



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

February 17, 2006

The Honorable Jennifer M. Granholm
Governor of Michigan
P.O. Box 30013
Lansing, Michigan 48909

Dear Governor Granholm:

We are pleased to transmit to you the enclosed recommendations of the Michigan Department of Environmental Quality's (MDEQ) Environmental Advisory Council (EAC) on Environmental Justice. We recommend that you incorporate these recommendations in an Executive Directive.

In April 2005, your office requested that the MDEQ consider the potential for a state policy on Environmental Justice through the EAC. The EAC consists of a wide range of interests affected by MDEQ operations, including the regulated community, environmental and citizen organizations, local government, and others. It was considered to be an ideal forum for discussion of this important topic.

Throughout much of 2005, the EAC learned about issues surrounding Environmental Justice and considered the potential for a state policy. Since the activities of several state departments affect Environmental Justice considerations, we invited Directors Olszewski and Jeff to join us. They, or their representatives, participated in many of the EAC discussions. We were also joined in those discussions by members of the Michigan Environmental Justice community.

The enclosed recommendations are the culmination of that effort. These recommendations were unanimously supported by the EAC, including members from DaimlerChrysler, the Michigan Manufacturers Association, Consumers Energy, Small Business Association of Michigan, LaSalle Bank, Herman Miller, National Wildlife Federation, West Michigan Environmental Action Council, Michigan Environmental Law Center, Lone Tree Council, Detroiters Working for Environmental Justice, and others.

The Honorable Jennifer M. Granholm
Page 2
February 17, 2006

Thank you for your consideration of these recommendations.

Sincerely,



Steven E. Chester
Director
Department of Environmental Quality



Linda V. Parker
Director
Department of Civil Rights

Enclosure

cc : Mr. John Burchett, Governor's Office
Ms. Theresa Bingman, Governor's Office
Ms. Lynda Rossi, Governor's Office
Ms. Dana Debel, Governor's Office
Mr. Kelly Keenan, Governor's Office
Ms. Janet Olszewski, Director, Michigan Department of Community Health
Ms. Gloria Jeff, Director, Michigan Department of Transportation



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

Recommendations for an Environmental Justice Policy for Michigan
Environmental Advisory Council
January, 2006

Introduction

In May 2005, Michigan Department of Environmental Quality (MDEQ) Director Steven E. Chester asked the MDEQ Environmental Advisory Council (EAC) to consider making recommendations for an environmental justice policy. This paper provides recommendations for such a policy and describes the steps the EAC took in developing the recommendations.

The EAC's consideration of environmental justice is unusual in that it could directly affect state agencies other than the MDEQ. As a result, Director Chester invited the directors of several other state agencies to participate in the EAC's discussions. The director or a representative of the Departments of Labor and Economic Growth, Community Health, Civil Rights, and Transportation, and the Governor's Interfaith Council, joined the discussion at one or more EAC meetings. In addition, several representatives of citizen organizations concerned with environmental justice also participated in the EAC discussions as the result of an invitation from Director Chester.

The EAC began its consideration of environmental justice with a presentation by, and discussion with, Professor Scot Yoder of Michigan State University, on the conceptual underpinnings of justice, generally, and environmental justice, in particular. At the next meeting, Professor Bunyan Bryant of the University of Michigan, informed the EAC of developments in environmental justice nationally and in Michigan. In addition, the EAC has reviewed a variety of source material, including the United States Environmental Protection Agency (U.S. EPA) and state policies addressing environmental justice, academic papers on environmental justice, and materials developed by the environmental justice community, nationally, and in Michigan. (See References, p. 4).

Throughout this report, "environmental justice" is used to mean the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

This report provides recommendations for the content of an environmental justice policy for Michigan. We recognize that these recommendations speak directly to the activities of the Executive Branch and thus assume it would be appropriate to adopt the policy through an action by the Governor.

