

**THURSDAY JANUARY 25, 2024**

**WRITTEN TESTAMONY**

**EMILY CORD-DUTHINH**

Thank you for the opportunity to share my experiences as a member of the Environmental Permit Review Commission. My name is Emily Cord-Duthinh. I was appointed to the EPRC in 2020 and have served on ten review panels including chairing several panels. Four of the review panels were for contested cases, in which petitioners appealed to the EPRC after EGLE denied their permit application. I have also served on six permit application appeals, in which petitioners appeal to the EPRC before EGLE completes their review. Many of these were incomplete applications submitted to EGLE.

As a member of the EPRC, I urge you to **support SB 393/394 and abolish the Environmental Permit Review Commission for four reasons**. The EPRC process delays the permit application, it is not good governance, it is an expensive use of taxpayer funds, and it adds government redundancy which contributes little to no value.

1. In the first type of appeal: permit application appeals, petitioners appeal to EPRC before providing complete information or allowing EGLE to respond to public comments and complete their review. For example, in one panel I was on, the petitioner appealed to EPRC the day public comments closed, giving EGLE no time to respond. When petitioners ask EPRC panels to rule on incomplete applications, the **EPRC process simply delays the application**.
2. In the second type of appeal: contested cases, panel members are sometimes required to rule on matters beyond their qualifications. Panel members are qualified in their technical fields but may be asked to rule on matters of law beyond their expertise. I am a geologist; yet one EPRC panel required that I second guess a judge on a question of land ownership. The EPRC empowers the panel to overrule an administrative law judge and staff attorneys on matters of law. **The EPRC process is not good governance**.
3. **EPRC panels are an expensive use of taxpayer funds**. Each EPRC meeting includes, typically, seven staff from EGLE and MOAHR (Michigan Office of Administrative Hearings and Rules), including senior agency staff and an attorney. It takes time for staff to compile up to 10,000 pages of administrative records and it takes panel members time to read. EPRC staff find it difficult to fill panels with volunteer members who can review this volume of records within the statutory time constraints. These meetings are an expensive use of taxpayer funds, and each contested case entails two to three meetings. Despite this high cost to the taxpayer, it costs petitioners nothing to appeal to EPRC.

4. **EPRC panels are government redundancy which add little to no value.** Contested cases go through the local EGLE permit staff, permit supervisor, their district supervisor, EGLE staff in Lansing, sometimes other state and federal departments such as Michigan Department of Natural Resources, Army Corps of Engineers, US Environmental Protection Agency, and an administrative law judge. Yet three EPRC panel members are empowered to overrule this process, potentially overturning years of review by EGLE and an administrative law judge. Unlike EGLE staff, panel members have not seen the site and cannot be as familiar with the issues as EGLE staff who may have spent years working with the petitioners. Because EGLE approves 99% of the permit applications it receives, only the most egregious permit applications are denied. All the EPRC panels I have served on have concluded that EGLE appropriately met its statutory mission to protect our environment and public health.

In summary, based on my professional experience and service on the EPRC, please **support HB 4824-4826 and SB 393/394** to abolish the Environmental Permit Review Commission, the Environmental Rules Review Commission, and the Science Advisory Board. These bills will streamline the EGLE regulatory and permit processes, spend taxpayer funds wisely, eliminate government redundancy, and ensure good governance. Thank you.