

Clean Water Action's 2011-2012 Midterm Legislative Scorecard

It's official: the 2012 election season is underway. Soon candidates will be stumping all over Michigan delivering speeches about their commitment to the Great Lakes and our many other water gems. Michigan politicians know the state's voters care about our water so their campaign messages usually include a focus on Great Lakes protection and other water themes.

The distinction between campaign rhetoric and lawmaker voting records tells the real story and, unfortunately, most state lawmakers turn their backs on strengthening water safeguards. Only a handful of lawmakers in any given session are true guardians of Michigan's water.



In 2011, the majority in the current legislature added a new twist to this Lansing environmental doublespeak. Instead of simply opposing stronger protections like those proposed in Clean Water Action's 2011 Water Protection Agenda (<http://www.cleanwateraction.org/publication/2011-michigan-water-protection-agenda>), state lawmakers sought to dismantle our existing protections, often under the banner of "job creation." However, the votes included in this scorecard clearly have nothing to do with increasing job creation. Instead, they represent a commitment to rolling back years of environmental progress in cleaning-up and protecting Michigan's water and other natural resources.

Our 2011 Michigan Water Protection Agenda outlined a number of priority policies that would further protect and restore our water while building a green economy by:

- Ensuring clean beaches and safe drinking water by reducing pollution from sewer overflows and leaking septic systems as well as achieving reductions in polluted stormwater runoff;
- Retaining abundant habitat for fish and wildlife by protecting Michigan's remaining wetlands;
- Improving people's health by reducing exposures to dangerous chemicals like toxic toys and flame retardants, lindane lice treatment, and deadly diesel exhaust;
- Making energy choices that protect our water like addressing the risks of natural gas extraction using fracking, improving pipeline safety, as well as expanding Michigan's clean energy economy by increasing the state's clean energy and energy optimization standards and promoting use of electric vehicles; and
- Standing-up for "Pure Michigan" by funding and enforcement of environmental protections.

House of Representatives

The votes scored in this scorecard illustrate how the current legislative leadership is opening the floodgates to exemptions

for polluters and removal of laws and rules needed to protect Michigan's water.

In addition to the votes included in this scorecard, other measures were not subject to a roll call vote but their passage serves as evidence of the legislature's intent to remove essential safeguards for our water. For example, two resolutions (House Resolution 19 and Senate Concurrent Resolution 6) urged Congress to tie the hands of the U.S. Environmental Protection Agency and limit its ability to pass important pollution limits and needed health protections.

The Michigan Legislature failed to advance any of the safeguards outlined in our 2011 Water Protection Agenda including measures to strengthen oil and gas pipeline safety standards. Meanwhile, 18 months after the massive Enbridge oil spill official estimates indicate from hundreds of thousands to tens of thousands of gallons of oil still pollute the Kalamazoo River. In April 2011, a Stockbridge Township pipeline spilled more than 460,000 gallons of gasoline and, to date, only 100,000 gallons have been cleaned up in this mid-Michigan community. Instead of acting to protect Michigan's water from similar spills by strengthening pipeline safety policies, House leadership passed HR 136 as a symbolic vote for the construction of the controversial Keystone XL pipeline.

The current House majority passed on a vital job creation opportunity by failing to advance clean energy legislation, which would carve out a larger portion of our energy future for Michigan-made renewable energy components like wind turbines, solar panels and advanced batteries. Thousands of additional energy efficiency jobs could be created by stronger energy efficiency standards. If the majority of lawmakers in the legislature were truly interested in job creation, they would have embraced Michigan's emerging clean energy economy. Instead, their inaction has led to a siphoning away of jobs to other states and foreign countries.

