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What data matters most to you?

- Looking at these topics and subtopics, what needs clarification?
- Which topics and subtopics do you think are most important for being included in a data tool?
- What is missing? What do we need more of?

These comments are submitted by the Duluth Seaway Port Authority, which is an independent public agency created by the Minnesota State Legislature to foster regional maritime commerce, promote trade development, facilitate industrial development and serve as an advocate for port interests here and around the world.

We understand that the goal of a cumulative impacts (CI) analysis is to determine the impacts from "aggregated levels of past and current air, water, and land pollution in a defined geographic area to which current residents are exposed." We also understand that the decision to conduct any CI analysis is in addition to the long-established air permitting process, as required by state and federal rule, which is a scientifically rigorous set of steps to determine appropriate limits on pollutants being emitted from a facility to protect public health and the environment. The data sources for the CI analysis need to be supported with science, publicly available, and refined at the appropriate scale (census tract level or other) to provide meaningful insight for final permitting decisions. The MPCA should also acknowledge that the science behind CI analysis is an evolving field and should be based off more established methods, such as air risk assessments, before expanding beyond the science. It is noted that the Massachusetts Department of Environmental Protection recently went through a similar rulemaking effort and found that of the potentially hundreds of indicator data sets that could be used to evaluate the environmental, health, and climate impacts in an EJ community, the final list implemented was considerably smaller (33). Minnesota will need to go through a similar exercise to not only determine the appropriate data to use, but also the flexibility to tailor the analysis based on the stressors in a specific EJ community.

There is also concern with unintended consequences of using data based on assumed or perceived impacts to the community. In these instances, the analysis may determine a community is negatively impacted in a general way, but it may be unclear if the facility being analyzed is exacerbating that impact. These uncertainties could lead to a permit denial or the need for community benefit agreements that are based on perceptions or assumptions rather than science.

How will MPCA narrow down which data indicators to include?

- What needs clarification or updating?
- Are there standards missing? Any that can be removed?
- Are any of these standards more important than others?

There is concern with relying too much on historical impacts, many of which were done legally, prior to environmental regulations, and/or comprehensive land use planning efforts at the local level. We believe the focus should be on the conditions that occur today (such as ambient air quality), how current conditions compare to the yet-to-be defined benchmarks for triggering a CI analysis, and reasonable improvements (if determined necessary) that can be implemented in incremental phases. We support the rules and regulations that are in place to control pollutants from permitted facilities, but we caution against relying too heavily on factors in a CI analysis that are beyond the scope of potential pollution impacts from the permitted source. There is concern that the regulatory permitting process is being used to potentially hold businesses accountable to right past government wrongs.

What else should we know?

- What are the important things you want us to know about your neighborhood?
- Are there specific types of pollution, environmental stressors, health stressors, or other topics you experience in your neighborhood?
- What are other important things we should consider in a cumulative impacts analysis – they can be social political economic?
- What do you think is missing?

To provide a balanced assessment when considering future permit decisions, the MPCA should also consider incorporating data that measures the economic gains from the facility operating in the community. This could be done within or outside the CI analysis itself, but at minimum included within the final permit decision document. Facility specific factors could include contributions to the local tax base, average wages and health benefits provided, proximity of the workforce to the facility, training or education provided by the employer, and community involvement (staff volunteering, company donations to local causes, improvements to public spaces, etc.). Suggesting data of this type doesn't overlook the stressors in the community, but acknowledges that industrial facilities also provide significant positive impacts to EJ communities that can improve stressors affecting EJ communities.