

2019-2020 Michigan Executive Branch Midterm Scorecard



Governor Whitmer, Attorney General Nessel, and Secretary of State Benson had their work cut out for them when they were sworn into office in 2019. The Snyder and Schuette Administration was characterized by corruption and self dealing, and inadequate budgets had hobbled important departments. On top of that, a lame duck session in December 2018 all but raided the treasury before new state leadership took office in January.

After only two years in office all three leaders have helped ensure significant progress for Michiganders, our environment and our democracy. Despite facing legislative leaders who have retained their majority through gerrymandering, the Governor, Attorney General, and Secretary of State have made progress on transparency, good government, ethics, and protection of our natural resources. This is a testament to their tenacity and leadership, and is exactly what Michigan needs.

Clean Water Action did not score the Michigan Legislature in 2020. The anti-environment leadership in the Legislature has continued to roadblock any meaningful environmental legislation. Though there are strong champions for our water, health, and communities in the state senate and state house, their voices are ignored by Republican leadership. Under the leadership of Senate Majority Leader Mike Shirkey and Speaker of the House Lee Chatfield, the legislature has accomplished little more than political gamesmanship and has consistently obstructed Governor Whitmer's efforts to protect Michigan residents and our natural resources, despite broad public support for action to protect our environment and health. At the same time, Whitmer, Nessel, and Benson have moved Michigan forward and have put people first, in spite of strong opposition from corporate special interests, industry front groups, and well-connected lobbyists.

This scorecard focuses on the major actions taken to protect our water and our democracy by Governor Whitmer, Attorney General Nessel, and Secretary Benson since 2019. This is not an exhaustive list, though it does highlight some of the most meaningful actions each of these leaders has taken since they took their oath. Clean Water Action is excited to see what these three outstanding leaders will achieve during the remainder of their terms and we're eager to partner with them to continue to put Michiganders first.

Governor Gretchen Whitmer: A



Few Michigan Governors have faced more adversity through their first two years in office than Governor Gretchen Whitmer. When she came into office she was met with an openly hostile legislature that refused to work with her on much of anything. Even fixing the roads — despite it being difficult to find a more non-partisan goal than that — was met with tremendous opposition. She also inherited a state budget in crisis, the threat posed to our Great Lakes from the Line 5 pipeline, and a drinking water crisis from PFAS chemicals in communities across Michigan. And this was all before the COVID-19 pandemic began.

True leaders are not forged in times of ease, but instead when they face great adversity. Governor Whitmer is the leader that Michigan needs in these difficult times. Her decisions during the pandemic have saved thousands of

lives, and she's done it all despite an obstructionist legislature, attacks from the President, and violent plots from far-right terrorists.

In the face of this, Governor Whitmer has done more to protect public health, our environment and address the climate crisis than any other governor in state history. She has worked with the legislature when possible, and used her legal authority as the state executive when necessary. She has been diligent in fulfilling her campaign promises to protect all Michigan residents as well as our natural resources. There is still much more to be done, but we are proud of the progress the Governor has made thus far — and are excited to continue working with her Administration over the next two years.

Here are some of Governor Whitmer's biggest environmental accomplishments so far:

- Reorganized Department of Environmental Quality into Department of Environment, Great Lakes, and Energy (EGLE)
- Established the first-ever Climate Office within EGLE
- Established first-ever Clean Water Public Advocate and Environmental Justice Public Advocate positions within EGLE
- Established the first-ever Michigan Advisory Committee on Environmental Justice
- Strengthened the Michigan PFAS Action Response Team
- Entered Michigan into the US Climate Alliance
- Established the UP Energy Task Force
- Directed EGLE to strengthen pollution inspection and enforcement procedures
- Ordered DNR to revoke and terminate 1953 easement to decommission Line 5
- Ordered energy shut-off moratorium and water reconnections in response to COVID-19 pandemic
- Created direct energy assistance programs
- Appointed renewable energy advocates to Michigan Public Service Commission
- Established a framework to make Michigan carbon neutral by 2050
- Advocated for increased state budget investments in water infrastructure
- Established strict Maximum Contaminant Levels for PFAS chemicals to protect drinking water

Attorney General Dana Nessel: A



In two years, Attorney General Nessel has certainly made a name for herself. She is a more active protector of Michigan's environment than any Attorney General in Michigan history — with the possible exception of Frank Kelley (though Kelley had 37 years and Nessel has only had 24 months).

She began her time as AG by pulling Michigan out of several federal lawsuits that her predecessor had joined. These lawsuits sought to minimize environmental safeguards and deny the reality of the climate crisis. Additionally, she has challenged bills that were hastily passed during the 2018 lame duck session, established a criminal unit within the Natural Resources, Agriculture and Environment Division, sued major polluters, and began intervening in Michigan Public Service Commission (MPSC) proceedings to protect Michigan ratepayers. The results so far have been staggering — AG Nessel has already saved Michigan ratepayers more than \$630 million through her MPSC ratepayer advocacy alone.

