



**St. Francis Prayer Center**



**ENVIRONMENTAL  
TRANSFORMATION  
MOVEMENT OF FLINT**

August 4, 2023

Phil Roos, Director  
Regina Strong, Environmental Justice Public Advocate  
Department of Environment, Great Lakes, and Energy  
Constitution Hall  
525 West Allegan Street  
PO Box 30473  
Lansing, MI 48909

Dear Phil and Regina,

Thank you for taking the time to meet with us on Tuesday. We appreciated meeting on short notice and getting to know each other and talking about our concerns about the Michigan Department of Environment, Great Lakes, and Energy's ("EGLE") air permitting practices and the civil rights complaint resolution process.

As we explained, the meeting was urgent because the forthcoming informal resolution agreement between EPA and EGLE, which purports to "resolve" our administrative complaint under Title VI of the Civil Rights Act ("Title VI"), is unjust and damaging. When EGLE torpedoed many months of facilitated negotiations, it chose to perpetuate the harm to Flint residents' health and air quality, and disrespect our engagement, as Complainants, in the resolution process. The unsafe conditions facing nearby residents are well documented; residents suffer exceptionally high asthma rates, among other health issues, associated with exposure to disproportionate environmental harms. *See* 06.27.23 Letter to HUD and EPA (attached).

When it comes to protecting the health and civil rights of its citizens, Michigan certainly should not be following Louisiana's lead. EGLE substituted a draft civil rights resolution agreement that reflected months of negotiations with a plan that does not commit the agency to do anything to change the conditions on the ground. We met with you in hopes that you would step in to course-correct EGLE's direction.

During our meeting, we discussed the core policies and practices that need to be changed to prevent discrimination. These policies and principles should have been reflected in the language of the Title VI resolution agreement. In particular, EGLE should ensure its air permitting

decisions comply with Title VI by requiring *cumulative impact analysis* for permitting decisions that may result in discriminatory effects. To achieve this end, EGLE should:

- a. Identify and expand on existing authorities to better identify and address Title VI and environmental justice issues in permits to install. This should include, but is not limited to, requiring a comprehensive cumulative impact analysis for permit to install applications, and more fully utilizing state laws and regulations, including but not limited to Rule 228, to address health impacts from toxic air contaminants.
- b. Proactively engage with environmental justice communities throughout Michigan to inform the development of EGLE's framework for ensuring that it complies with Title VI, including the elements of a cumulative impact analysis and the identification of existing authorities that can be used to address Title VI and environmental justice issues.

In addition, this agreement should have included additional air monitoring in the industrial park where the Ajax asphalt plant sits, which is extremely close to public and other low-income housing. It is simple: Without sufficient air monitors, which can be used for enforcement and regulatory purposes, EGLE cannot know what is in the air and act on that information.

A close look at EGLE's current permitting program reveals a culture of customer service for polluting industries rather than service to public health and the environment. EGLE itself [reported](#) that in FY2020 it approved 97% of the 25,039 permit applications it received, denying only .4%, while the remainder of applications were withdrawn. These numbers reflect EGLE's willingness to sacrifice Black and brown communities for the interests of industry. Until EGLE makes permitting decisions that fully reflect the environmental and public health impacts, including the cumulative impacts facing the surrounding area, it will not be living up to its mission. Nor will it comply with Title VI because it will not ensure that Black communities and other communities of color are not disproportionately harmed by air emissions. EGLE's culture and practices must align with Title VI.

We understand that you will be signing your name to the forthcoming informal resolution agreement. While the current timeline is tight, we urge you to act immediately and pledge to achieve these critical changes. While we hope to work with you to promote environmental justice in Michigan, we first need a written agreement that provides meaningful commitments and accountability to ensure that EGLE will better protect Black communities and other communities of color. We look forward to hearing from you as soon as possible.

Thank you,

*Mona, Ted, and Nayyirah*

Mona Munroe-Younis, Executive Director, Environmental Transformation Movement of Flint

Nayyirah Shariff, Executive Director, Flint Rising

Ted Zahrfeld, Board Chair, St. Francis Prayer Center