**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY**
**ENVIRONMENTAL JUSTICE WORK GROUP**

**MARCH 9, 2009**
**HANNAN HOUSE, DETROIT**
**1:00 -4:00 PM**

Attendance:

- Rhonda Anderson, Sierra Club National Environmental Justice Program
- Steven E. Chester, Director, Michigan Department of Environmental Quality
- Sylvia Elliott, Office of Legal Services, Michigan Department of Civil Rights
- 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
- Abed Houssari, Manager, DTE Energy
- Brian Kandler, Detroit Regional Chamber Government Relations
- Shawn Kimmel, Director of Policy Initiatives, Detroiters Working for Environmental Justice
- Paul Mohai, Professor, University of Michigan School of Natural Resources
- Lori Noblet, Community Impact/Environmental Justice Coordinator, Michigan Department of Transportation
- Oladipo Oyinsan, Michigan Department of Environmental Quality
- Kelvin W. Scott, Director, Michigan Department of Civil Rights
- Frank Ruswick, Senior Policy Advisor, Michigan Department of Environmental Quality
- Raymond Scott, City of Detroit Department of Environmental Affairs
- Robert Sills, Michigan Department of Environmental Quality
- Pamela Smith, Saginaw County Dept. of Public Health
- Sara Smith, Office of Great Workplace Development, State of Michigan
- Patricia Spitzley, Chief of the Office of Legal Services, Michigan Department of Natural Resources
- Brad van Guilder, Wayne County Community Organizer, The Ecology Center
- Donele Wilkins, Executive Director, Detroiters Working for Environmental Justice
- Willa J. Williams, Interim Director, City of Detroit Department of Environmental Affairs
- Emma Zavez, The Ecology Center

## I. WELCOME & LOGISTICS

The meeting was called to order at 1:07 p.m. by facilitator Sara Smith. Members were reminded to forward the names of potential new members for the subgroups to Frank Ruswick or Sara Smith.[1]

## II. VALIDATE MEETING MINUTES

The minutes of the January 12, 2009 workgroup meeting were approved as presented.

[1] *Action Item:* Submit names of subgroup candidates to Frank Ruswick or Sara Smith.

## III. FOLLOW-UP TO THE PUBLIC INVOLVEMENT PLAN

There were no additional comments on the Public Involvement Plan as previously presented.

## IV. FOLLOW-UP TO RESOURCE GROUP

A list of Affirmative Responders and Areas of Interest was distributed. Frank Ruswick will send a follow-up letter, asking responders to contact the subgroup chairs directly.[2] They will be added to the Work Group's minutes distribution list.[3]

## V. EPA STATE E.J. COOPERATIVE AGREEMENTS PROGRAM

Director Chester said that MDEQ intends to apply for these funds and would like the Work Group members' input on what kinds of EJ programs would be appropriate to the funds. He thinks EPA was looking for some level of specificity and project ideas that have not been done before; the funding is $160,000 over a three-year period. Recent project proposals that have been innovative and successful incorporated outreach to the community and job creation/workforce component.

Applications are due April 10. Bryce Feighner will forward the grant information to Work Group members.[4] Subgroup members can brainstorm together and submit written ideas to Bryce Feighner by March 20.[5]

Donele, Emma, Lori, Pam, and Paul volunteered to review potential ideas quickly.[6]

Lori can contact her contact at EPA Region 5 to brainstorm ideas. [7]

Donele and Shaun will brainstorm on EPA Care Grants[8] (Improving outreach: How would people know where to go in the process? How to identify data on health and how to integrate that data into the EJ problem? Ombudsman/interagency/one stop shop?)

