Comment 31

From: DEQ-EJplan
Sent: Monday, April 12, 2010 9:08 AM
To: Crawford, Linda (DNRE)
Subject: FW: EJ Comments from Michigan Chamber

Attachments: EJ-MI Chamber.pdf

From: Roberts, Doug [mailto:DRoberts@michamber.com]
Sent: Fri 4/9/2010 4:27 PM
To: DEQ-EJplan
Subject: EJ Comments from Michigan Chamber

Please find attached comments from the Michigan Chamber of Commerce relating to the draft Environmental Justice plan.

Doug Roberts
Director of Environmental and Energy Policy
Michigan Chamber of Commerce
(517) 371-7673

Comment 31

MICHIGAN CHAMBER OF COMMERCE

April 9, 2010

Rebecca Humphries, Director
Michigan Department of Natural Resources & Environment
525 West Allegan Street
P.O. Box 30473
Lansing, Michigan 48909-7973

Subject: Comments on Michigan Environmental Justice Plan - December 11, 2009 Draft

Dear Director Humphries:

The Michigan Chamber of Commerce would like to express our strong opposition to the proposed Michigan Environmental Justice Plan (draft dated December 11, 2009). The proposed plan, if implemented, will slow the permit process and discourage economic growth in urban areas of Michigan. We urge you reject the proposed plan.

Furthermore, the December 11 draft document lists Doug Roberts, Jr., Michigan Chamber of Commerce as a member of the Environmental Justice Workgroup. I seek to have my name removed from the list of members. I have not participated in the process and do not support the recommendations of the report.

EO Creating New DNRE in Conflict with Draft EJ Plan

The proposed Environmental Justice Plan is in direct conflict with the Executive Order that established the new Department of Natural Resources and Environment. Executive Order 2009-45 creating the Department of Natural Resources and Environment specifically calls for the Department to "reduce the time for the processing and issuance of environmental permits" and to achieve "best-in-class permit processing times". The proposed Environmental Justice Plan will slow down the department's permit process. The Plan arbitrarily decides that the public notice and public comment requirement under the Natural Resources and Environmental Protection Act are not adequate. It is imperative for the state's overall business climate that the timeliness contained in the statutes not be extended for Environmental Justice reviews.

EJ Plan Will Discourage Economic Growth in Urban Areas

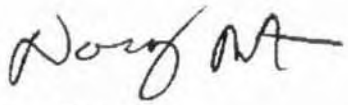
Many of our urban areas are facing high unemployment rates. The concept in the Environmental Justice Plan related to "areas of concern" could be extensive and have substantial impact to redevelopment in our urban areas. In 2004, the Michigan Chamber of Commerce actively participated in Governor Granholm's Land Use Leadership Council. The Chamber spent considerable time focusing on the sections related to urban revitalization. Many of the recommendations from the Land Use report focus on how to bring new business and investment into urban areas. The draft Environmental Justice Plan is in conflict with these goals. The establishment of areas of concern could broadly impact the ability to site economic development projects in urban areas.

Petition Process is Flawed

The draft Environmental Justice Plan sets up a process to allow for a petition to the agency to review environmental justice issues. Only 50 total signatures are needed to file a petition with only 25 from individuals in the impacted area. This low threshold sets up the opportunity for mischief and could delay the approval process. It is essential that any petition process not interfere with existing timeliness for approval of permits.

The Michigan Chamber of Commerce supports the DNRE's goal of avoiding civil rights law violations. However, the Michigan Chamber is very concerned that the proposed new framework will slow down the permit process and discourage economic development in our urban areas. Therefore, the Michigan Chamber urges you to reject the proposed Environmental Justice plan.

Sincerely,



Doug Roberts, Jr.
Director of Environmental and Energy Policy

Comment 32

From: DEQ-EJplan
Sent: Monday, April 12, 2010 9:08 AM
To: Crawford, Linda (DNRE)
Subject: FW: EMEAC comments on EJ Plan

Attachments: ejplanscomments.doc

From: ahmina.emeac@gmail.com on behalf of Ahmina Maxey
Sent: Fri 4/9/2010 4:35 PM
To: DEQ-EJplan
Subject: EMEAC comments on EJ Plan

Hello,

Attached you will find the East Michigan Environmental Action Council's comments on the December 2009 Draft EJ Plan.

