

## MICHIGAN

### **How Does Michigan Define Environmental Justice and Environmental Justice Communities?**

#### *Environmental Justice Definitions:*

Michigan’s approach to environmental justice has mostly derived from executive branch actions, starting with Gov. Granholm’s executive directive in 2007, and culminating with Gov. Whitmer’s expansive 2019 Executive Order 2019-06,<sup>1</sup> which set up Interagency Environmental Justice Response Team as well as the Office of the Environmental Justice Public Advocate within the newly reconstituted Department of Environment, Great Lakes, and Energy (EGLE). The fragility of executive branch action was underscored in 2019, when the Michigan legislature exercised its constitutional prerogative and rescinded Gov. Whitmer’s first executive order reconstituting the environmental agency and establishing her environmental justice priorities.<sup>2</sup>

While Governor Whitmer’s 2019 executive order did not expressly define “environmental justice,” Governor Granholm’s 2007 executive directive provided: “Environmental justice means 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.”<sup>3</sup>

In addition, EGLE’s Environmental Justice Public Advocate further defines environmental justice as “the equitable treatment and meaningful involvement of all people, regardless of race, color, national origin, ability, or income and is critical to the development and application of laws, regulations, and policies that affect the environment, as well as the places people live, work, play, worship, and learn.”<sup>4</sup>

#### *Environmental Justice Mapping Tools:*

---

<sup>1</sup> Gov. Granholm, EXECUTIVE DIRECTIVE No. 2007 - 23 PROMOTING ENVIRONMENTAL JUSTICE (Nov. 21, 2007) section I.B, *available at* [https://www.michigan.gov/formergovernors/0,4584,7-212-96477\\_57648\\_36898-180696--,00.html](https://www.michigan.gov/formergovernors/0,4584,7-212-96477_57648_36898-180696--,00.html) (last visited June 30, 2022); Gov. Whitmer, Executive Order 2019-06 (Feb. 20, 2019), [https://www.michigan.gov/whitmer/0,9309,7-387-90499\\_90705-490039--,00.html](https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-490039--,00.html) (last visited June 30, 2022).

<sup>2</sup> *Holland Sentinel*, “Michigan lawmakers block Whitmer order in rare move” (Feb. 14, 2019), <https://www.hollandsentinel.com/news/20190214/michigan-lawmakers-block-whitmer-order-in-rare-move> (last visited June 30, 2022) (*note* the legislature’s actions appear to be predominantly motivated by provisions other than the environmental justice matters; the second executive order’s environmental justice provisions were nearly identical to the first’s).

<sup>3</sup> Gov. Granholm, EXECUTIVE DIRECTIVE No. 2007 – 23, § I.B.

<sup>4</sup> Mich. Dept. of Env’t & Great Lakes & Energy, Off. of the Env’t Justice Pub. Advoc., *Learn About Env’t Justice*, <https://www.michigan.gov/egle/public/learn/environmental-justice> (last visited June 30, 2022).

EGLE’s Environmental Mapper is an online interactive mapping tool charting sources of pollution such as underground storage tanks as well as brownfields sites,<sup>5</sup> however, the functionality does not extend to layering environmental justice populations.<sup>6</sup>

EGLE is in the process of launching its new tool, the “MiEJscreen”.<sup>7</sup> The tool uses the methodologies of CalEnviroScreen and EPA’s EJSCREEN, blending EPA and state-level data on pollution burdens (environmental exposures) and population characteristics (sensitive populations, socioeconomic factors) to yield a numerical environmental justice score for a community. In addition, “context layers” may be overlaid, such as historical redlining maps.<sup>8</sup> At this point in time, MiEJscreen has been published as a draft.<sup>9</sup> MiEJscreen is billed as “an interactive mapping tool that identifies Michigan communities that may be disproportionately impacted by environmental hazards. The map allows users to explore the environmental, health, and socioeconomic conditions within a specific community, region, or across the entire state.”<sup>10</sup>

### **How Does Michigan Consider Environmental Justice in its Substantive Actions<sup>11</sup>?**

#### *Environmental Justice as a Policy of the Environmental Agency or Across All Agencies:*

N/A.

