

Clean Water Action was founded in 1972 to organize for the passage of the federal Clean Water Act. For the past 48 years, CWA has been advocating for strong policies to protect water resources and our environment federally and in state legislatures across the country. In Michigan we have over 135,000 active members who value our Great Lakes and protection of the water resources on which we all rely. Clean Water Action members and staff look forward to partnering with any and all lawmakers who are interested in pursuing the policy priorities detailed in this document. If you are interested in learning more, or are ready to champion any of these policies, please contact our Legislative and Policy Director, Sean McBrearty, at [smcbrearty@cleanwater.org](mailto:smcbrearty@cleanwater.org), or our Michigan Director, Mary Brady-Enerson, at [mhbrady@cleanwater.org](mailto:mhbrady@cleanwater.org).



## Legislative Priorities

### Polluter Pay and Corporate Accountability for our Environment

There are currently over 24,000 contaminated sites statewide and that number grows each year, while our Part 201 cleanup program remains underfunded and ill-equipped to confront the magnitude of the problem at hand.

During the 2019-2020 legislative session, Michigan residents watched while a contaminated industrial site collapsed into the Detroit River, green ooze from another contaminated site gushed through a sidewall onto the 696 highway, and dozens of additional PFAS contaminated sites were identified. All the while, state taxpayers were left on the hook while the responsible parties either declared bankruptcy or abandoned the site of contamination years prior.

For fiscal year 2019, the Renew Michigan's Environment program received \$69 million in revenue, 65% of that (roughly \$45 million) was allocated to environmental cleanup and redevelopment. Far greater funding is needed to address our contaminated sites and ensure clean water, clean air, and healthy environments for all residents. The cost of addressing and remediating contamination should fall on the responsible parties, not taxpayers.

#### **Policy Recommendations:**

- Restoring Michigan's polluter pay laws including cleanup requirement to residential standards, cleanup of aquifers and groundwater whether or not they are currently used as a drinking water source, and joint and several liability for environmental contamination.
- Instituting "Responsible Corporate Officer Doctrine" so that negligent corporate officers can be held personally liable for instances of environmental harm.
- Eliminating the statute of limitations for environmental violations. The current statute is six years after the instance of the violation, while many sites aren't even discovered until after the statute of limitations expired.
- Tying environmental fines to percentage of gross revenue and directing fine money to the most impacted communities. Currently, fines are merely a cost of doing business for major corporations. Tying fine amounts to revenue would provide a stronger incentive to not pollute.
- Repealing Michigan's "No Stricter Than Federal" Law. As Michigan is home to 21% of the world's fresh water, we must have the regulatory flexibility necessary to protect that resource instead of being restricted by federal minimums.



## Water Infrastructure and Contamination Investments

Michigan's water infrastructure is outdated, poorly rated, and significantly under-funded. Conservative estimates claim that we have a funding shortfall for drinking, storm, and wastewater infrastructure of roughly \$1 billion annually. Further, PFAS chemicals and other emerging contaminants continue to pollute drinking water sources for both residents who rely on water wells and residents who are hooked into water utilities.



The good news is that by creating the revenue necessary to rebuild our water infrastructure and address contamination issues, Michigan can create thousands of good-paying jobs. A recent report from Blue-Green Alliance confirmed that investing \$105 billion in water infrastructure upgrades over 10 years nationally would result in the creation of 654,000 job-years across the US economy. Michigan has more lead service lines in use than any other state, and our drinking and stormwater infrastructure were rated “D” and “D-” respectively by the most recent American Society of Civil Engineers report card.

We can't afford to wait for federal action to begin rebuilding our water infrastructure and addressing contamination. There are options that can be pursued at the state level to fund water infrastructure investments and increase economic activity across our state.

### **Policy Recommendations:**

- Identifying equitable funding mechanisms to address current shortfalls and fund replacement of outdated and failing infrastructure
- Requiring all products that contain PFAS chemicals to be labeled as such
- Banning the production and sale of AFFF and other fluorinated firefighting foams
- Increase funding to the SAW grant program which provides matching funds to municipalities for stormwater, asset management, and wastewater projects and programs
- Create a statewide sanitary code requiring regular inspections of septic systems at least every ten years
- Allow municipalities to create stormwater utilities and incentivize green infrastructure updates

## Addressing Environmental Racism and Injustice

The impacts of environmental contamination and climate change are felt strongest and most immediately by low income communities and communities of color. To address this long standing injustice, we must pursue policies that center environmental justice and will provide immediate relief to impacted communities and residents.