Her work to protect our environment and hold polluters accountable has also paid off. Nessel obtained a \$69.5 million settlement from Wolverine Worldwide to extend municipal water supplies to roughly 1,000 homes with wells contaminated by PFAS. She worked with federal authorities to obtain a \$245 million settlement from Allied Paper for cleanup of PCBs from their superfund site in Kalamazoo. She has also joined or is leading 14 different federal lawsuits to stop the Trump administration from weakening environmental safeguards.

AG Nessel has worked hard towards her campaign promise to shut down Enbridge's Line 5 pipeline. Among her first actions as Attorney General was her office's opinion that the 2018 lame duck tunnel law was unconstitutional. Nessel has also sued Enbridge to shut down Line 5, and was granted a preliminary injunction keeping half of the pipeline shut down for two months after more damage was discovered earlier this year. It has been a privilege to watch AG Nessel make such good use of her authority to protect our shared natural resources on behalf of all Michiganders.

Here are some of the highlights of Attorney General Nessel's work so far:

- **Sued Enbridge to secure the shutdown of Line 5 and won a preliminary injunction in state court**
- **32 environmental multi-state actions including:**
 - Opposed Trump administration's "Dirty Water Rule"
 - Opposed Clean Water Act Part 401 Rollback
 - Opposed Trump administration's "Dirty Power Rule"
 - Joined coalition supporting Dakota Access Pipeline shutdown
 - Joined coalition urging federal cooperation on clean energy goals
 - Urged EPA to not limit enforcement activities during COVID-19 pandemic
- **Protected Michigan ratepayers through Michigan Public Service Commission interventions:**
 - UPPCO intervention saved ratepayers \$8.2 million
 - SEMCO intervention saved ratepayers \$3.6 million, cut gas rate increase by 50%
 - DTE intervention to oppose energy cost increases for DTE ratepayers, still awaiting MPSC decision
 - Consumers Energy intervention to oppose energy cost increases for Consumers ratepayers, still awaiting MPSC decision
 - Michigan Indiana Power Company intervention reduced proposed rate increase by \$22.1 million
- **Held polluters accountable:**
 - Wolverine Worldwide settlement required Wolverine to pay \$69.5 million to extend municipal water service to over 1,000 properties and pay for filtration systems for homes impacted by Wolverine's PFAS contamination
 - Lawsuit against 3M, DuPont, and 13 other PFAS manufacturers to hold them accountable for PFAS contamination
 - \$245 million settlement with NCR Corp. to fund cleanup of Kalamazoo River superfund site
- **Established Criminal Unit within AG Natural Resources Division to investigate and prosecute polluters**

Secretary of State Jocelyn Benson: A



In 2018, Michiganders voted overwhelmingly in support of Proposal 2 — to establish a non-partisan redistricting commission, and Proposal 3 — to protect the integrity of Michigan elections and ensure that every eligible voter has the access and opportunity to vote. These major changes to voting and redistricting laws in Michigan needed to be implemented early in Secretary Benson's term.

Luckily, the people also chose Jocelyn Benson Secretary of State that year. An elections expert and election-law attorney, Benson is one of the most widely respected Secretaries of State in the country. She understands the critical role that Secretaries of State and elections officials play in protecting our democracy. In just two years, Secretary Benson has led the implementation of the changes required by the 2018 ballot proposals and managed her office with an extremely limited budget. Her leadership has been integral to ensuring free, fair and transparent elections and increasing ballot access and voter participation.

Here are some highlights of Secretary Benson's achievements so far:

• **Implementation of Proposal 2:**

- Recruited Michigan voters to apply for Michigan's first-ever Independent Redistricting Commission
- Increased access to notaries to streamline application process for Redistricting Commission
- Ensured equitable participation in application and selection process
- Worked with SOS employees and contractors to fully implement proposal, including randomized selection process

• **Implementation of Proposal 3:**

- Informed the public through townhalls and other outreach of voting rights changes due to Proposal 3
- Launched 2019 pilot program sending absentee voter applications to all voters in certain precincts in an effort to increase voter participation
- Successfully increased voter awareness and participation in each election held since 2018

• **2020 Election protection and outreach:**

- Ensured ballot access to all eligible voters — sent Absent Voter Ballot Applications to all registered voters to encourage voting safely during the Covid-19 pandemic
- Oversaw a presidential election with record turnout
- Ensured the integrity of Michigan's election
- Conducted a statewide audit in accordance with Proposal 3 to ensure election integrity and transparency



For more information:

Mary Brady-Enerson, Michigan Director, Clean Water Action/Clean Water Fund | mhbrady@cleanwater.org
909 Abbot Road, East Lansing, MI 48823 www.facebook.com/CleanWaterMI [@CleanWaterMI](https://twitter.com/CleanWaterMI)

