

Jeff Udd

What feedback do you have on the indicators that are LIKELY to be included in cumulative impacts analyses?

These comments are submitted by the Duluth Seaway Port Authority (DSPA), which is an independent public agency created by the Minnesota State Legislature with the mission to bring business to the Port of Duluth-Superior, economic development to the region, and advocate for maritime, freight transportation, and industrial interests.

The cumulative impacts legislation applies to certain facility permit types and within certain locations. If the permitted action is determined to exceed yet-to-be defined benchmark standards, such as surrounding stressors or emission thresholds, then a cumulative impact analysis is required. Environmental stressors are factors that may make residents of an EJ area susceptible to harm from exposure to pollutants. The question becomes, “How do we tie community stressors/indicators to the permit action?” The DSPA believes the list of “likely to be included” indicators should be narrowed further from the list above. The indicators used in the cumulative impacts analysis should be limited to those directly linked to the air emissions from the permitted facility, and that direct link should be based on sound science. While educational attainment and food insecurity, for example, may be stressors within an EJ community, neither can be remedied through the conditions of an air emissions permit.

A substantial concern that we have with this “likely to be included” indicator list, and the cumulative impacts process in general, is the risk of creating false expectations for those in an EJ community. Is the expectation that a permitted facility or facilities “fix” many or all of these stressors within the community or be forced to substantially change operations, including shutting down? Without acknowledging or articulating any limitations to the mitigation actions that may be required by a permitted facility to address community stressors, the state is creating those false expectations. Furthermore, this approach supports the false choice of industry or the environment.

DSPA has continued to support the robust environmental protection laws of the State of Minnesota, but restricting industries beyond which can be reasonably done through conditions in an air emissions permit is not a sustainable economic or public policy. A strong and vibrant industrial base generates living wage jobs, taxes for local units of government, and thriving communities for all.

What feedback do you have on the indicators that have POTENTIAL to be included in cumulative impacts analyses?

DSPA does not support the inclusion of any of these “potential to be included” indicators in the cumulative impacts analysis.

What feedback do you have on the indicators that are UNLIKELY to be included in cumulative impacts analyses?

DSPA does not support the inclusion of any of the “unlikely to be included” indicators in the cumulative impacts analysis.

The Duluth Seaway Port Authority appreciates the opportunity to comment on this important rulemaking effort and looks forward to the next steps in the process.