Recommendations

1. Michigan should adopt an environmental justice policy to further the important social values of fair treatment and meaningful involvement. **Fair treatment** ensures that civil rights considerations are weighed in governmental action. **Meaningful involvement** provides citizens with an effective voice in decisions that affect their communities. Michigan should recognize the interconnection between policies that foster environmental justice and advancing social well-being and economic progress.

2. The environmental justice policy should be based upon the following principles:

Michigan government should identify and appropriately address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on citizens, both present and future.

Michigan should seek to prevent any group of people and particularly any group identifiable by race, color, national origin, or income, from having to bear a disproportionate share of negative environmental consequences.

Michigan should encourage economic, social, and environmental choices that provide for enduring environmental health while recognizing implications for social well-being, and economic progress to meet the needs of both current and future generations.

Michigan citizens should have the opportunity for effective citizen involvement in decisions affecting their communities, especially those impacting their environment and their health.

3. The environmental justice policy should be implemented through specific mechanisms:

Each department should establish an environmental justice plan that provides a strategy and mechanisms to ensure that environmental justice principles are incorporated into departmental decisions and practices. These plans should be developed through appropriate public involvement processes, be consistent with federal environmental justice programs, and provide specific mechanisms for monitoring and measuring the effect(s) of plan implementation. All plans should be implemented in a manner that maximizes realization of the environmental justice principles while minimizing or eliminating potential adverse social, economic, or environmental consequences not envisioned or intended by this policy.

The policy should establish an interagency working group to: (1) integrate and coordinate the actions of state departments in furtherance of environmental justice; (2) assist in the development of department plans and review the plans to ensure they are consistent with the overall goals of the policy; (3) develop performance goals and measures that address

both the progress of individual departments in implementing their environmental justice plans, as well as overall progress toward achieving the broader principles underlying the policy; (4) periodically review the progress of individual departments against these benchmarks; and (5) prepare an annual publicly available report on progress in meeting environmental justice goals. The interagency work group should establish a citizen's advisory panel to assist in its efforts.

4. The EAC discussed mechanisms for individual communities to further environmental justice interests. The EAC recommends that further consideration be given to such mechanisms including:
 - a. A self-designation process by which a community could nominate itself for targeted efforts to address environmental justice concerns, including the application of incentives to promote environmentally and socially responsible economic development.
 - b. A petition process to address the concerns that any group identifiable by race, color, national origin, or income, is or will be disproportionately and negatively impacted as a result of the development, implementation, and enforcement of environmental laws.

References

Burke, Maunda. Public Sector Consultants. (1999, February 12). Is the Environmental Justice Controversy Symptomatic of a Larger Problem?. *Public Policy Advisor*.

Campaign for State Action on Environmental Justice. (1991, October 27). 17 Principles of Environmental Justice.

Kaswan, Alice. (1999). Environmental Laws: Grist for the Equal Protection Mill. *University of Colorado Law Review*, 70 (2).

Lowry, A. & Stephens, T. (2001, December). Environmental Justice: The Environmental Justice Movement is Working to Prevent Racial and Social Discrimination in an Environmental Context. *Michigan Bar Journal*, 80 (12).

Lyle, June. (2000). Reactions to EPA's Interim Guidance: The Growing Battle for Control over Environmental Justice Decisionmaking. *Indiana Law Journal*. 75 (2).

Maurice and Jane Sugar Law Center for Economic and Social Justice. Health and Good Jobs Where We Live, Work and Play: Environmental Justice, Society and the Economy. (Undated).

The Michigan Department of Transportation Environmental Section's Guidelines for Addressing Environmental Justice in NEPA Documents. (August, 2005)

Campaign for State Action on Environmental Justice. Proposed Executive Order, State Actions to Address Environmental Justice in Minority and Low-Income Populations. (Undated).

New Jersey Environmental Justice Executive Order. (January 19, 2004).

Public Sector Consultants. (2002, April). Status of Michigan Cities, An Index of Urban Well-Being.