2011 Michigan House of Representatives' Environmental Heroes

The following 13 lawmakers received top honors from Clean Water Action for their 100% voting records:

Joan Bauer (D-68)	David Nathan (D-11)	Rashida Tlaib (D-12)
Lisa Brown (D-39)	John Olumba (D-5)	Jim Townsend (D-26)
George Darany (D-15)	David Rutledge (D-54)	Jimmy Womack (D-7)
Jeff Irwin (D-53)	Charles Smiley (D-50)	
Ellen Cogen Lipton (D-27)	Jon Switalski (D-25)	

Our 2011 Honorable Mentions are presented to the following 10 state representatives who scored between 90 and 95%:

Vicki Barnett (D-37)	Bob Constan (D-16)	Mark Meadows (D-69)
Tim Bledsoe (D-1)	Rudy Hobbs (D-35)	Thomas Stallworth (D-8)
Barb Byrum (D-67)	Marcia Hovey-Wright (D-92)	
Philip Cavanagh (D-17)	Shanelle Jackson (D-9)	

2011 Michigan House of Representatives' Environmental Zeroes

The following 58 state representatives received a 0% on our Midterm Scorecard:

Dave Agema (R-74)	Ken Goike (R-33)	Pete Lund (R-36)	Earl Poleski (R-64)
Jase Bolger (R-63)	Gail Haines (R-43)	Lisa Lyons (R-86)	Phil Potvin (R-102)
Jon Bumstead (R-100)	Joe Haveman (R-90)	Peter MacGregor (R-73)	Amanda Price (R-89)
Mike Callton (R-87)	Kurt Heise (R-20)	Greg MacMaster (R-105)	Al Pscholka (R-79)
Kevin Cotter (R-99)	Thomas Hooker (R-77)	Ed McBroom (R-108)	Bruce Rendon (R-103)
Hugh Crawford (R-38)	Ken Horn (R-94)	Tom McMillin (R-45)	Bill Rogers (R-66)
Kevin Daley (R-82)	Holly Hughes (R-91)	Chuck Moss (R-40)	Paul Scott (R-51)
Kurt Damrow (R-84)	Matt Huuki (R-110)	Paul Muxlow (R-83)	Deb Shaughnessy (R-71)
Cindy Denby (R-47)	Bradford Jacobsen (R-46)	Aric Nesbitt (R-80)	Mike Shirkey (R-65)
Jeff Farrington (R-30)	Nancy Jenkins (R-57)	Margaret O'Brien (R-61)	Pat Somerville (R-23)
Frank Foster (R-107)	Joel Johnson (R-97)	Rick Olson (R-55)	John Walsh (R-19)
Ray Franz (R-101)	Marty Knollenberg (R-41)	Paul Opsommer (R-93)	Ken Yonker (R-72)
Bob Genetski (R-88)	Eileen Kowall (R-44)	Mark Ouimet (R-52)	Dale Zorn (R-56)
Jud Gilbert (R-81)	Kenneth Kurtz (R-58)	Rick Outman (R-70)	
Ben Glardon (R-85)	Andrea LaFontaine (R-32)	Peter Pettalia (R-106)	

Michigan Senate

The Michigan Senate only voted on a handful of measures in 2011 so we did not compile a Senate midterm scorecard. Instead, we will review Senate votes in the coming months and anticipate producing a scorecard for that chamber later this year. In the interim, we will continue monitoring the Senate's actions and alerting our members to any opportunities and challenges posed by that body.

Vote Descriptions

Additional details on the legislation included in this scorecard can be found on the Michigan Legislature website at www.legislature.mi.gov.

Scoring

The votes on our 2011-12 Midterm Scorecard are weighted based on the potential impact the legislation would have on our water and other natural resources. The weight for each vote is included in the vote descriptions.