--
Ahmina Maxey
Associate Director
East Michigan Environmental Action Council
www.emeac.org

87 E. Canfield St., Ste 4500
Detroit, MI 48201
248-258-5188 (office)
313-332-5389 (cell)
248-731-0040 (fax)

USSF DETROIT June 22-26, 2010
www.ussf2010.org

Comment 32

EAST MICHIGAN ENVIRONMENTAL ACTION COUNCIL

87 E. Canfield St., Ste 4500 • Detroit, Michigan 48201
Telephone: (248) 258-5188 • E-Mail: ahmina@emeac.org • Web: www.emeac.org

Friday, April 8, 2010

To Whom It May Concern:

The East Michigan Environmental Action Council supports a strong Environmental Justice Program for the State of Michigan. The December 2009 Draft Environmental Justice Plan is a first step towards our goal of environmental justice in the state of Michigan. To ensure the success of such a plan we ask the following:

- Formation of a strong Interdepartmental Working Group (IWG) as it is the core institutional structure of the plan.
- Review of the current outline for the petition process, to ensure inclusion of all.
- Full time staff position to carry out the directive, as the current version of the plan includes only a part-time position.

In Governor Granholm's Executive Order No. 2007 -23 "Environmental Justice" is defined as the fair, non-discriminatory treatment and meaningful involvement of Michigan residents regarding the development, implementation, and enforcement of environmental laws, regulations, and policies by this state. The implementation of this plan, with changes, will get us closer to our goal of true environmental justice for all.

Sincerely,

Ahmina Maxey
Associate Director
East Michigan Environmental Action Council

Comment 33

From: DEQ-EJplan
Sent: Monday, April 12, 2010 9:07 AM
To: Crawford, Linda (DNRE)
Subject: FW: Comments

Attachments: Final MI EJ Action Plan Analysis.docx

From: sidneykbrown@gmail.com on behalf of Sidney Brown
Sent: Fri 4/9/2010 5:27 PM
To: DEQ-EJplan
Subject: Fwd: Comments

---------- Forwarded message ----------
From: **Sidney Brown** <sidneykb@umich.edu>
Date: Fri, Apr 9, 2010 at 5:19 PM
Subject: Comments
To: DEQ-EJplan@michgan.gov

Please find my comments for the MI EJ Plan in the attached document.

All best,
~Sidney Brown

Comment 33

Sidney Brown
MI EJ Plan Analysis

1) Critique the plan; i.e., identify strengths and weaknesses.

The most immediately obvious strengths of Michigan's Environmental Justice Plan are its ability to educate readers across Michigan's state agencies and its foundation on an agency, academia, and community supported work group's processes. It does not assume a knowledgeable and environmentally justice driven audience, rather it seeks to create one. Environmental Justice is a young movement and is still closely associated with its roots in civil rights activism and environmental advocacy. Why this history is relevant, and why Michigan's agencies should address environmental justice concerns, is illustrated in the background section of the plan. The document also emphasizes the communities' view that "environmental justice and economic prosperity [do not have] to be mutually exclusive outcomes." (p. 5)

The work group's role is an important step in the establishment of cooperation between communities, academics, industry, and state agencies in the achievement of environmental justice goals. As will be further discussed, it would be beneficial if such a diverse group continued to exist and coordinate the implementation and evaluation of agency efforts in response to this action plan. Oregon used a similarly diverse and representative work group in its initial attempts at the integration of environmental justice into state agencies' actions, yet did not realize long-term affects until a permanent task force with mandated oversight power was created.

A weakness of this document is its failure to clearly define environmental justice before delving into the movement's roots. Although a definition is provided, it uses subjective expressions such as "meaningful public involvement" that are not explained until the second chapter. Given this document's purpose of guiding policy makers and administrators, it is pertinent to clarify what "environmental justice" before means before tracing its origins; although the latter provides a great deal of perspective, it would be strengthened by a more in-depth discussion of environmental justice's definition. Oregon has been engaged in the integration of environmental justice principles in state natural resource agency decisions and missions since 1993, and has shifted its language from "meaningful public involvement" to more concrete and illustrative. Oregon has also mandated cooperation between state natural resource agencies and the aforementioned environmental justice task force.

Another weakness of this plan is its cursory information on engagement of the limited English speaking population (LEP) - arguably the most vulnerable members of society. Some of the plan's wording (mentioned in subsequent sections of this analysis) makes LEP engagement sound elective. I would argue, however, that this population is at the highest risk of exploitation and regularly faces procedural injustice.

Lastly, the provision of an environmental justice toolkit of reference material and the establishment of a consistent cross-agency definition of environmental justice is well conceived. There are a few issues with the presentation of information and the agencies' anticipation of future needs, but this collection of information and Environmental Justice plan provide adequate

guidance for the initial and consistent incorporation of environmental justice principles into agencies' missions and projects.

2) What recommendations would you make to overcome the weaknesses?