The COVID-19 pandemic has highlighted the importance of addressing environmental racism and injustice. People living with illnesses like asthma and weakened immune systems are more likely to face serious complications from COVID-19. Also, those without running water in their homes are more susceptible as they can't rely on running water at home for basic hygiene. These are all problems that are solvable, and solving them would drastically improve the quality of life for thousands of Michigan residents.



### **Policy Recommendations:**

- Directing funds from environmental fines to be spent in the communities that are most impacted by the specific violations that occurred
- Banning water shut offs for non-payment and incentivizing water affordability programs
- Considering the cumulative impact to air and water quality of adjacent communities for all permits requested in a given zip code instead of considering impacts of each permit individually
- Requiring EGLE and other state agencies to more fully incorporate public comment into their permitting decisions
- Establishing Michigan Public Service Commission oversight of water utilities and rates

## Strengthening Public Trust Protections

Our water is a public resource. The State of Michigan is charged with the protection of our water resources for the public in perpetuity. Right now, statutory protections for our water have not caught up with science. We know that surface water and groundwater are connected as part of one hydrologic cycle, however surface water and groundwater are regarded differently under current statutes.

As the global climate crisis continues to deepen, protection of the vast amount of surface and groundwater that defines our state must be a top priority. Water bottling companies should not be permitted to take a public resource, bottle it, and sell it as if it were a product with no respect paid to the public's ownership of that resource. Moreover, weak regulatory structures have made it very difficult for the state to reject water withdrawal permit requests, no matter how great the potential for damage to our public resources. Strengthening public trust protections in statute would help to ensure that our water remains a public resource owned by the people of Michigan, not a commodity subject to international trade agreements and available only to the highest bidder.



### **Policy Recommendations:**

- Amending the Natural Resources and Environmental Protection Act to eliminate the “water bottling loophole”
- Including groundwater specifically as a public resource in statute and charging appropriate state authorities with specific oversight of public trust water resources
- Implementing a licensing system for water bottlers that is more restrictive than the water withdrawal assessment tool, and requiring royalties paid by water bottlers go into a segregated fund that does not revert to the state general fund and can be spent only on water infrastructure, contamination, and affordability programs
- Eliminating statutory deadlines for water withdrawal permit consideration



## Real Solutions to the Climate Crisis

The global climate crisis is one of the defining issues of our time. If we act boldly, we can create thousands of good-paying jobs, transform our energy and water infrastructure, and prepare Michigan to become a leader in the emerging green economy. If we fail to act now, the consequences of inaction will be felt for generations to come.

Michigan's manufacturing infrastructure gives us a great opportunity to create thousands of jobs, attract new companies, and become a national leader in green energy, electric vehicle manufacturing, and green infrastructure innovation.

### **Policy Recommendations:**

- Increasing Michigan's Renewable Portfolio Standard to 100% no later than 2035, and our Energy Efficiency Standard to at least 50% by 2030
- Achieving net-zero carbon emissions by 2040
- Assisting with home weatherization for lower income families by increasing funding to the Weatherization Assistance Program (WAP) to cover home repairs necessary to meet WAP minimum criteria and end deferrals
- Eliminating caps on renewable energy generation
- Incentivizing rooftop solar by eliminating the cap on net metering
- Promoting electric vehicle use and production by creating a statewide charging station network, reducing EV registration fees, and offering tax credits for EV purchase
- Banning the transport of oil and gas on, under, or through the Great Lakes





## Democracy and Money in Politics

At the federal and state level, our democracy has been under attack. From the corrosive influence of corporate money on our political system to the negative impact of term limits and the “revolving door” in Lansing, reforms are necessary to ensure transparency and accountability and restore trust between our government and the people it means to serve.

Trust in government has declined across the country over the last several decades, while corporations and wealthy individuals have gained and exerted greater control over the functions of our institutions. This lack of trust and corporate domination has resulted in greater polarization and an inability of our government to properly function, especially in regards to protecting the natural resources on which we all rely and responsibly addressing the global climate crisis. Reforming our institutions to increase accountability and transparency will help restore faith in the idea of government of, by, and for the people, and will enable lawmakers to more fully represent their constituents.



### **Policy Recommendations:**

- Establishing a Legislative Open Records Act, and extending the Freedom of Information Act to include the Executive Office of Governor
- Instituting a “cooling off period” requiring state lawmakers and department heads to refrain from registering as lobbyists for a minimum of five years after leaving office
- Reducing campaign contribution limits and establishing PAC and super PAC contribution limits
- Establishing donor disclosure requirements for PACs and super PACs to limit dark money in Michigan elections



*For more information:*

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