OUR WATER, OUR HEALTH, OUR FUTURE

2011-2012 House of Representatives Midterm Scorecard

Party/ District	Name	Wastewater Report (HB 4994)	Septic Waste (HB 4578)	Farm Pollution (HB4213)	Wetlands (HB 4303)	Landfill Liners (HB 4875)	Local Zoning (HB 4746)	Lightbulbs (HB 4815)	Building Code (HB 4561)	Limiting Public Input (SB 275)	Restricting State's Rights (HB 4326)	SCORE
R-74	Agema	-	-	-	-	-	-	-	-	-	-	0%
D-49	Ananich	+	+	-	+	+	-	+	+	+	+	85%
D-37	Barnett	+	+	+	+	+	+	+	-	+	+	95%
D-68	Bauer	+	+	+	+	+	+	+	+	+	+	100%
D-1	Bledsoe	+	+	+	+	+	-	+	-	+	+	90%
R-63	Bolger	-	-	-	-	-	-	-	-	-	-	0%
D-39	Brown	+	+	+	+	+	+	+	+	+	+	100%
D-96	Brunner	+	+	-	-	+	+	+	+	-	+	60%
R-100	Bumstead	-	-	-	-	-	-	-	-	-	-	0%
D-67	Byrum	+	+	-	+	+	+	+	+	+	+	90%
R-87	Callton	-	-	-	-	-	-	-	-	-	-	0%
D-17	Cavanagh	+	+	+	+	+	-	+	+	+	+	95%
D-14	Clemente	-	-	-	-	+	-	+	+	+	+	65%
D-16	Constan	+	+	-	+	+	+	+	+	+	+	90%
R-99	Cotter	-	-	-	-	-	-	-	-	-	-	0%
R-38	Crawford	-	-	-	-	-	-	-	-	-	-	0%
R-82	Daley	-	-	-	-	-	-	-	-	-	-	0%
R-84	Damrow	-	-	A/e	-	-	-	A/e	-	-	-	0%
D-15	Darany	+	+	+	+	+	+	+	+	+	+	100%
R-47	Denby	-	-	-	-	-	-	-	-	-	-	0%
D-75	Dillon	+	+	-	+	+	-	+	+	+	+	85%
D-6	Durhal	A/e	+	+	+	A/e/d/s	-	+	A/t/e	+	+	89%
R-30	Farrington	-	-	-	-	-	-	-	-	-	-	0%
R-24	Forlini	-	-	-	-	-	-	-	-	-	+	30%
R-107	Foster	-	-	-	-	-	-	-	-	-	-	0%
R-101	Franz	-	-	-	-	-	-	-	-	-	-	0%
D-22	Geiss	+	+	+	-	+	+	+	-	+	+	85%
R-88	Genetski	-	-	-	-	-	-	-	-	-	-	0%
R-81	Gilbert	-	-	-	-	-	-	-	-	-	-	0%
R-85	Glaridon	-	-	-	-	-	-	-	-	-	-	0%
R-33	Goike	-	-	-	-	-	-	-	-	-	-	0%
R-43	Haines	-	-	-	-	-	-	-	-	-	-	0%
D-48	Hammel	+	+	-	+	+	-	+	+	+	+	85%
D-42	Haugh	-	-	-	-	+	-	+	-	-	+	40%
R-90	Haveman	-	-	-	-	-	-	-	-	-	-	0%
R-20	Heise	-	-	-	-	-	-	-	-	-	-	0%
D-35	Hobbs	+	+	+	+	+	-	+	+	+	+	95%
R-77	Hooker	-	-	-	-	-	-	-	-	-	-	0%
R-94	Horn	-	-	-	-	-	-	-	-	-	-	0%
D-92	Hovey-Wright	+	+	-	+	+	+	+	+	+	+	90%
D-2	Howze	+	+	-	+	+	-	+	+	+	+	85%
R-91	Hughes	-	-	-	-	-	-	-	-	-	-	0%
R-110	Huuki	-	-	-	-	-	-	-	-	-	-	0%
D-53	Irwin	+	+	+	+	+	+	+	+	+	+	100%
D-9	Jackson	A/e	+	+	+	+	-	+	+	+	+	95%
R-46	Jacobsen	-	-	-	-	-	-	-	-	-	-	0%
R-57	Jenkins	-	-	-	-	-	-	-	-	-	-	0%
R-97	Johnson	-	-	-	-	-	-	-	-	-	-	0%
D-13	Kandrevas	-	+	-	+	+	-	+	+	+	+	80%
R-41	Knollenberg	-	-	-	-	-	-	-	-	-	-	0%
R-44	Kowall	-	-	-	-	-	A/e	-	-	-	-	0%
R-58	Kurtz	-	-	-	-	-	-	-	-	-	-	0%
R-32	LaFontaine	-	-	-	-	-	-	-	-	-	-	0%
D-31	Lane	-	-	+	-	+	-	+	-	-	+	50%
D-18	LeBlanc	-	+	-	-	+	+	-	+	-	+	50%