Chapter 2 provides basic information that clarifies elements of environmental justice's definition. The introduction and "Make Public Participation Meaningful" sections should be placed before the background section. It is important for the reader to understand what environmental justice is before they explore its history and present context. Another option is to include text boxes in Chapter 1, clarifying the definition of environmental justice and referring the reader to Chapter 2's detailed discussion of "meaningful public participation." Each of these words is laden with importance, which is currently not evident until Chapter 2. Agencies should be given mandated, measurable objectives to indicate their progress toward increased public participation and should be offered incentives for progress. As seen in the case of Oregon's environmental justice legislation, a task force can be a useful tool to coordinate agency communications, gauge progress, generate communication between agencies and the public, and provide periodic feedback to the governor. Monitoring agency progress is currently delegated to the Michigan Department of Environmental Quality (DEQ), which may exacerbate any historical tensions between agencies – particularly if the DEQ is ineffective at addressing environmental justice issues. Although the Michigan EJ plan references California's use of interdepartmental work groups, it does not thoroughly consider a task force composed of individuals external to state natural resource agencies.

With regard to the limited English speaking population (LEP), this plan should continue to provide translated information but should anticipate agencies' future needs. To accomplish this, the toolkit should provide interpretation and translation resources in addition to information on determining local linguistic demands. Catholic Relief Services and the American Red Cross are generally well aware of local LEP populations and often have networks within these communities. Several American Red Cross chapters also use community volunteers to provide free interpretation and translation services; not only would this connection satisfy the agencies' linguistic needs, it would provide valuable contact with community members. The Environmental Justice plan underestimates the presence and needs of LEP populations. Phrases such as "translated into another language if necessary ". Multilingual documents should be the standard, not the exception, and "languages" would be more accurate. Lastly, literacy and computer access among English speakers and LEPs should not be assumed. Agencies should be urged to provide information orally, whether in radio public service announcements or in local gatherings to make initial contact.

Lastly, this plan could be strengthened by the discussion of how communities can contact agencies. The present draft heavily focuses on ways in which agencies can conduct outreach efforts, but spends little time on ways in which agencies can increase their public accessibility and transparency. The creation of a state-level website and the coordination of community contact and outreach might increase the cooperation between agencies and provide the public

with a more holistic perspective on how Michigan defines and plans to address environmental injustices. [1]

3) In addition to what you see in the plan, what should the State do?

In addition to the provisions in this plan, the State should set clear, measurable, mandated Environmental Justice targets and consequences for agencies. These goals would not ensure compliance, as a required number of public meetings or postings could be made without any intention of sincere "meaningful" public involvement. As discussed in response to question 4, a coordinating agency or task force could ensure consistency in perception and action across state agencies. A coordinating agency would likely increase efficiency and compliance but its creation and maintenance would require resources that the State of Michigan is currently short of. Earmarking resources agencies' environmental justice programs might be a more effective use of assets, but could also result in resistance from agencies that have inadequate resources to maintain current programs.

The plan would also benefit from references to similar state-level attempts to integrate environmental justice within state agencies. As already mentioned, Oregon has worked toward this goal for seventeen years and provides an interesting case study. Weaknesses in the Michigan plan - such as vague definitions of participation, lack of mandated agency cooperation, and limited resources - have already been addressed in Oregon. Although the two states have vastly different demographics, Michigan can potentially benefit from Oregon's lessons-learned.

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[1] http://governor.oregon.gov/Gov/GNRO/environmental_justice.shtml The website could be used to send a strong and unified pro-Environmental Justice message to the public and solicit feedback

Michigan natural resource agencies and the interagency work group might also be able to provide feedback on Oregon's methods, and may be able to pre-empt obstacles currently faced by Oregon's natural resource agencies and task force. This case study would be particularly useful if Michigan decides to support the integration of Environmental Justice in state agencies through legislation.

4) Identify probable obstacles to implementing the plan, both in terms of resources and political response.

This document's tone and lack of measurable requirements suggests that agencies are demanding an environmental justice plan to incorporate into their mission and projects. If agencies are less receptive to environmental justice concerns, they are unlikely to seriously consider its content. Also, as acknowledged in the plan, many agencies currently face inadequate funding and have very limited resources. Even if agency heads understand the importance of environmental justice and would like to integrate these principles, they may not have the human and financial resources to attempt more than a perfunctory implementation of an environmental justice program. As noted in the action plan, the Interagency Work Group lacks independent regulatory authority and can only suggest a path for agencies to follow and seek to address these agencies' concerns. (p. 28) This assumes a proactive response by state resource agencies; in the Oregon example, this assumption was misplaced and resulted in minimal compliance in subsequent attempts to gauge progress.