#### *Consideration of Environmental Justice in Permitting:*

N/A.

#### *Consideration of Environmental Justice in Enforcement:*

N/A.

#### *Consideration of Environmental Justice in Land Use:*

N/A.

---

<sup>5</sup> Mich. Dept. of Env’t & Great Lakes & Energy, “User’s Guide” (Feb. 2015), available at [https://www.mcgi.state.mi.us/environmentalmapper/Public/EnvironmentalMapper\\_help.docx](https://www.mcgi.state.mi.us/environmentalmapper/Public/EnvironmentalMapper_help.docx) (last visited June 30, 2022).

<sup>6</sup> Michigan Dept of Environment & Great Lakes & Energy, “Environmental Mapper,” <http://www.mcgi.state.mi.us/environmentalmapper/> (last visited June 30, 2022).

<sup>7</sup> Michigan Dept of Environment & Great Lakes & Energy, 2021 MI EJ Conference, presentation by Environmental Justice and Tribal Liaison Katie Kruse, “The New Mi EJ Screen – Why it Matters and Now What?” (May 18, 2021), video recording available at: [https://www.youtube.com/watch?v=E-Lo6SvN\\_Kg](https://www.youtube.com/watch?v=E-Lo6SvN_Kg) (last visited June 30, 2022).

<sup>8</sup> *Id.*

<sup>9</sup> ArcGIS, EGLE, MiEJscreen DRAFT, <https://egle.maps.arcgis.com/apps/webappviewer/index.html?id=b100011f137945138a52a35ec6d8676f> (last visited July 18, 2022).

<sup>10</sup> Mich. Dept. of Env’t & Great Lakes & Energy, MiEJscreen: Environmental Justice Mapping Tool (DRAFT), <https://www.michigan.gov/egle/maps-data/miejscreen> (last visited July 18, 2022).

<sup>11</sup> Substantive is defined as governing the original rights and obligations of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, [https://www.law.cornell.edu/wex/substantive\\_law](https://www.law.cornell.edu/wex/substantive_law) (last visited June 30, 2022).

State Environmental Policy Act “Mini-NEPA”:

N/A.

Dedicated Funding to Environmental Justice Communities:

N/A.

Consideration of Cumulative Impacts:

N/A.

Prohibitions on Disparate Impact Discrimination:

N/A.

Established Environmental Rights:

N/A.

**How Does Michigan Address Environmental Justice in its Procedures<sup>12</sup>?**

Environmental Justice as Part of Environmental Agency’s Mission:

Governor Granholm’s 2007 executive directive on environmental justice directed the EGLE’s predecessor agency “to ensure that environmental justice principles are incorporated into departmental and agency decision-making and practices.”<sup>13</sup> Governor Whitmer’s 2019 executive order further mandates that the new Interagency Environmental Justice Response Team “develop policies and procedures for use by state departments and agencies, including collaborative problem-solving, to assist in assuring that environmental justice principles are incorporated into departmental and agency decision-making and practices.”<sup>14</sup>

Environmental Justice as Part of Other Agency’s Mission:

N/A.

Processes and Procedures (including Title VI):

- Non-Discrimination Policy:

---

<sup>12</sup> Procedural is defined as rules and the methods used to ensure the rights of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, [https://www.law.cornell.edu/wex/procedural\\_law](https://www.law.cornell.edu/wex/procedural_law) (last visited June 30, 2022).

<sup>13</sup> Gov. Granholm, EXECUTIVE DIRECTIVE No. 2007 – 23, section II.A.3.

<sup>14</sup> Gov. Whitmer, Executive Order 2019-06, section 1(b)(4)(C).