A/e = Absent, excused*

A/e/d/s = Absent, entered during session

A/t/e = Absent, temporarily excused*

A/n/e = Absent, not excused

A/r = Absent, recalled

*Vote does not count in total.

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2011-2012 House of Representatives Midterm Scorecard

Party/ District	Name	Wastewater Report (HB 4994)	Septic Waste (HB 4578)	Farm Pollution (HB4213)	Wetlands (HB 4303)	Landfill Liners (HB 4875)	Local Zoning (HB 4746)	Lightbulbs (HB 4815)	Building Code (HB 4561)	Limiting Public Input (SB 275)	Restricting State's Rights (HB 4326)	SCORE
D-109	Lindberg	+	+	+	-	+	-	+	+	+	+	85%
D-27	Lipton	+	+	+	+	+	+	+	+	+	+	100%
D-28	Liss	-	-	-	-	+	-	+	-	+	+	60%
R-59	Lori	-	-	-	-	-	-	+	-	-	+	35%
R-36	Lund	-	-	-	-	-	-	-	-	-	-	0%
R-86	Lyons	-	-	-	-	-	-	-	-	-	-	0%
R-73	MacGregor	-	-	-	-	-	-	-	-	-	-	0%
R-105	MacMaster	-	-	-	-	-	-	-	-	-	-	0%
R-108	McBroom	-	-	-	-	-	-	-	-	-	-	0%
D-60	McCann	+	+	-	+	+	-	+	+	+	+	85%
R-45	McMillin	-	-	-	-	-	-	-	-	-	-	0%
D-69	Meadows	+	-	+	+	+	+	+	+	A/e	A/e	90%
D-29	Melton	A/n/e	A/n/e	-	+	A/n/e	-	A/n/e	A/n/e	A/n/e	A/n/e	10%
R-40	Moss	-	-	-	-	-	-	-	-	-	-	0%
R-83	Muxlow	-	-	-	-	-	-	-	-	-	-	0%
D-11	Nathan	+	+	+	+	+	+	+	+	+	+	100%
R-80	Nesbitt	-	-	-	-	-	-	-	-	-	-	0%
D-95	Oakes	+	+	-	+	+	-	+	+	+	+	85%
R-61	O'Brien	-	-	-	-	-	-	-	-	-	-	0%
R-55	Olson	-	-	-	-	-	-	-	-	-	-	0%
D-5	Olumba	+	+	+	+	+	+	+	+	+	+	100%
R-93	Opsommer	-	-	-	-	-	-	-	-	-	-	0%
R-52	Quimet	-	-	-	-	-	-	-	-	-	-	0%
R-70	Outman	-	-	-	-	-	-	-	-	-	-	0%
R-106	Pettalia	-	-	-	-	-	-	-	-	-	-	0%
R-64	Poleski	-	-	-	-	-	-	-	-	-	-	0%
R-102	Potvin	-	-	-	-	-	-	-	-	-	-	0%
R-89	Price	-	-	-	-	-	-	-	-	-	-	0%
R-79	Pscholka	-	-	-	-	-	-	-	-	-	-	0%
R-103	Rendon	-	-	-	-	-	-	-	-	-	-	0%
R-66	Rogers	-	-	-	-	-	-	-	-	-	-	0%
D-54	Rutledge	+	+	+	+	+	+	+	+	+	+	100%
D-10	Santana	-	+	-	+	+	-	+	+	+	+	80%
D-76	Schmidt, R.	+	+	-	-	+	-	+	+	+	+	75%
R-104	Schmidt, W.	-	+	-	-	-	-	-	-	-	+	35%
R-51	Scott	-	-	-	-	-	-	-	A/r	A/r	A/r	0%
D-62	Segal	+	+	-	+	+	-	+	+	+	+	85%
R-71	Shaughnessy	-	-	-	A/e	-	A/e	-	-	-	-	0%
R-65	Shirkey	-	-	-	-	-	-	-	-	-	-	0%
D-21	Slavens	+	-	-	+	+	+	+	+	+	+	85%
D-50	Smiley	+	+	+	+	+	+	+	+	+	+	100%
R-23	Somerville	-	-	-	-	-	-	-	-	-	-	0%
D-8	Stallworth	+	+	+	+	+	-	+	+	+	+	95%
R-98	Stamas	-	-	-	-	-	-	+	-	-	-	5%
D-34	Stanley	+	+	-	+	+	-	+	+	+	+	85%
D-4	Stapleton	+	-	-	+	+	-	+	-	+	+	75%
D-25	Switalski	+	+	+	+	+	+	+	A/e	+	+	100%
D-3	Talabi	+	+	-	+	+	-	+	+	+	+	85%
D-12	Tlaib	+	+	+	+	+	+	+	+	+	+	100%
D-26	Townsend	+	+	+	+	+	+	+	+	+	+	100%
R-78	Tyler	-	-	-	-	-	+	-	-	-	-	5%
R-19	Walsh	-	-	-	-	-	-	-	-	-	-	0%
D-7	Womack	+	+	+	A/e	+	+	+	+	+	+	100%
R-72	Yonker	-	-	-	-	-	-	-	-	-	-	0%
R-56	Zorn	-	-	-	-	-	-	-	-	-	-	0%

