



MICHIGAN CHAPTER

Sierra Club support HB 4826

RE: HB 4826

Position: Support

Honorable Members of the House Natural Resources Committee:

On behalf of our 150,000 members and supporters here in Michigan, the Sierra Club is supportive of House Bill 4826. When Governor Rick Snyder signed Senate Bills 652, 653 and 654 into law in 2018 he codified three private-sector-based panels to oversee most decision-making by the state's environmental regulator, the Michigan Department of Environmental Quality (now EGLE).

At the time, the environmental advocacy community referred to these as the "Fox Guarding the Hen House Acts." We argued then, and now, that the ERRC, EPRC, and the environmental science advisory board created industry-driven polluter panels with the authority to override environmental and public health protections to further their own bottom line. It was reckless then and it is reckless now, to allow regulated industries to set their own rules to protect Michiganders' health and our natural resources. Furthermore, these panels have created an unnecessary level of government bureaucracy within an agency that is already overburdened and underfunded. The panels were put in place to slow down, and in some cases stop, EGLE from carrying out its work to protect our environment. By passing this legislation to repeal these panels we will remove an impediment to implementing important public health policies in a timely and flexible manner.

It is important to note, however, that undoing this Snyder-era policy is not enough to address the ongoing hurdles EGLE faces. In 2018, before this law was passed, DEQ denied less than one-half of one percent of pollution permit requests according to Governor Snyder's own data. We still have persistent problems properly issuing permits that account for the real human health impacts of air and water pollution. EGLE does not have the authority it needs to prioritize public health outcomes in permit decision-making. For example, Sierra Club and the Great Lakes Environmental Law Center are currently engaged in a lawsuit against EPA because EPA agreed to accept EGLE's assertion that air quality data that would have tipped Southeast Michigan into noncompliance with the Clean Air Act could be excluded to determine that Michigan is "in compliance" with National Ambient Air Quality Standards for ozone.

It is important to acknowledge that EGLE's decision whether to submit any exceptional event demonstration claims is completely discretionary and it's never required. It presents a choice between taking action to avoid regulating air pollution or taking action to lower air pollution. Put another way, the choice EGLE made to exclude air quality data was a choice between protecting industry profit margins or peoples' health.

The result of the decision to exclude air quality data to avoid further requisite actions to comply with Clean Air Act standards meant that as toxic wildfire smoke filled our skies for weeks this summer, EGLE walked away from tools that it *could* have had at its disposal to limit other concentrated sources of air pollution.

The toxic mix we suffered under this summer dramatically increased the acute health problems for Michiganders. Dr. Glen Clark, the emergency center chief at Beaumont Hospital in Grosse Pointe was quoted in the Detroit Free Press on June 28, 2023--in Dr. Clark's words: "In the last week, we have seen a significant increase in respiratory complaints. We've seen both asthma and COPD patients, who have been well controlled, presenting with exacerbations requiring an increase in use of asthma medications, including rescue inhalers. Even otherwise healthy individuals have come in complaining of chest tightness."

We have yet to fully collect the publicly available mortality data, but we have reason to believe that fatalities from childhood asthma increased during this time period too.

The reason I am taking this time to discuss the “exceptional event” data exclusion with you is because it is imperative to highlight the very real institutional problems embedded in how EGLE functions. HB 4826 alone will not solve them, although it is an important step towards restoring EGLE’s ability to carry out its stated mission. I look forward to speaking with all of you in the future about further legislative action needed to give EGLE the real tools it needs to prioritize environmental protection and human health outcomes.

Thank you for your time.

Christy McGillivray
Political and Legislative Director
Sierra Club Michigan