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[2] *Action Item:* F. Ruswick will send a follow-up letter to the people who responded to the Subgroup Areas of Interest inquiry and instruct them to contact the subgroup chair/leader for the next step.
[3] *Action Item:* S. Smith will add 'affirmative responders' to the meeting summary distribution list.
[4] *Action Item:* B. Feighner will forward the EPA State E.J. Cooperative Agreements Program grant application information to Work Group members.
[5] *Action Item:* Subgroups should meet to discuss the EPA State E.J. Cooperative Agreements Program grant and decide if there are any project ideas incorporating their EJ topic that MDEQ can develop. They should respond to B. Feighner by March 20.
[6] *Action Item:* D. Wilkins, E. Zavez, L. Noblet, P. Smith, and P. Mohai will review grant project suggestions submitted to B. Feighner.
[7] *Action Item:* L. Noblet will contact EPA Region 5 staff for additional information and suggestions and respond to B. Feighner by deadline.
[8] *Action Item:* D. Wilkins and S. Kimmel will discuss ideas for an EPA Care Grant and respond to B. Feighner by deadline.

## VI. SUB TEAM REVIEWS

DISPARATE IMPACT. Several new members were added to this group. Bryce briefly reviewed the subgroup's written report.

EJSEAT is still in field-testing, and by necessity (because it is used across the board in 50 states), it excludes almost everything except the very basic data. It might be helpful for Michigan's plan to mirror the EJSEAT approach but be more comprehensive.

Questions: Can there be a community input/local response piece in item 7b? At what point can the focus be on proactive, rather than negative or halting approaches? What are the triggers and what kind of best practices can be incorporated? What about pilot projects? What about testing the disparate impact statement?

Bryce will work on refining the document with those questions and suggestions in mind.[9]

INTER-DEPARTMENT INTEGRATION. Brad van Guilder briefly reviewed the subgroup's written report.

Several other states have models of integration and cooperation. California looks at whether or not to fund process and does more oversight. New Jersey worked with public participation and the petition process, but their task force has been disbanded. Subgroup members will continue to follow up to look at other states, e.g., New York, Massachusetts and Illinois.[10] The subgroup wants to know what the Work Group wants to address, and what level of inter-dept cooperation would the Work Group like to see:[11] All staff coordinating their activities? An active facilitator? A virtual department with independent staff and resources? The Federal model tries to build cohesion with community. Does the executive directive set up an interagency council?

Inter-agency communication is an ongoing problem, as well as changes in administration. All agencies must define what EJ means to them, and understand that EJ is not just a "DEQ or DNR" thing.

Rhonda Anderson commented that EJ is a matter of race and class in Michigan.

INTEGRATION INTO MDEQ ACTIVITIES. Frank Ruswick briefly reviewed the subgroup's written report.

The subgroup concluded that the voluntary, incentive-based framework was favored over a strict, regulatory approach. A regulatory framework is more complicated, could imply that the current regulations are inadequate, or imply that there should be an alternative regulatory

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[9] *Action Item:* B. Feighner will incorporate suggestions made at this meeting to the Disparate Impact report.
[10] *Action Item*: Inter-Dept. Integration subgroup will continue to research other states' integration plans and report its findings in its next report.
[11] *Action Item:* The Inter-Dept. Integration subgroup needs input from all Work Group members regarding the kind of issues and what level of inter.-dept. cooperation the EJ plan should address.

process. However, the current regulatory standards and business as usual might not be protective enough: it would helpful to explore the real-life regulatory approach.

People want and need a clear definition of what the process is, and what environmental justice is. Business owners need to know when permits are required and have the best resources available to them to guide them through the process.

Training and resources to implement EJ policies and plans are contingent on budgeting and work force from year to year; it is good to have a good recognition of that up front. It's also important to know who receives the overall benefits, the macro or the micro community.

There were several suggestions: to create an 'ombudsman' who can offer technical experience or guidance when projects are proposed, and to tie Michigan's EJ plan in with the White House Urban Policy focus on 'livable and sustainable communities.'

Send objections or questions about the subgroup's recommendations and report to Frank. [12]

PETITIONS PROCESS. Sara Gosman briefly reviewed the subgroup's written report.