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2011–2012 Midterm Scorecard: Vote Descriptions

Clean Water Action Water Protection Priority #1: CLEAN BEACHES AND SAFE DRINKING WATER

Wastewater Report (HB 4994) 5 points

This legislation removed the requirement that businesses must submit annual reports if they put contaminants into our surface waters or sewers. The public has a right to know about these releases, and removing this requirement will limit an important source of information integral to an understanding of water quality in the state.

Septic Waste (HB 4578) 5 points

This bill practically limits local units of government from banning land application of septic waste. This legislation does that by requiring that communities that have banned land application must make available a facility in the same area that must accept all the septic waste generated in that community. The additional burden unduly limits communities from passing bans on land application of sewage, which is an important water protection that limits our exposure to human and animal waste.

Farm Pollution (HB 4213) 10 points

Disguised as policies to promote best farming practices, this bill gave a green light to allowing contaminants to enter our waterways. By saying farms won't be fined if they are in compliance with program certification when they discharge pollutants, the state has taken away the teeth of an important water safeguard. Also, the federal Clean Water Act has certain definitions of "point-source pollution" that this bill attempts to override.

Clean Water Action Water Protection Priority #2: ABUNDANT HABITAT FOR FISH AND WILDLIFE

Wetlands (HB 4303) 10 points

The Michigan Wetlands Advisory Council has been tasked with making a number of changes to the state's wetland program and Clean Water Action represents the environmental community on the Council. However, instead of allowing the Council to do its job, the bill pre-empts the advisory council's recommendations and flies in the face of the federal Clean Water Act by removing the water safeguard calling for restoration of vital wetlands destroyed by road projects.

Clean Water Action Water Protection Priority #3: HEALTHY PEOPLE

Landfill Liners (HB 4875) 5 points

This bill allows untested, research and development landfills to use new processes for waste management by, for example, adding liquid sewage to landfills in an attempt to speed breakdown of materials. To protect our state from experiments that fail, a requirement for secondary liners was put in place to ensure that costly clean-ups wouldn't be required if new attempts to reduce municipal waste damaged landfill liners. To do away with this safety net is to leave our water vulnerable to corrosive and toxic leachate coming from these experimental landfills.