The actions proposed in this plan are unlikely to be implemented without the allocation of resources to responsible agencies. There is not clarity with regard to desired big-picture

outcomes, although the document successfully describes small-scale objectives. It would be useful to further highlight a few small, meaningful, and less expensive steps that agencies could take to address environmental justice concerns on their limited budgets. As the information is currently presented, several new employees could easily be hired to focus solely on community outreach – currently an unrealistic proposition. Even if strict requirements were incorporated and lead to this resource intensive outcome, the negative reaction of agencies may persist and make future environmental justice program creation and evaluation difficult. A piecemeal timeline of objectives may allow environmental justice to influence the DEQ and other agencies' projects despite the current recession. It would also establish a minimum yet progressive level of community involvement in each agency. The creation of a coordinating agency would be helpful, but would also strain the State of Michigan's resources. One recommendation would be to utilize volunteer participants in this agency, and to only cover their travel expenses. This would encourage participation from across the state, and would circumvent potential power struggles between agency representatives within the coordinating body. Lastly, sustained community, industry, and academic representation would help ensure a dynamic definition of Environmental Justice concerns and would add to the agencies' knowledge base.

Comment 34

From: DEQ-EJplan
Sent: Monday, April 12, 2010 9:08 AM
To: Crawford, Linda (DNRE)
Subject: FW: GR Chamber Comment on the Draft Environmental Justice Plan

Attachments: GRACC Comment on Draft Environmental Justice Plan.pdf

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From: Andy Johnston [mailto:johnstona@grandrapids.org]
Sent: Fri 4/9/2010 4:15 PM
To: DEQ-EJplan
Cc: Jeanne Englehart; Cumings, Troy
Subject: GR Chamber Comment on the Draft Environmental Justice Plan

Please find comment on the Draft Environmental Justice Plan from the Grand Rapids Area Chamber of Commerce attached.

Thank you.

Andy Johnston
Director of Legislative Affairs
p | 616.771.0335
f | 616.771.0318
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2009 MACP Michigan Outstanding Chamber Award

View our LinkedIn page at www.linkedin.com/pub/gr-chamber/12/279/65b
Visit us on Facebook at www.facebook.com/people/Grand-Rapids-Area-Chamber/1278836200
Follow us on Twitter at twitter.com/GRACC

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Comment 34

Grand Rapids Area
Chamber of Commerce

April 9, 2010

Michigan Department of Natural Resources and Environment
525 West Allegan Street
P.O. Box 30473
Lansing, Michigan 48909-7973

Re: **Comment on Draft Michigan Environmental Justice Plan**

The Grand Rapids Area Chamber of Commerce (Chamber) submits the following comments in response to the draft Michigan Environmental Justice Plan (Plan).

We appreciate the thoughtful effort of the Environmental Justice Working Group (Group) to create this draft aimed at ensuring the non-discriminatory treatment of Michigan residents in the development, implementation, and enforcement of environmental laws, regulations and policies. The draft Plan, however, imposes undue burdens on approval processes, requires increased state resources that are not available, and otherwise lacks clarity on many important issues. Therefore, the Chamber opposes the current draft and asks the Group to reconsider the following aspects of the Plan.

First, the Plan does not clarify its legal effect. Under the Michigan Administrative Procedures Act, the Plan would not have the force or effect of law. Nevertheless, the Plan speaks in terms of imposing new regulatory requirements that increase costs and create regulatory uncertainty in environmental justice areas. (Plan at 6). The Plan should clarify that it does not have the force or effect of law and does not bind the regulated community. These comments also apply to the proposed Environmental Justice Handbook, operational policy, agency-specific plans, and similar policies created pursuant to the Plan. (Plan at 15). Further, Article IX, Section 29 of the Michigan Constitution prohibits the state from imposing unfunded mandates on local units of government. (Plan at 30-31).

Second, we are concerned that the public-participation aspects of the Plan will slow down the department's decision-making process. This is an issue on which, under current policies, the Chamber has spent much time and effort working to improve. The Natural Resources and Environmental Protection Act contains many public-notice and public-comment requirements that include specific timelines. The Plan decides that these traditional methods often do not allow adequate time to collaborate and develop solutions

Connect. Grow. Succeed!

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to environmental problems. (Plan at 8). Although this may be the Group's position, that determination should not be used to extend timelines contained in statutes and rules for department decisions and otherwise should not create further delay in the department's decision-making processes.

Third, we are concerned with the concept of "areas of concern." The number of communities and geographical reach of the proposed areas of concern would be extensive and could have a substantial impact on site location and economic development in these areas. In addition, the areas of concern should be objectively defined and listed so that the regulated entities can take appropriate measures. Further, environmental-justice measures should only be triggered if a project is located in an area of concern and is of major significance, which should be determined objectively. This will better focus the state's limited resources and limit abuse.

