



White House Environmental Justice Advisory Council: Air Quality Case Study and Related Issues

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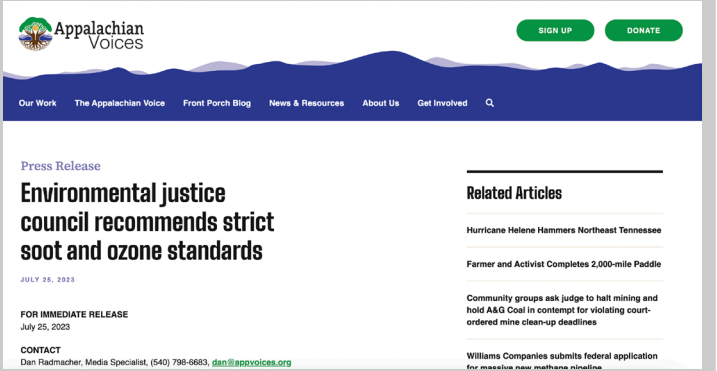
What is the WHEJAC?

- The **White House Environmental Justice Advisory Council (WHEJAC)** was established in 2021 through President Biden's **Executive Order 14008 Tackling the Climate Crisis at Home and Abroad**.
- The role of WHEJAC is to guide the President on environmental justice (EJ) policies and promote equity for marginalized communities from a **whole-government approach**.
- Executive Order 14008 also established the **White House Environmental Justice Interagency Council (IAC)** which replaced the **Interagency Working Group on Environmental Justice (IWG)**, which was established in with **President Clinton's 1994 Executive Order 12898: Federal Actions to Address Environmental Justice**
 - **The IAC includes the following agencies:** EPA, Department of State, Department of Defense, Department of the Interior, USDA, Department of Commerce, Department of Labor, Department of Health & Human Services, HUD, Department of Transportation, Department of Energy, Department of Veteran Affairs, Department of Homeland Security, OMB, Office of Information and Regulatory Affairs, Council of Economic Advisers, General Services Administration, Federal Permitting Improvement Steering Council, Office Of Science and Technology, Domestic Policy Council, National Economic Council, Gender Policy Council

What is the WHEJAC?

- **Executive Order 14096, Revitalizing Our Nation’s Commitment to Environmental Justice for All**, charges the IAC with supporting and facilitating “interagency collaboration on programs and activities related to environmental justice, including the development of materials for environmental justice training to build the capacity of Federal employees to advance environmental justice and to increase the meaningful participation of individuals from communities with environmental justice concerns in Federal activities.” It also requires all participating agencies to develop an environmental justice strategic plan.

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WHEJAC RECOMMENDATION	DESCRIPTION	CASE STUDY
 <p>The screenshot shows a press release from Appalachian Voices. The main headline is "Environmental justice council recommends strict soot and ozone standards" dated July 25, 2023. The sub-headline reads "FOR IMMEDIATE RELEASE July 25, 2023". The contact information is "CONTACT Dan Radmacher, Media Specialist, (640) 798-6683, dan@appvoices.org". The page also features a "SIGN UP" and "DONATE" button at the top right and a "Related Articles" section with three items: "Hurricane Helene Hammers Northeast Tennessee", "Farmer and Activist Completes 2,000-mile Paddle", and "Community groups ask judge to halt mining and hold A&G Coal in contempt for violating court-ordered mine clean-up deadlines".</p>	<p>WHEJAC advocates for the revision and strengthening of National Ambient Air Quality Standards (NAAQS) for pollutants such as particulate matter (PM2.5) and ozone.</p>	<p>In 2023, the new National Ambient Air Quality Standards (NAAQS) set the primary annual standard for particulate matter (PM2.5) at 9.0 $\mu\text{g}/\text{m}^3$, down from the previous standard of 12.0 $\mu\text{g}/\text{m}^3$, and establish a secondary standard which should <u>not exceed</u> 15.0 $\mu\text{g}/\text{m}^3$, both averaged over three years, reflecting updated scientific evidence on air pollution's health and environmental impacts.</p>

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Here are specific cases where the new National Ambient Air Quality Standards (NAAQS) have been applied or addressed in Michigan:

- **Detroit Air Quality Improvements**
 - Following the revision of NAAQS for particulate matter (PM2.5), Detroit has worked to improve air quality through enhanced monitoring and regulation of emissions from industrial sources and vehicular traffic.
 - The Michigan Department of Environment, Great Lakes, and Energy (EGLE) has implemented stricter controls to meet the new standards.
- **Michigan's Air Quality Implementation Plan**
 - Michigan has updated its State Implementation Plan (SIP) to comply with the revised NAAQS for ozone. This plan outlines strategies to reduce ozone levels, including stricter emissions controls from transportation and industrial sources.