Local Zoning (HB 4746) 5 points

The court system has held in recent years that local communities have the right to adopt reasonable zoning requirements to reduce the impacts of mining. This bill limits the local zoning authority's powers by requiring them to prove that a mining activity is causing "very serious consequences." This is a heavy legal burden for communities to bear when attempting to protect their natural resources by enacting zoning for mining activities.

Clean Water Action Water Protection Priority #4: ENERGY CHOICES THAT PROTECT OUR WATER

Lightbulbs (HB 4815) 5 points

In an attempt to get around a federal limitation on inefficient lightbulbs, the Michigan House leadership passed legislation that would allow inefficient bulbs to be made here in the state. Traditional, energy-wasting bulbs use approximately 90% of their energy to make heat not produce light. If Michigan is to manufacture lightbulbs, we should be making energy efficient bulbs to address the emerging demand for these products.

Building Codes (HB 4561) 5 points

Updated building codes are key to making sure that we have the best standards in place to ensure we have the strongest and safest buildings in our state. Frequently updated codes are also the way that the newest Michigan-made energy efficiency technologies make it into the market and are installed in buildings. This bill will limit innovation by delaying new building code implementation from every three years to up to six years. By potentially doubling the amount of time between building code updates, it means we will lose out to our competition in other states instead of maximizing clean energy jobs.

Clean Water Action Water Protection Priority #5: STANDING-UP FOR "PURE MICHIGAN"

Limiting Public Input (SB 275) 20 points

This bill limits the Michigan Department of Environmental Quality's (DEQ) ability to take into account public comments in permit decisions. In the past, as public comments on permit applications raise issues that need to be addressed in permit proceedings, or as other new information comes to light during the application process, the DEQ and other agencies have had the ability to ask applicants for additional information. However, under this legislation, the state would not be able to require additional information be submitted after a permit application is considered complete.

Restricting State's Rights (HB 4326) 30 points

As a state, Michigan has a right to enact rules that are stronger than those put in place at the federal level. This flexibility has proven essential in the past when threats to our Great Lakes like toxic algae blooms due to pollution from phosphorus in detergents needed fast action by the Governor. New threats like invasive Asian carp require a similar ability for the state to exceed the floor of federal protections and put in place safeguards for Michigan's water and other natural resources.

OUR WATER, OUR HEALTH, OUR FUTURE

“Pure Michigan” or Pure Hype?

Michigan is literally defined by its water — the Great Lakes and our many other water treasures. When we think of “Pure Michigan”, we picture clean beaches, safe drinking water, abundant habitat for fish and wild-life, healthy people, and energy choices that protect our water; we picture a virtual water wonderland. But how can we be sure the foundation of our way of life is preserved now and for future generations at a time when some are calling for repeal of water protection regulations and extreme reductions in funding for environmental protections? How do we make sure we are “Pure Michigan” and not pure hype?

Last January, we delivered our 2011 Michigan Water Protection Agenda to state lawmakers urging them to act now to clean-up, protect and secure Michigan’s water future. It is an understatement to say we are disappointed by the actions of a majority in the legislature. Over the next six months, we will continue urging lawmakers to maintain — rather than dismantle — existing protections while pushing for bipartisan support of the measures in our 2011 agenda. Since actions speak louder than words, we need to ensure voters have access to the voting records of state lawmakers. Consequently, we will be knocking on hundreds of thousands of doors educating voters about lawmaker voting records in preparation for the 2012 elections.



ABOUT CLEAN WATER ACTION

Clean Water Action is a one million member organization of diverse people and groups joined together to protect our environment, health, economic well-being and community quality of life. Our goals include clean, safe and affordable water; prevention of health threatening pollution; creation of environmentally safe jobs and businesses; and empowerment of people to make democracy work. Clean Water Action organizes strong grassroots groups and coalitions and campaigns to elect environmental candidates and solve environmental and community problems.

Clean Water Action has operated locally staffed offices in Michigan since 1988 to serve its 250,000-plus Michigan members. Our staff and volunteers work in communities throughout the state educating voters about the issues impacting Michigan’s water and engaging them in efforts to cleanup and protect our water.



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