Fourth, the petition process suggested in the Plan and based on the former New Jersey model is not sustainable. The Group acknowledges that Governor Corzine recently signed an executive order discontinuing the petition process that the Plan uses as a model. (Plan at 26). The Group explains that the petition process did not succeed in New Jersey because "the process lacked resources and commitment from top state officials." (*Id.*). Yet the Group acknowledges that Michigan faces the same obstacles that led to the demise of the New Jersey process. The Group explains that a constraint to implementation of the Plan will be the continued "significant reduction in general fund support" for agencies, which will "compel agencies to concentrate on a narrowing band of priority functions and activities." (Plan at 4). And "[i]nvestment in new activities and ways of conducting operations, such as called for in the Plan, will be increasingly difficult as a result." (*Id.*). So the Group adopts a process that was discontinued because of lack of resources and then concedes that Michigan will likely lack the resources to implement new activities such as the petition process. This is not sustainable. We suggest that the Group further review alternative strategies used in other states that are sustainable considering the current economic condition of Michigan.

Fifth, even if the state did have the resources to implement the petition process, we are concerned with the potential for abuse of the process. Only 50 total signatures are needed to file a petition, with only 25 signatures required from individuals living in the environmental justice area. In our estimation, this is not a sufficient threshold. Further, it creates the opportunity for a group opposing a particular project or permit request for reasons other than environmental justice to easily organize an effort to obtain the necessary signatures and file a petition to slow down the approval process.

Sixth, we are concerned that the Plan could lead to more stringent environmental criteria being applied in environmental justice areas. This should never happen and is in fact prohibited under the Administrative Procedures Act. If a project meets an applicable environmental criteria established by statute or rule, the department may not impose more stringent criteria based on environmental-justice reasons.

Practical enforcement of existing environmental laws, regulations and policies will bolster the state's continued work to attract and retain business, talent and investment. The Chamber supports further review of the draft Plan and thanks you for consideration of our concerns.

Sincerely,

Jeanne Englehart
President & CEO

Troy Cumings
Chair, Environmental Affairs Committee
Senior Counsel, Warner Norcross & Judd LLP

Andrew Johnston
Director of Legislative Affairs

Comment 35

From: DEQ-EJplan
Sent: Monday, April 12, 2010 9:08 AM
To: Crawford, Linda (DNRE)
Subject: FW: Comments on MI EJ Plan

Attachments: ITCMI MI EJ Plan 40910.doc

From: Robin Clark [mailto:rclark@itcmi.org]
Sent: Fri 4/9/2010 4:16 PM
To: DEQ-EJplan
Subject: Comments on MI EJ Plan

Please find the attached comments on the draft Environmental Justice Plan for Michigan.

If you have any problems receiving the attachment, please call or email me at the address below.

Thank you,

Robin Clark
Inter-Tribal Council of Michigan
906.632.6896 x106
rclark@itcmi.org

Comment 35

Bay Mills Indian Community
Brimley, Michigan 49715
Grand Traverse Band of Ottawa & Chippewa Indians
Suttons Bay, Michigan 49682
Hannahville Indian Community
Wilson, Michigan 49896
Saginaw Chippewa Indian Tribe
Mt. Pleasant, Michigan 48858
Little Traverse Bay Bands of Odawa Indians
Harbor Springs, Michigan 49740
Nottawaseppi Band of Huron Potawatomi
Fulton, Michigan 49052

MICHIGAN
Ottawa Ojibwa Potawatomi
INTER-TRIBAL COUNCIL

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Keweenaw Bay Indian Community
Baraga, Michigan 49908
Lac Vieux Desert Indian Community
Watersmeet, Michigan 49969
Sault Ste. Marie Tribe of Chippewa Indians
Sault Ste. Marie, Michigan 49783
Pokagon Band of Potawatomi Indians
Dowagiac, Michigan 49047
Match-E-Be-Nash-She (Gun Lake Tribe)
Dorr, Michigan 49323

2956 Ashmun Street, Suite A / Sault Ste. Marie, Michigan 49783
Phone: (906) 632-6896 Main Fax: 906-632-1810 Health Services Fax: 906-635-4212

April 9, 2010

Frank Ruswick, Senior Policy Advisor
Michigan Department of Natural Resources and Environment

Dear Mr. Ruswick,

The Inter-Tribal Council of Michigan is a consortium of federally recognized Tribes in Michigan, which coordinates a variety of human services, health, education, and environmental services for member Tribes. The Inter-Tribal Council of Michigan Environmental Services Department (ESD) respectfully submits the following comments on the proposed Michigan Environmental Justice Plan.

