

Climate Destruction and Environmental Justice

Panel Discussion

University of Detroit Mercy

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Fr. Si Henry, S.J.

I'm Fr. Si Hendry. I direct and teach in the Catholic Studies Program here at the University of Detroit Mercy. We were concerned because the Supreme Court decision seemed to get in the way of the EPA's approval to reduce gas house emissions. So, I ended up partnering with a lot of people. Some people called me, and we've gotten involved in this, the National Catholic Climate Covenant, and a subgroup in solidarity, Strangers No Longer, a group of Catholic advocates, activists here in Detroit, headed up by Bill O'Brien, and then, the Catholic Studies program.

And I wanted to have a conversation to talk about the spiritual, moral, social, and political implications of the Supreme Court decision. WE put together a panel. And let me introduce the panel. I will introduce them. What's funny is they sat in the order in which they are going to talk.

- So, we have Sr. Karen Donahue, Sister of Mercy, who is a member of the Sisters of Mercy Justice Team, who works at a national level on issues of social justice and the Sisters of Mercy critical concerns.
- Next to Karen, we have Nicholas Schroeck, the associate dean of experiential education at the University of Detroit Mercy Law School. He is assistant professor of law and runs the Environmental Law Clinic.
- You already know me (Fr. Si Henry S.J.).
- And next to me is Theresa Landrum, a community organizer and activist from southwest Detroit 48217; in her over 20 years' experience fighting against environmental injustice.
- And next to Theresa is Matt Mio, a professor of Chemistry, co-chair of the Seven Year Journey task force of the Office of Mission Integration, to implement recommendations from *Laudato Si* throughout the entire University.

I want to start off, and I'm going to talk a little bit about a spirituality that is behind what we're doing. I'm hoping to be brief; in fact, we're all hoping to be fairly brief so we have time for questions and interactions.

I have a couple of experiences of nature that affect the way I look at things. One of those is that I find nature beautiful, awe inspiring. I can tell you experiences I've had climbing mountains, where I've noticed the beauty of nature, in the water around me, and the hills and valleys. Those experiences touch things deep within me and put me in touch with God. I also have experiences of climbing the same mountains and seeing smog all over cities. We have experiences of extreme heat, of wildfires, of floods, of droughts, of intense hurricanes, of

threats of health, of shortened lives because of air pollution. We have very complicated human interaction with our planet. In fact, probably the best way to describe it right now is to say our planet is in crisis.

And so, Pope Francis in *Laudato Si* calls for a conversion. He calls for a change of heart, of mind, and behavior – a change of the whole person. And I want to talk about that, because I've basically distilled 10 principles of spirituality from what Francis is talking about, and from my own experience.

Ten Principles of Spirituality

- First principle: Remember God. I talked about having experience of God climbing mountains. It's very easy, though, to take God's gifts and take them for granted. When we lose touch with God, that's what happens. We tend not to see God in creation. As Catholics we talk about sacraments. We find God in and through material things. We find God through this stuff nature is made of.
- Second principle: Remember that we're loved by God. If we let that speak to the emptiness in our hearts, then we don't have to grasp onto the thing such as possessions to fill our emptiness. We can appreciate gifts, rather than try to own or manipulate them.
- Third: We ought to understand the Genesis command to have dominion over the Earth, as caring for and not about manipulating; nurturing rather than owning.
- Fourth: Realize that we're in an organic relationship with the material world. Spirit is not opposed to matter; we're embodied spirits. We're part of the natural world. We're human in a physical world. We're related to God as connected to that physical world. When we forget that, we do violence to our world and to ourselves.
- Fifth: The gifts of the natural world are given for everybody. Their purpose is to nourish everyone. We're called to share, to love, to care for, not to horde and use for ourselves, not to neglect. Remember the story of the manna in the desert, that when people held onto it, and took more money than they needed, it rotted. When we forget that gifts are given for everybody, then what happens is we do violence to the gifts, to ourselves, and to our world.
- Sixth: We need to develop a spirituality that's essentially social. We are fully ourselves only in the context of the human community. We're all in this together. We need to relate to God as members of the human community. And if we don't, we do violence to humanity, to ourselves, and to any relationship with God.
- Seventh: We need to think in terms of the common good, of what's good for everybody, and the good we can pursue in common.
- Eighth: Government is part of social reality. Government is the mechanism by which we pursue the common good. The Clean Power Act was actually encouraged by the EPA to discern the best way to limit greenhouse gases. On June 30 the Supreme Court got in the way of that. They understood the social connectedness and took a very limited view, making a decision that was narrow and individualistic. And they missed the basic framework.