EGLE has issued a policy against discrimination in implementation of its programs, in keeping with federal mandates.<sup>15</sup>

Similarly, the Michigan Department of Transportation (MDOT) has a nondiscrimination policy to further Title VI compliance and environmental justice principles in agency activities.<sup>16</sup> MDOT's Office of Passenger Transportation has similar policies in effect pursuant to Federal Transit Administration requirements.<sup>17</sup> In furtherance of this policy, MDOT has developed a formula in order to develop environmental justice analysis maps for use in distributing federal funds equitably.<sup>18</sup>

- *Grievance Procedures:*

The EGLE policy establishes a Nondiscrimination Compliance Coordinator and a grievance procedure for the submission of complaints alleging discrimination in violation of federal or state law, to assure “prompt and fair” resolution of those complaints.<sup>19</sup>

- *Enhanced Public Participation and Information Access:*

In relation to MDOT's nondiscrimination policy, “MDOT will continually monitor projects and programs prior to implementation that may have an adverse impact on the public and communities” and seek public involvement and participation to surface potential adverse impacts.<sup>20</sup>

Also, Governor Granholm's 2007 executive directive broadly sought to ensure the meaningful involvement of Michiganders in the implementation of environmental laws,

---

<sup>15</sup> Mich. Dept of Env't & Great Lakes & Energy, “Nondiscrimination in EGLE Programs” (Policy 09-024) at pp.2-3 (Jan. 21, 2020), [https://www.michigan.gov/documents/egle/EGLE\\_Policy\\_09-024\\_679779\\_7.pdf](https://www.michigan.gov/documents/egle/EGLE_Policy_09-024_679779_7.pdf) (last visited June 30, 2022).

<sup>16</sup> Mich. Dept. of Transp., TITLE VI IMPLEMENTATION PLAN (Oct. 1, 2021) at p.5, [https://www.michigan.gov/documents/mdot/2017\\_FHWA\\_Title\\_VI\\_Plan-Signed\\_605862\\_7.pdf](https://www.michigan.gov/documents/mdot/2017_FHWA_Title_VI_Plan-Signed_605862_7.pdf) (last visited June 30, 2022) (“MDOT has developed this Title VI Plan to assure that services, programs, and activities of the department are offered, conducted, and administered fairly without regard to race, color, or national origin of the participants or beneficiaries of federally funded programs, services, or activities” at p.7).

<sup>17</sup> Mich. Dept. of Transp., Off. of Passenger Transp., Title VI Nondiscrimination Program Guidelines (Oct. 1, 2020), [https://www.michigan.gov/documents/mdot/FTA\\_Title\\_VI\\_Plan\\_2020-Final\\_704099\\_7.pdf](https://www.michigan.gov/documents/mdot/FTA_Title_VI_Plan_2020-Final_704099_7.pdf) (last visited June 30, 2022).

<sup>18</sup> *Id.* at pp.68-69 (the Location Quotient (LQ) “is an economic base statistical technique used in calculating and comparing the shared distribution of a local economy to another referenced base economy. In this case, the LQ calculates the share of minority, low-income, elderly, and disabled persons at the Census Tract level to that share of people at the state level.”).

<sup>19</sup> Mich. Dept. of Environment & Great Lakes & Energy, “Nondiscrimination in EGLE Programs” (Policy 09-024) at pp.2-3 (Jan. 21, 2020), [https://www.michigan.gov/documents/egle/EGLE\\_Policy\\_09-024\\_679779\\_7.pdf](https://www.michigan.gov/documents/egle/EGLE_Policy_09-024_679779_7.pdf) (last visited June 30, 2022).

