



November 29, 2017

Senate Natural Resources Committee  
Lansing, Michigan

Re: SB 652 & 653 – Delegation of State Rulemaking and Permitting Authority to Private Interests

Dear Committee Members,

The Michigan Environmental Council is an umbrella organization of over 70 environmental, conservation and faith-based groups located across the state of Michigan. One of the primary purposes of government is to protect the public health of the residents of the state.

The Michigan Environmental Council opposes SB 652 and SB 653 because they delegate some of the most important functions in state government, rulemaking and permitting, to individuals that represent regulated industries. We believe this delegation is not in the best interest of the citizens of Michigan for the following reasons:

- In many cases, the members that are appointed to the boards created under SB 652 and SB 653, would represent interests that directly financially profit from actions that would cause pollution to, and in some cases destruction of the natural resources of the state of Michigan.
- That due to that direct financial interest, those representatives would tend to discount or ignore potential impacts on the health of residents, or to their property value.
- The bills undermine the accountability of the Governor, and those individuals that the Governor appoints to implement the laws of the State of Michigan. If those individuals do not have the final say on new administrative rules or permits, they could argue that final decision making was not in their hands. And, opposed to other positions appointed by Governor, who serve at the will of the Governor, these individuals could only be removed for cause.
- The bills could subject the state to costly litigation if decisions are challenged that fail to follow the laws of the State of Michigan. The representatives of these boards or panels are not accountable for those litigation costs that would fall to the taxpayers of the State of Michigan.
- The boards established under SB 652 and SB 653 are not needed. If administrative rules or permits are issued that the legislature does not agree with, it may currently amend the implementing statute to make any corrections that are needed.

- The proceeding sets forth in the bills would result in potentially significant delays in agency decision making.

We urge a no vote on SB 652 and SB 653.

Sincerely,

A handwritten signature in black ink, appearing to be 'JC', with a large loop at the bottom and a horizontal line extending to the right.

James Clift, Policy Director