action Item: Members Mohai, Williams, Houssari and Andorfer will evaluate the proposed alternative to an Executive Committee and report their recommendations and conclusions to Director Chester no later than October 27, 2008.
[6] Action Item: Each member of the workgroup will designate one alternate to attend the meetings in their absence and email that information to Sara Smith no later than September 19, 2008.
[7] Action Item: Proposed Operating Charter Address Conflicting Priorities , second sentence of the bullet point will be amended to read: "*It is the prime participant's responsibility to identify and inform the designated alternate in preparation for the session, and the designated alternate must update the prime participant following the session."*

Saginaw County Dept. of Public Health, Mr. Brian Kandler from the Detroit Regional Chamber, and Ms. Sara Gosman from the University of Michigan Law School. Members were asked once more to identify additional core team members, resource persons or groups by emailing Sara Smith within the next two weeks. Director Parker and Director Chester will discuss any suggestions received and bring that information to the next meeting. [8] Nominations for membership should promote geographic, ethic and other diverse attributes, such as the senior/aging population, Native American/Sovereign Nation status, mother tongue/language spoken, and other niche community affiliations.

Regarding the first bullet point in this section, communication with customers and stakeholders, there was lengthy discussion about ways to involve the public and tap into resources that will inform and guide the workgroup. For further details, see *V. How To Incorporate Public Involvement*, below.

Members were asked to submit any additional changes or recommendations the for *Workgroup Norms* section to Sara Smith via email by the end of next week.[9]

IV. Determine Relative Priority of Components

Voting on priorities was tabled until next meeting; however, members were asked to review the handout, *DRAFT – List of Components of the Environmental Justice Executive Directive*, and email any comments to Sara Smith by the end of next week. [10]

V. How To Incorporate Public Involvement. Public involvement is a key component of the workgroup process. As such, the workgroup could:

- Become educated about environmental justice in preparation for working with the public[11]
- Keep the mission of the workgroup in mind in determining the outcomes desired when communicating with customers and stakeholders
- Post workgroup progress on a new or existing MDEQ or environmental justice web site
- Solicit information from, and share progress with, the workgroup's constituent communities
- Conduct public hearings or forums
- Design public outreach and education with cultural sensitivities in mind
- Design public outreach and education with flexible schedules to accommodate the public's limited availability
- Invite resource persons to make presentations to the workgroup

[8] Action Item: Suggestions for additional core members or resource persons can be submitted to Sara Smith by email no later than September 22, 2008.
[9] Action Item: Suggestions for any changes to Proposed Operating Charter Workgroup Norms section can be submitted to Sara Smith by email no later than September 19, 2008.
[10] Action Item: Members will review *DRAFT – List of Components of the Environmental Justice Executive Directive*, and can submit comments to Sara Smith by email no later than September 19, 2008; voting on the priority list will be on the November 10, 2008 meeting Agenda.
[11] Action Item: Member Bryce Feighner will forward his PowerPoint presentation, *A Brief History of Environmental Justice*, to Frank Ruswick or Sara Smith, who will forward it to members. Member Sara Gosman will forward a PDF copy of a supplemental article on environmental justice to Sara Smith, who will forward it to members.

- Implement focus groups to gather information on topics of interest
- Seek out non-traditional venues for public involvement

Members Pat Spitzley, Rhonda Anderson, and Brad Van Guilder agreed to meet as a subcommittee to begin developing a public involvement plan, including agency participation. They will report their conclusions and recommendations to Director Chester no later than two weeks prior to the November meeting. . Director Chester will make provide the recommendation to the full Working Group for discussion at the November meeting [12]

VI. Next Meeting Topic(s)

Review recommendations on Executive Committee v. alternative resolution process
Review and Conclude Team Charter Validation
Vote on Relative Priority of Components
Review initial Public Involvement Plan recommendations

VII. Next Steps and Review the Day

Action Items:

- Amend the Proposed Operating Charter Purpose bullet point one to read *"Assist the Michigan Department of Environmental Quality Director in the development of a state Environmental Justice Plan."*
- Amend the Proposed Operating Charter Purpose bullet point two 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 as described in Executive Directive No. 2007-23."*
- Locate an available meeting location in Detroit for the November 2008 meeting.
- Revise the Proposed Operating Charter Guidelines-Prime Decision Making Process to include the new definition of 'consensus.'
- Members Mohai, Williams, Houssari and Andorfer will evaluate the proposed alternative to an Executive Committee and report their recommendations and conclusions to Director Chester no later than October 27, 2008.
- Each core member of the workgroup will designate one alternate to attend the meetings in their absence and email that information to Sara Smith no later than September 19, 2008.
- Amend Proposed Operating Charter Address Conflicting Priorities, second sentence of the bullet point to read: *"It is the prime participant's responsibility to identify and inform the designated alternate in preparation for the session, and the designated alternate must update the prime participant following the session."*
- Suggestions for additional core members or resource persons can be submitted to Sara Smith by email no later than September 22, 2008.
- Suggestions for any changes to Proposed Operating Charter Workgroup Norms section can be submitted to Sara Smith by email no later than September 19.

[12] Action Item: Members Spitzley, Anderson and van Guilder will meet to develop an initial Public Involvement plan, and will report their recommendations to Director Chester no later than October 27, 2008.

- Members will review *DRAFT – List of Components of the Environmental Justice Executive Directive*, and can submit comments to Sara Smith by email no later than September 19, 2008; voting on the priority list will be on the November 10, 2008 meeting Agenda.
- Member Feighner will forward his PowerPoint presentation, *A Brief History of Environmental Justice*, to Frank Ruswick or Sara Smith, who will forward it to members.
- Member Sara Gosman will forward a PDF copy of a supplemental article on environmental justice to Sara Smith, who will forward it to members.

Next meeting: November 10, 2008, 1:00 p.m. Location: (TBD), Detroit

Lynn McNamara
Recording Secretary
Michigan Department of Civil Rights