<sup>20</sup> Mich. Dept. of Transp., TITLE VI IMPLEMENTATION PLAN (Oct. 1, 2021) at p.9, [https://www.michigan.gov/documents/mdot/2017\\_FHWA\\_Title\\_VI\\_Plan-Signed\\_605862\\_7.pdf](https://www.michigan.gov/documents/mdot/2017_FHWA_Title_VI_Plan-Signed_605862_7.pdf) (last visited June 30, 2022).

as does the more recent executive order of Governor Whitmer.<sup>21</sup> In addition, EGLE’s “Policy on Public Involvement in Department Decisions” requires that the agency confer with the Office of the Environmental Justice Public Advocate before public meetings and hearings.<sup>22</sup> Although the policy does not explicitly reference environmental justice communities, for certain permitting or licensing transactions “EGLE encourages applicant(s) to meet with community stakeholders to promote open dialogue early in the process,” with a preference for applicants to provide notice to and stage ongoing dialogue with residents in communities about the pending application and the proposed project.<sup>23</sup>

- Language Access:

EGLE has promulgated a policy requiring EGLE to take reasonable steps to help LEP persons participate meaningfully in its decisionmaking, in keeping with federal mandates.<sup>24</sup> The policy focuses internally (e.g., training of EGLE staff, identifying vital documents for translation) and externally (identifying LEP persons for outreach, providing notice in appropriate languages).<sup>25</sup>

- Consultation with Indigenous Communities and Tribal Nations:

N/A.

### Governmental Environmental Justice Structures, Positions, and Funding Streams:

- Environmental Justice Coordinating Agency:

Governor Whitmer's Executive Order 2019-06 created the Office of the Environmental Justice Public Advocate (“Environmental Justice Advocate”) as a Type 1 agency, reporting to the Governor’s Office.<sup>26</sup> Among other duties, the Environmental Justice Advocate serves as an “external and internal advocate and catalyst for ensuring environmental justice throughout the state.”<sup>27</sup> The Environmental Justice Advocate is responsible for creating a reporting system for environmental justice related complaints

---

<sup>21</sup> Gov. Granholm, EXECUTIVE DIRECTIVE 2007 – 23, §§ II.A.5, II.B; Gov. Whitmer, Executive Order 2019-06, § 1(b)(4)(D).

<sup>22</sup> Mich. Dept. of Env't & Great Lakes & Energy, “Policy on Pub. Involvement in Dept. Decisions” (09-007) (Jan. 21, 2020) at p.2, [https://www.michigan.gov/documents/egle/EGLE\\_Policy\\_09-007\\_679780\\_7.pdf](https://www.michigan.gov/documents/egle/EGLE_Policy_09-007_679780_7.pdf) (last visited June 30, 2022).

<sup>23</sup> *Id.* at p.3.

<sup>24</sup> Mich. Dept. of Env't & Great Lakes & Energy, Off. of the Env't Justice Pub. Advocate, “Limited English Proficiency Plan” (Sept. 2020), [https://www.michigan.gov/documents/egle/Limited\\_English\\_Proficiency\\_Plan\\_710255\\_7.pdf](https://www.michigan.gov/documents/egle/Limited_English_Proficiency_Plan_710255_7.pdf) (last visited June, 2022).

<sup>25</sup> *Id.*

<sup>26</sup> Gov. Whitmer, Executive Order 2019-06, § 1(f).

<sup>27</sup> Mich. Dept. of Env't & Great Lakes & Energy, *Off. of the Env't Justice Pub. Advocate*, <https://www.michigan.gov/egle/about/organization/environmental-justice> (last visited June, 30, 2022).

for the state as well as investigating and resolving complaints.<sup>28</sup> In addition, the Environmental Justice Advocate leads EGLE's Interagency Environmental Justice Response Team.<sup>29</sup>

- *Environmental Justice Coordinator:*

Michigan has two boards advising the executive branch on environmental justice issues: the Michigan Advisory Council on Environmental Justice (MAC-EJ),<sup>30</sup> comprised of community leaders, academics and the Interagency Environmental Justice Response Team (Response Team),<sup>31</sup> comprised primarily of executive branch directors. Governor Whitmer created MAC-EJ in January of 2020 and the Response Team in February that same year.<sup>32</sup>

