



May 14, 2015

House Oversight and Ethics Committee
Lansing, Michigan

Re: HB 4540 – Critical Energy Infrastructure FOIA exemption

Dear Representatives,

The Michigan Environmental Council is an umbrella group of more than 65 environmental, conservation and faith-based groups located across the state of Michigan. A number of those groups are dedicated to the protection of water resources, either statewide, or within their local communities. As part of those protection activities, the groups monitor activities within their communities which pose a risk to public health and natural resources.

Energy infrastructure represents one of those risks. The Enbridge spill in the Kalamazoo River is still a vivid reminder of the devastation that can be caused by improperly maintained infrastructure and negligent or ineffectual operations of those systems. Property owners and watchdog organizations play an important role in protecting our natural resources. Unfortunately, HB 4540, as introduced, eliminates their ability to play this important role.

The Michigan legislation is patterned after a federal program which provides a Freedom of Information Act exemption for critical energy infrastructure, but also includes a bypass procedure for homeowners and organizations that can demonstrate a legitimate need for information. Unfortunately, HB 4540 by not including this alternative procedure is placing Michigan residents and natural resources at risk.

Now is the not the right time to move forward with this bill. The committee should wait for the Michigan Petroleum Pipeline Task Force before taking any action that may hamper transparency moving forward.

Lastly, the best defense against terrorism is the same defense against unintentional environmental harm – an infrastructure system which immediately recognizes any change in operations and immediately either shuts down or isolates itself from other portions of the system. The Michigan Environmental Council suggests that this committee focus on the ability of energy systems to minimize any potential problems and the upgrades that are needed for better protection. Related to this point, a focus should be placed on the elimination of any infrastructure that can't be adequately protected and that the failure or destruction of which would cause catastrophic damage.

Sincerely,

James Clift, Policy Director