- Ninth: It's time for us to act responsibly. We can't change the situation by ourselves; but we can join with others to do what we can. What we need is a socio-political conversion to work together for the bigger picture.
- And tenth: Don't lose hope. The resurrection defines reality. The resurrection is a statement that not just that Jesus is alive, but that the Kingdom of God will come. I often imagined what it would be like for Jesus to have risen, gone back to heaven, and the Father says, "Well, you know what? Glad to have you back, but all that stuff about the Kingdom of God is not going to happen." I think Jesus would have said, "Why'd you send me back? You know, I gave my life for that." So, I think we need to pay attention to the fact that the Kingdom of God will come.

Let me leave it there. Let me turn to Karen.

Sr. Karen Donahue , [Sister of Mercy, who is a member of the Sisters of Mercy Justice Team, who works at a national level on issues of social justice and the Sisters of Mercy critical concerns.]

Thank you, Si. Good morning, everybody. I'm delighted to be here. I'd like to – two things, my time here. I'd like to give you a little overview of how we, as sisters of Mercy, have responded to the call to protect our planet; and then, just raise some questions, at least questions that have come up in terms of the West Virginia EPA decision and climate change. I am no expert on this. It might seem like a big jump from ministering to the needs of the poor women and children in Dublin, to care for the Earth, as we are today. But actually, we, as Sisters of Mercy, have been involved in environmental issues for quite a while. Religious communities every so often have a meeting, we call them general chapters, in which we set direction for the next period of time. And back in 1995, at one of these meetings for us, we committed ourselves to act in harmony and interdependence with all creation. So, there was, you know, there was a little bit of pushback, I have to say, "Why are we doing this?" So then, a few years later, we identified Earth as one of our Mercy critical concerns.

Then we said to reverence Earth and to work more effectively toward the sustainability of life and toward universal recognition of the fundamental right to water. So, at subsequent meetings, we really reaffirmed this commitment. And then, most recently, in 2017, we committed to work zealously towards the sustainability of all life, that caring for Earth's ecosystems, addressing global climate change, advocating for the fundamental right to clean water, and committing ourselves to an integral ecological conversion. Of course, this comes from Pope Francis's encyclical, *Laudato Si*.

So, just some of the ways in which we lived out that commitment over the years, the first was by engaging in advocacy. We have taken action, whether the Keystone pipeline, Keystone XL pipeline, the Paris Climate Accord, some local environmental issues, and support for strong emission standards for cars and light trucks. We also had a project a couple of years ago, around adopting lifestyle changes that we called Mercy Earth Challenge. So, over a period of about a year, we had several modules; and they covered areas such as food, the use of plastics, the use of water, purchasing decisions. And then, we also had what we called our Mercy Meatless Mondays. So, this is the project that, as I said, maybe two years from now, but we're working now on updating that. We also, in response to, really, the call of our Sisters in the parts of the world, particularly Latin America and the Philippines, brought to our attention the distinctive impact of the extraction industry. So, we had a sixth month theological reflection process on extractives. So, groups met once a month for six months and explored that issue. And right now, we're working on how to, how we can maybe repackage that information so that other people can use it in other contexts, and, of course, other religious communities. We've signed on to the *Laudato Si* Plan of Action, the seven-year plan that Pope Francis has called us to.