The draft Michigan Environmental Justice Plan presents a unique opportunity for coordinating with Tribal governments and involving consideration of Tribal populations in State policy and action, including environmental permitting and monitoring efforts. The Inter-Tribal Council of Michigan ESD is concerned with the current lack of inclusion of Tribal governments and rural Tribal populations in the draft Environmental Justice Plan. The draft Plan draws from the Michigan Department of Natural Resources and Environment Air Quality Division operations as an example of a State Department providing for increased public participation in State decision-making. As with the Environmental Justice Plan, the Air Quality Division model has the opportunity for improvement with respect to coordinated planning and action with Tribal governments and inclusion of Tribal population characteristics in Department decision-making. One pertinent example is the rate of consumption of inland and Great Lakes fish, which may differ among Tribal populations and the sport-fishing populations that are considered in risk assessments for air quality permitting.

The ESD appreciates this and future opportunities for helping the Environmental Justice Plan more fully reach its potential in furthering inclusivity and informed decision-making within the operations of Michigan Departments, beginning with better coordination with Tribal governments and inclusion of Tribal populations.

Sincerely,

Robin Clark
Environmental Specialist
Inter-Tribal Council of Michigan Environmental Services Department

Comment 36

From: DEQ-EJplan
Sent: Monday, April 12, 2010 9:07 AM
To: Crawford, Linda (DNRE)
Subject: FW: comments

Attachments: MI_EJ_plan_comments.pdf

From: Dawn Nelson [mailto:anadawn@umich.edu]
Sent: Fri 4/9/2010 7:08 PM
To: DEQ-EJplan
Subject: comments

EJ plan analysis attached.

Thank you! Looking forward to the next town meeting.

Dawn

Comment 36

Michigan Environmental Justice Draft Plan Analysis

This analysis of the State of Michigan Environmental Justice Draft Initiative is both a work of praise for the goals set forth for accomplishment, as well as for the dedication to develop a plan that integrates such fundamental principles of equity. It is also a review of the strengths and weaknesses of the plan, with recommendations to overcome those weaknesses. The role of the State is an important role for implementation, as the historical social processes have embedded racism in our institutions, societies, and cultural practices. Whereas this draft plan is an important step, it must be considered the first of many as we develop tools for education and implementation of basic principles of equity. This essay is organized first with a characterization of the Environmental Justice Draft Initiative strengths and weaknesses, recommendations for plan revision as well as for State action, and concluding with a discussion of potential barriers to overall implementation.

Strengths

The environmental justice draft plan is notable for the thorough attention to detail for procedural implementation and integration of principles of equity. The historical context and description of the problems summarized in the first part and Chapter One gives overall credibility to the plan, as well as fostering deeper understanding of the vulnerable populations. The explicit connection to the Civil Rights Act of 1964 helps characterize the nature of the civil and social violation of rights. Further exemplifying the issue by discussing particular cases, such as the account of Gennessee Township in Michigan, among others, makes it relevant and more salient to potential decision-makers.

Explanation of existing problems in current EPA standards, and lack of Department of Environmental Quality rules provides clear justification for need of the plan and its proposed implementation across State agencies. The fine-detail description of the role of the Department of Environmental Quality in Chapter Three is an incredibly powerful way to hold the State accountable for action. Further differentiating between mandates for state action and for working groups is also a functional component for sequencing of actions for implementation. However, there may be negative implications as this department is now folded into the Department of Natural Resources and Environment, and reduced staff size may become a significant barrier. This aspect is discussed in more detail further on.

It is clear that meaningful public involvement is a core element of the plan, as well as representative of environmental justice principles and the basis for democratic institutions. This connection to democracy is one that should be emphasized consistently to broaden the base of support. It is also opportune to deepen public understanding of democratic principles as institutional process. The plan provides numerous examples of public involvement components and action steps. This diverse toolkit is especially useful, as different size and scale of communities will demand flexibility in process design.

Weaknesses and Recommendations

It is almost as if the plan is too detailed. Whereas all elements are necessary and useful, it may prove invaluable to include sample bullet point action plans for implementation to be designed specifically for example communities-- as village, town, or large city-- as well as scale of government agency. These sample plans could then be used as templates for decision-makers to elaborate upon. The draft in its current form is easy for a decision-maker to read and

determine that these are all very good ideas, but not come away with a clear idea of what she should do as an immediate step for action. Although the plan is detailed and thorough in suggestion approaches to solution implementation, it may leave a person wondering just how to proceed with a given scenario outside of the Department of Environmental Quality, and perhaps become overwhelmed with the sequencing of effective action steps. Action steps could be made more explicit by giving sample annual, biennial, and perhaps even decadal timelines; tying in important events or other significant timelines that may make implementation more effective and meaningful. Unpacking some of the content would help make the overall plan more acceptable as a plan for guided action. For this reason, including appendices with sample action plans tailored to the size and scale of community may prove a useful tool for guidance and implementation. These sample plans could also be tailored for specific government agencies.