The subgroup surveyed six states' mechanisms and categorized them into three categories: Grievance Procedure, Environmental Advocate/Investigator or Petition Process. What they determined was that expectations (of a process, program or procedure) were often very high without the corresponding resources to back up the mechanism, e.g., there were no guidelines set up for the Petition Process in New Jersey. In Michigan, citizen representation might be too broad with only one advisory council/task force in place, so what about a quasi-government authority that has more authority or other sources of funding and thus more freedom to make somewhat independent decisions?

The subgroup's next step is to evaluate the research they've done on the three models, and they are benefiting from the work of a student at Princeton University who is reviewing the petition process as part of a thesis.[13]

PUBLIC PARTICIPATION. Subgroup has not met. Discussion is tabled until next meeting of the Work Group.[14]

ROLE OF LOCAL GOVERNMENTS. Subgroup has issued no independent report yet; members will be incorporating all other subgroups' work into their report.[15]

VII. NEXT MEETING TOPIC (S) - SEE NEXT ITEM

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[12] *Action Item*: Objections to or questions about the Integration into MDEQ Activities subgroup's recommendations should be sent to F. Ruswick before the next Work Group meeting.
[13] *Action Item:* Petition Process subgroup will evaluate the research they've already gathered and incorporate additional findings by the Princeton student into a follow-up report at the next Work Group meeting.
[14] *Action Item*: Public Participation subgroup report will be expected at the next meeting of the Work Group.
[15] *Action Item*: Role of Local Governments subgroup report will be expected at future meetings of the Work Group, based on the progress of the other subgroups' reports.

VIII. NEXT STEPS and REVIEW THE DAY

Subgroups will continue to refine their research and reports for next meeting.
Action Items:

- Work Group members should submit names of subgroup/area of interest candidates to Frank Ruswick or Sara Smith as soon as possible.
- F. Ruswick will send a follow-up letter to the people who responded to the Subgroup Areas of Interest inquiry and instruct them to contact the respective subgroup chair/leader for their next steps.
- S. Smith will add 'affirmative responders' to the meeting summary distribution list.
- B. Feighner will forward the EPA State E.J. Cooperative Agreements Program grant application information to Work Group members.
- Subgroups should meet to discuss the EPA State E.J. Cooperative Agreements Program grant and decide if there are any project ideas incorporating their EJ topic that MDEQ can develop. They should respond to B. Feighner by March 20.
- D. Wilkins, E. Zavez, L. Noblet, P. Smith, and P. Mohai will review grant project suggestions received by B. Feighner.
- L. Noblet will contact EPA Region 5 staff for additional information and suggestions and respond to B. Feighner by deadline.
- D. Wilkins and S. Kimmel will discuss ideas for an EPA Care Grant and respond to B. Feighner by deadline.
- B. Feighner will incorporate suggestions made at this meeting to the Disparate Impact report.
- Inter-Dept. Integration subgroup will continue to research other states' integration plans and report its findings in its next report.
- The Inter-Dept. Integration subgroup needs input from all Work Group members regarding the kind of issues and what level of inter.-dept. cooperation the EJ plan should address.
- Objections to or questions about the Integration into MDEQ Activities subgroup's recommendations should be sent to F. Ruswick before the next Work Group meeting.
- Petition Process subgroup will evaluate the research they've already gathered and incorporate additional findings by the Princeton student into a follow-up report at the next Work Group meeting.
- Public Participation subgroup report will be expected at the next meeting of the Work Group.
- Role of Local Governments subgroup report will be expected at future meetings of the Work Group, based on the progress of the other subgroups' reports.

Next meeting: May 12, 2009 (Tuesday), 1:00-4:00 p.m. in Lansing.

VIII. ADJOURNMENT. The meeting was adjourned at 4:15 p.m.

**Lynn McNamara**
Recording Secretary
Michigan Department of Civil Rights