The Response Team's mission is to assure that "all Michigan residents benefit from the same protections from environmental hazards" by, among other things, assisting EGLE in developing a statewide environmental justice plan and promoting the integration of environmental justice principles into state agency actions.<sup>33</sup> The Response Team is also specifically charged with examining whether Michigan laws disproportionately affect Michigan residents.<sup>34</sup>

The second body, MAC-EJ, has members drawn from activists, advocacy organizations, academia, tribal representation, local governments, business and industry, public health, and labor.<sup>35</sup> These two boards work in concert: the MAC-EJ will provide public and impacted community input for the directors appointed to the Response Team.<sup>36</sup>

- *Environmental Justice Advisory Board:*

N/A.

- *Funding for Environmental Justice:*

N/A.

---

<sup>28</sup> Executive Order 2019-06, §§ 1(f)(3)(A), (B), (C), and (D).

<sup>29</sup> Mich. Dept. of Env't & Great Lakes & Energy, Off. of the Env't Justice Pub. Advoc., *Interagency Environmental Justice Response Team*, <https://www.michigan.gov/egle/about/groups/iejrt> (last visited June 30, 2022).

<sup>30</sup> Mich. Dept. of Env't, Great Lakes & Energy, Off. of the Env't Justice Pub. Advoc., *MAC-EJ*, <https://www.michigan.gov/egle/about/groups/macej> (last visited June 30, 2022).

<sup>31</sup> Gov. Whitmer, Executive Order 2019-06, section 1(b).

<sup>32</sup> Governor's Office, "Twenty-one Michiganders Selected for the State's First Environmental Justice Advisory Council" (Jan. 23, 2020), <https://www.michigan.gov/whitmer/0,9309,7-387-90487-517922--,00.html>; Gov. Whitmer, Executive Order 2019-06.

<sup>33</sup> Executive Order 2019-06, at § 1(b)(4).

<sup>34</sup> *Id.* at § 1(b)(4)(B).

<sup>35</sup> MAC-EJ, *supra* note 28.

<sup>36</sup> Governor's Office, "Twenty-one Michiganders Selected for the State's First Environmental Justice Advisory Council," *supra* note 30.

## Additional Michigan Environmental Justice Provisions?

In 2021, EGLE convened a panel of climate justice leaders to inform the implementation of Gov. Whitmer’s MI Healthy Climate Plan, so that communities disproportionately affected by climate change may realize the benefits from the transition to cleaner energy sources.<sup>37</sup> The panel will also provide “guidance on appropriate climate adaptation, mitigation and clean energy investments from a climate justice perspective.”<sup>38</sup>

## Michigan Environmental Justice Contacts?

Regina Strong  
Environmental Justice Public Advocate  
517-284-6727  
[StrongR1@Michigan.gov](mailto:StrongR1@Michigan.gov)

## Where to Find Michigan Environmental Justice Laws, Policies, and Tools?

### Constitutional Provisions:

N/A.

### Executive Orders:

- [Executive Directive 2007 – 23](#) “Promoting Environmental Justice”
- [Executive Order 2019-06](#)

### Legislation and Statutes:

N/A.

### Regulations:

N/A.

### Policies/Guidance:

- EGLE, “[Policy on Public Involvement in Department Decisions](#)” (Policy 09-007)
- EGLE, “[Nondiscrimination in EGLE Programs](#)” (Policy 09-024)
- EGLE, Office of the Environmental Justice Public Advocate, “[Limited English Proficiency Plan](#)” (Sept. 2020):

---

<sup>37</sup> Press Release, Mich. Dept. of Env't & Great Lakes & Energy, Climate justice leaders will develop equity-based framework to guide MI Healthy Climate Plan (Feb. 1, 2021), [https://www.michigan.gov/egle/0,9429,7-135-3308\\_3323-551060--00.html](https://www.michigan.gov/egle/0,9429,7-135-3308_3323-551060--00.html) (last visited June 30, 2022).

<sup>38</sup> *Id.*

Mapping Tools:

N/A.

Other:

N/A.