State Action

The State of Michigan should put in place effective evaluation processes to determine how and why the plan is or isn't working. These should occur at least annually, and subject to biennial review by the Governor, and on the opposite years review by State legislature. If a decadal timescale is used for implementation, an accompanying evaluation should also be developed. Long term planning of this kind may also include other issues and processes, such as climate change adaptation and urban planning, each of which may prove effective joint planning and implementation processes to achieve overall goals. This could be explored relative to specific agency mandates, identifying points of potential complementary integration in steps for action.

Suggested earlier in this analysis was an inclusion of sample action plans depending on size and scale of community; again, this bears relevant to type and scale of government agency. State level government could devise specific action plans for the different agencies mentioned in the plan for cross agency implementation. This would facilitate integrating the principles of environmental justice into procedural and concurrent decision-making. Consequently, institutional resistance to the environmental justice plan may be mitigated by such tools, as decision-makers and staff are enabled to make effective use of their time and will not be as likely to consider integration as an unrealistic burden.

Some of these procedure action plans will include steps to take for soliciting public input and building meaningful public participation into decision-making. The second chapter covering public participation is very detailed and useful. However, a sequencing of steps, as a sample plan, may afford better implementation. A personal observation recently made of a presentation by U.S. EPA Region Five director Dan O'Riordan revealed that government officials responsible for public involvement processes may not have adequate understanding of the concept or goals. The immediate feedback O'Riordan received from the audience critiqued the lack of public involvement in water management processes. His reaction was warm to the idea of public participation, but it was clear his understanding of meaningful involvement was inadequate. He responded by pointing out two citizens who regularly participate in a working group; while this is an important piece, one of those citizens was Canadian, the other U.S., and not necessarily representative of the citizenship of EPA Region 5. People in positions such as his should have very clear understanding of what constitutes meaningful public involvement. Whereas this personal observation was of a Federal level official, the point is that people who occupy high and

middle level positions may need very basic training in public participation process and procedure.

What are the potential obstacles to implementation?

Lack of staff and resources to integrate the environmental justice initiative present significant challenges. This, and in combination with institutional racism in different areas will marginalize, and likely make irrelevant to daily procedure, plan implementation. Some accountability mechanism specific to governance scale will be necessary for effective evaluative processes and overall success.

Perhaps a more obscure barrier is the ambiguous path for an alienated public citizenry to build trust in the effort of government to implement avenues for public involvement. Often avenues that are in place are criticized as purely ceremonial and not substantive. Both government representatives and public citizens will need to learn how to cooperate in decision-making for short and long term success. This will mean developing capacity to suspend doubt and/or mistrust when uncertainty exists. Government officials will need to earn and keep the trust of the public by following through on stated and implicit commitments to the environmental justice plan, principles of equity, and meaningful public involvement. Building this trust will take time, and in some cases years or even decades. This now turns attention to intergenerational social change.

Understanding the scope of racism as an intergenerational social issue further prioritizes making available educational tools for understanding. These tools should further supplement existing teaching materials, and be included as core curricula in K-12 public schools. Emphasis on Martin Luther King Jr. and the holiday honoring him in January often acts as an annual

reminder of issues of racism, but society must move beyond the token recognition of such a deeply embedded problem. One way to achieve this is to provide more resources to school children for deeper comprehension of what racial diversity is and means for a just society to exist. This should be funded by the State and Federal levels, rather than by local taxes.

Again, this plan should be considered the first step of many on a long path forward to build an equitable society. In the State of Michigan in 2007, legislation changed that negatively impacted affirmative action plans designed to reduce inequality in receiving social benefits. This reflected the status of public understanding of historical racism and current disparate outcomes, further exemplifying the need for augmentation of social education on these issues. The fact that the Michigan environmental justice plan comes by Executive Order may also prove a barrier, as citizens may regard government directives as an infringement on their civil rights, ironically, and refuse to participate in achieving the overall goals of the plan. These two factors may also act jointly to produce a public reaction that the environmental justice plan wrongly and unjustifiably privileges minority communities simply because they are minorities. This would also reflect the need for more comprehensive social and cultural education.

Comment 37

From: DEQ-EJplan
Sent: Monday, April 12, 2010 9:07 AM
To: Crawford, Linda (DNRE)
Subject: FW: Clean Water Action's EJ Plan Comments

Attachments: EJ Plan 4 9 10.doc

From: sharley.cleanwater@gmail.com on behalf of Susan Harley
Sent: Fri 4/9/2010 4:29 PM
To: DEQ-EJplan
Subject: Clean Water Action's EJ Plan Comments

Attached, please find CWA's comments on the draft EJ Plan. Please let me know if you have any problems opening the attachment.

