



To: House Natural Resources, Environment, Tourism, and Outdoor Recreation
Committee Members

From: Charlotte Jameson, Chief Policy Officer, Michigan Environmental Council
Emily S. Smith, Land and Water Conservation Policy Manager, Michigan
Environmental Council

Date: Oct 19, 2023

Re: Testimony in support of House Bill 4826

Thank you Chair Pohutsky, Majority Vice Chair Hill, Minority Vice Chair Martin, and members of the committee for the opportunity to submit testimony in support of House Bill 4826, which seeks to eliminate the Environmental Rules Review Committee within the Administrative Procedures Act.

Through research and interviews conducted by the Michigan Environmental Council, both past and present committee members have voiced that not only is the committee a clog in the system, but it isn't actually needed. All departments are required to follow a specific procedure for the creation of agency rules under the Administrative Procedures Act, which include opportunities for public comment and engagement and specific timelines. However, the Environmental Rules Review Committee requires additional steps to this procedure for the Department of Environment, Great Lakes, and Energy (EGLE), while still having to meet the original timelines. If these timelines aren't met, then the rules process could conclude without rules being promulgated. Rules are proposed by EGLE to help safeguard Michigan's natural resources, and any hindrance in the promulgation of those rules is a detriment to the forests and lakes we all love. It also poses risks to the tremendous economic contributions of these resources to Michigan's outdoor recreation economy.

Additionally, the Environmental Protection Agency (EPA) allows EGLE to manage various programs that are required by federal law. When those program parameters are updated at the federal level, EGLE must amend its rules governing those programs or risk losing the ability to manage them. The committee review process adds unnecessary time (and staff resources) to the rulemaking procedures and jeopardizes EGLE's ability to manage federal programs in Michigan.

Furthermore, the Administrative Procedures Act requires public hearings and comments and engages stakeholders. The committee does not provide for the addition of public or stakeholder engagement. The rulemaking process imposed upon EGLE under the Environmental Rules Review Committee does not allow for additional public hearings or comments and does not lend an opportunity for committee members to discuss the rule changes in depth or provide suggested changes to the rules. Because the act already requires public hearings and

engagement, and the committee process does not add public engagement value, the committee is unnecessary.

To safeguard Michigan's natural resources, the Michigan Environmental Council supports the elimination of the Environmental Rules Review Committee. The committee jeopardizes EGLE's ability to promulgate rules for the protection of Michigan's environment and risks EGLE falling out of compliance with EPA requirements to manage certain programs in Michigan. The committee is also unnecessary as opportunities for public and stakeholder engagement are currently provided for under the Administrative Procedures Act. Finally, the financial and staff resources required to run the committee should instead be utilized in a way that actually results in the protection of Michigan's natural resources.

Thank you for your consideration of these comments and we urge you to support HB4826.

Sincerely,

Charlotte Jameson
Chief Policy Officer
charlotte@environmentalcouncil.org

Emily S. Smith
Land and Water Conservation Policy Manager
emily@environmentalcouncil.org
Michigan Environmental Council