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WHEJAC RECOMMENDATION	DESCRIPTION	EXAMPLES
<p>Community Air Quality Monitoring</p>	<p>WHEJAC promoted the establishment of community-based air quality monitoring programs empowering local residents to track pollution levels and advocate for their health and safety (emphasizing cumulative impacts).</p>	<p>Environmental Justice Grants (EPA): The U.S. Environmental Protection Agency (EPA) provides grants to support projects that help communities address environmental and public health issues. These grants can fund community air quality monitoring initiatives.</p> <p>Community Air Quality Monitoring Program (CAAQMP): This program, part of the EPA's efforts to enhance community engagement, provides funding for local air quality monitoring projects that empower communities to track pollution levels and advocate for better air quality.</p> <p>State and Tribal Assistance Grants (STAG): The STAG program supports state and tribal environmental programs, including funding for air quality monitoring. States can use these funds to establish and maintain monitoring networks in disadvantaged communities.</p> <p>National Ambient Air Quality Standards (NAAQS) Implementation Grants: Funding is available for states and tribes to implement and enforce NAAQS. This includes establishing monitoring stations and conducting assessments in areas at risk for high pollution levels.</p> <p>American Rescue Plan Act (ARPA): The ARPA includes provisions for environmental justice initiatives, which can be directed towards funding community-based air quality monitoring efforts, especially in response to the COVID-19 pandemic's disproportionate impact on marginalized communities.</p> <p>Environmental Protection Agency's Community-Based Environmental Protection (CBEP) Program: This program supports local initiatives aimed at improving air quality and public health through community engagement and monitoring.</p>

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Selections for the ARP Enhanced Air Quality Monitoring Competitive Grant

- The EPA is selecting 127 projects, in 37 states, to receive a total of \$51.5 million to conduct ambient air monitoring of pollutants in communities across the country with environmental and health outcome disparities stemming from pollution:
- Michigan Awardees Include:
 - **City of Detroit:** Recipient will establish the City of Detroit's first comprehensive city-wide air pollution monitoring network with near-real time reporting. Data collected from the network will be used to educate Detroit's citizens and policy makers and expand network parameters while targeting areas of highest impact.
 - **Pokagon Band of Potawatomi Indians:** Recipient will install four air quality sensors to collect real-time air quality data that will be analyzed and shared with tribal citizens. Detailed information about the air quality on tribal lands will help the Pokagon Band better assess potential dangers posed by pollutants and take action to mitigate the risk to tribal citizens.
 - **The Green Door Initiative:** Recipient will expand the existing network of multi-pollutant community-scale sensors in Detroit, engage Detroiters in a community air advisory group to ensure the community has a voice in air monitoring, and build community capacity and knowledge to use and apply local-scale, real-time air quality information. Our project will lead to improvements in local air quality, enhanced local partnerships, and a reduction in disproportionate health impacts that Detroit residents experience.
 - **Wildlife Habitat Council:** Recipient will collaborate with a wide variety of Great Lakes regional partners to monitor and improve air quality in highly impacted and under resourced neighborhoods of Detroit, MI, and the Calumet watershed of South Chicago, Illinois. This work will expand on community capacity to monitor air quality, quantify the effects of green infrastructure and other nature-based solutions on local air quality, and engage high school and college students in data interpretation to facilitate long term transfer of skills from technical partners to interested residents.

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WHEJAC RECOMMENDATION	DESCRIPTION	OUTCOMES
<p>Community Air Quality Monitoring</p> <p>https://youtu.be/ToG-YjuaP4M?si=MNko88sYMoHvrqiY</p>	<p>WHEJAC advocates for the revision and strengthening of National Ambient Air Quality Standards (NAAQS) for pollutants such as particulate matter (PM2.5) and ozone.</p>	<p>JustAir partners with environmental justice groups, neighborhood associations and corporate partners to expand the air quality monitoring network to residents and community groups across Detroit.</p>  

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Cumulative Impacts and Their Role in Regulatory Accountability

What Are Cumulative Impacts?

- Cumulative impacts refer to the combined effects of multiple actions or stressors on the environment, considering both past and present activities, as well as future anticipated actions.
- **These impacts can arise from:**
 - Multiple projects in proximity (e.g., industrial facilities, infrastructure).
 - Interactions between different types of pollutants (e.g., air, water, soil).
 - Socioeconomic factors affecting vulnerable communities.

Influence of Cumulative Impacts on Regulatory Accountability and Decision Making

- **Enhanced Environmental Assessments:** Incorporating cumulative impacts into Environmental Impact Statements (EIS) and assessments ensures a comprehensive understanding of potential environmental harm.
- **Informed Permitting Processes:** Regulatory agencies can impose stricter conditions or deny permits based on cumulative impact assessments, particularly in areas already facing environmental stress.
- **Community Engagement:** Cumulative impact analysis facilitates greater community involvement by highlighting how multiple projects affect local environments and public health.
- **Legal Precedents:** Courts have increasingly recognized the importance of cumulative impacts in litigation, holding agencies accountable for comprehensive evaluations under the National Environmental Policy Act (NEPA) and other statutes.