Thanks!
Susan Harley

--
Susan E. Harley, J.D.
Michigan Policy Director
Clean Water Action
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Comment 37

CLEAN WATER ACTION

MICHIGAN

April 30, 2010

To: Environmental Justice Working Group
Via: DEQ-EJplan@michigan.gov

Dear Members of the Environmental Justice Working Group,

On behalf of Clean Water Action's over 235,000 Michigan members, we thank you for your work developing the draft Michigan Environmental Justice (EJ) Plan. The Plan contains a number of excellent policy suggestions, but what will be most critical to achieving true environmental justice improvements in our state is ensuring the proper infrastructure for implementation of the Plan.

Key to the needed infrastructure is the creation of a permanent and well-developed Interdepartmental Working Group. This group will be essential for enabling cross-departmental communication and planning and therefore should not be seen as a temporary or pilot structure. Moreover, the Advisory Council to the Interdepartmental Working Group should also have an active role, meeting frequently, so as to gain needed stakeholder buy-in to EJ policies.

The roles of both the EJ Coordinator and Advocate will also be extremely important to a well-functioning response to Michigan's environmental justice issues. These positions should be filled by persons who do not have other roles within the Administration, as it will be essential that he or she have both ample time and expertise to lead the state's EJ efforts.

Clean Water Action is especially pleased that the draft EJ Plan includes a process for petitioning departments regarding new issues or problems that fall outside the scope of the list of project permits. The petition process will be essential to hearing the voices of affected communities on which matters are most in need of being attended to in particular areas of the state.

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Macomb County
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Clinton Township, MI 48036
Tel: 586-783-3277
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An example of a pressing environmental justice complaint that will be better addressed because of the EJ Plan's petition process is Michigan's mobile source pollution problem, especially that from diesel vehicles. Urban areas carry a heavy health burden from diesel pollution, and certain communities are seeing disproportionate health impacts, such as increased rates of childhood asthma, due in part to diesel pollution. Communities in Southeast Michigan, Wayne County in particular, are especially impacted by diesel pollution. The petition process set up through the EJ Plan will be essential to ensuring communities are able to advocate for things such as better air quality monitoring, Sustainable Alternatives Agreements with emitters, and other policies that will reduce health impacts, like asthma, from diesel pollution in environmental justice communities.

Thank you again for your hard work on the EJ Plan. We look forward to working with you as the Plan is implemented.

Sincerely,

Susan E. Harley, J.D.
Michigan Policy Director

1010 Vermont Avenue NW, Suite 1100, Washington, DC 20005-4918
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Comment 38

From: DEQ-EJplan
Sent: Monday, April 12, 2010 9:08 AM
To: Crawford, Linda (DNRE)
Subject: FW: Comments on Draft Environmental Justice Plan

From: Fisher, Deborah [mailto:Fisherd@focushope.edu]
Sent: Sun 4/11/2010 1:09 AM
To: DEQ-EJplan
Subject: Comments on Draft Environmental Justice Plan

I have reviewed the Draft Environmental Justice plan, and have several comments, as follows:

1. Page 10: the places at which community meetings are held are often critical. The guidelines for these meetings should require that the meetings be held in as close proximity to the proposed use/permit that is being considered, and at a customary meeting place in the community (for example, a library, community center, or other similar location).

2. The document fails to give instruction regarding how public comments are to be addressed in permitting or other decisions. For example, if there are a significant number of public comments all protesting a particular action which has a disparate impact on certain populations, it seems entirely possible that those comments may be ignored in the permitting process.

3. The language on page 16 that "The DEQ should provide additional consideration to awarding grants, loans and other incentive programs that will benefit environmental justice areas." is too vague. Recommendation: the language should be revised to read: "The DEQ shall give priority to those grants, loans and other incentive programs that will benefit environmental justice areas." In addition, a report should be issued quarterly by the MDEQ with respect to all grants, loans and other incentive programs, identifying both the percentage of grants, loans and incentives, and the total dollar amount of those grants, loans and incentives, specifically benefiting environmental justice areas, broken down by area.

4. Attachment 8: The first sentence of Attachment 8 reads: "A sustainable alternatives agreement (SM) is an agreement between a person proposing a project, an interdepartmental work group (IWG), and/or the community stakeholder group that uses incentives to encourage economic development and impacts of the proposal on the affected community." There seems to be some language missing after "economic development and" - perhaps what is meant is "economic development and mitigates potential adverse impacts..."

5. General - before public comment is solicited on a permit/other MDEQ decision which may have environmental justice implications, the division in question should be required to issue a report which indicates the total number of permits of that type which have been issued to date within a 50 mile radius of the proposed location, together with a total list of permits of that type which have been issued in the state as a whole.

Thank you for the opportunity to comment on this draft.

Sincerely,

Debbie Fisher

Debbie Fisher
Community and Economic Development
Focus: HOPE
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