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WHEJAC RECOMMENDATION	DESCRIPTION	EXAMPLES
<p>Health Impact Assessments (HIAs) <i>A Health Impact Assessment (HIA) is a systematic process that evaluates the potential health effects of a proposed project, policy, or program, providing evidence-based recommendations to enhance positive health outcomes and mitigate negative impacts.</i></p>	<p>WHEJAC recommended requiring health impact assessments for proposed projects that could affect air quality in environmental justice communities. This ensures that potential health impacts are considered before project approvals.</p>	<p>Wayne County’s Community Health Improvement Plan: HIAs were incorporated into the development of Wayne County’s Community Health Improvement Plan, which aimed to identify health disparities and inform strategies for improving community health through policy changes.</p> <p>Sustainable Community Development in Grand Rapids: An HIA was performed to evaluate the health impacts of a proposed mixed-use development in Grand Rapids. The assessment considered factors such as access to green spaces, transportation options, and the potential for increased physical activity among residents.</p> <p>Air Quality Improvements in Southwest Detroit: An HIA was conducted to assess the health impacts of proposed air quality regulations aimed at reducing emissions from local industries. The findings were used to advocate for stronger regulations to protect community health.</p>

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Health Impact Assessments (HIAs) can play a crucial role in regulatory decision-making by providing a structured approach to evaluate the potential health effects of proposed projects, policies, or regulations.

Potential Benefit	Use	Example
Informing Policy Development	HIAs can provide evidence-based insights into how proposed regulations might impact public health, helping policymakers identify potential health risks and benefits before implementation.	Before enacting zoning changes, an HIA can assess how the changes may affect community health through access to parks, transportation, and pollution levels.
Enhancing Stakeholder Engagement	HIAs actively involve community members, stakeholders, and experts in the assessment process, ensuring diverse perspectives are considered. This engagement can help build support for regulatory decisions.	Conducting workshops and forums as part of the HIA process allows community members to voice their concerns and priorities, which can be incorporated into regulatory frameworks.
Identifying Health Disparities	HIAs can highlight how regulatory decisions may disproportionately affect vulnerable populations, helping to ensure that health equity is a key consideration in regulatory processes.	An HIA may reveal that a proposed industrial project would have greater adverse health impacts on low-income communities, prompting policymakers to consider mitigation strategies.
Providing Recommendations for Mitigation	HIAs often conclude with actionable recommendations that can help mitigate negative health impacts associated with proposed regulations. These recommendations can inform the regulatory decision-making process.	If an HIA identifies potential air quality issues from a new highway project, it may recommend additional green spaces or traffic management measures to reduce emissions.

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Health Impact Assessments (HIAs) can play a crucial role in regulatory decision-making by providing a structured approach to evaluate the potential health effects of proposed projects, policies, or regulations.

Potential Benefit	Use	Example
Supporting Compliance with Health Regulations	HIAs can assist regulatory agencies in ensuring compliance with existing health regulations by evaluating how new proposals align with public health goals.	An HIA can assess whether a new development project meets air quality standards and suggest modifications to enhance compliance.
Facilitating Interagency Collaboration	HIAs encourage collaboration among various government agencies, health departments, and community organizations, fostering a more comprehensive approach to health in regulatory decision-making.	An HIA involving transportation, public health, and environmental agencies can create a more holistic understanding of how a new transit plan affects community health.
Monitoring and Evaluation	HIAs can establish metrics for monitoring health outcomes after regulatory decisions are made, allowing for ongoing evaluation and adjustment of policies as needed.	Following the implementation of a new public health regulation, an HIA can set benchmarks for air quality improvements and track progress over time.

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REAL CASE SCENARIO: Ajax Asphalt Plant in Flint, MI

What happened?

Despite community resistance, EGLE approved a permit allowing an asphalt plant bordering a residential area on Flint's north side. Even after a suit filed on behalf of local EJ groups by Earthjustice, a circuit court upheld the EGLE's permitting decision. In January 2024, EGLE released air quality test results from the Ajax asphalt plant near Flint, showing "no major concerns from emissions" but neighboring community members did not agree with the findings. ***"All pollutants tested were less than 50% and all but one was less than 20% of the amount allowed by the permit."***

Questions to Ponder:

- In what ways did EGLE's permitting decision reflect or disregard the principles of environmental justice, particularly for the affected communities?
- Given the air quality test results indicating "no major concerns," how should the community approach ongoing monitoring and reporting of emissions from the asphalt plant?
- How can attorneys address the discrepancy between the findings (data) reported by EGLE and the community's perception of air quality and public health risks? What role does public trust play in this scenario?
- What potential avenues for appeal exist for the local EJ groups, and what strategies could they employ to strengthen their case in future legal challenges?
- What broader implications does this case have for environmental policy and regulatory practices in Michigan, especially concerning community resistance and industrial development?

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*LOCAL, FEDERAL & STATE REGULATIONS ARE THE BARE MINIMUM...
NOTHING SHOULD STOP US FROM DOING MORE TO PROTECT HUMANITY!*

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