So, now, I would like to look a little bit at the West Virginia EPA decision. And as I said, I'm really venturing into the weeds at this point, because I don't – it's very complicated – and I'm

probably missing a lot of the technicalities. But, as Si said, The Supreme Court ruled that EPA lacks authority under Section 111 of the Clean Air Act to set emission caps for greenhouse gasses, based on requiring power plants transition to fuels that emit less carbon dioxide. So, really, a very serious issue. So, I hope other panelists will talk about this; but Chief justice Roberts applied what they call the major questions doctrine; and, although there seems to be some question about the major questions doctrine [laughter], but so that he said a precedent teaches that there are extra ordinary cases in which the history and the breadth of authority that the agency has asserted, and the economic and political significance that of that assertion provide reason to hesitate before concluding that Congress meant to confer such authority. So, a couple of questions that popped up for me, as I read this; first was economic and political significance for whom that can be – here's a wide variety there – and why not ecological or humanitarian significance? And then, in whose interest does the government operate? And finally, can we expect Congress to grant the level of authority needed to address the current climate crisis? And I just want to cite a couple of these; there are articles I've read – I'm sure you have too – over the last maybe six, eight weeks about the climate crisis; I mean, the sirens are blaring, the red lights are flashing; but yet, we don't take action.

Just in – I think it was June – NOAA, the National Oceanic and Atmospheric Administration, announced that carbon dioxide levels have reached almost 450 parts per million out in Hawaii, in the middle of the Pacific Ocean, you know, thousands of miles from the industrial heartland of our planet. So, of course, this is like 70- parts per million above that 350 level that we know is considered the upper limit, if we were to avoid or avoid climate change.

The heat waves that are plaguing many parts of the world, our own U.S. southwest, parts of Europe, India earlier this year; and I'm sure you heard it too, that heat kills more people than tornados, floods and hurricanes combined. So, it's at least incredibly high temperatures are threatening. Drought, I'm sure you've been reading about, the situation out in our southwest, with the Colorado River, that the two big reservoirs, Lake Mead and Lake Powell, are at record low levels; and this system provides water for 40 million people in seven states.

So, just the failure of Congress to act, that the failed capacity to build that better Act, the FCC role that money plays in our political system, and that our lawmakers are more accountable to their donors than to voters.

Nicholas Schroock, J.D. [the associate dean of experiential education at the University of Detroit Mercy Law School. He is assistant professor of law and runs the Environmental Law Clinic.]

This is a great introduction of what I'm going to talk about, which is a little bit of the history about the West Virginia v. EPA case, and how we got there; and really, what the state of the law is right now. And I think we can anticipate going forward, sort of near term and long term. And I'll just say at the outset that those of us that track this type of litigation and these type of cases were surprised and dismayed when the Supreme Court agreed to hear this case to begin with. And that is, because there really wasn't a live issue in front of the Court, i.e., the Clean Power Plan that's been mentioned; so, that's from back in 2016. The Clean power plan was never actually implemented. It had been blocked by the court. And then, under the Trump administration, there was another plan put forward, which then had been blocked by the courts. And so, there really was no actual regulation in front of the Supreme Court for then to opine on; they took it as an opportunity to basically limit EPA's authority, in their view, under the Clean Air Act.

And so, I spend a lot of time talking to my students about how the Court's always looking to get rid of issues; they don't like to reach the sticky constitutional issues. They love to kick things down on Jurisdictional issues, or mootness – the idea that there's not a live issue in front of the Court. But here, they took the opportunity to look at EPA's authority under the Clean Air Act. And in that regard, many of us were concerned that the Court may have gone even further; and that they limited agencies' ability to interpret statutes passed by Congress in many areas of the law, so not just environmental areas, but issues related to health care, issues related to Food and Drug regulations, issues related to forestry – you know, you name it – they could really taken a shot at agencies' ability to put meat on the bones of legislation from Congress, fill gaps where Congress hasn't spoken directly on an issue. And thankfully, in my opinion, the Court didn't go that far; it would have completely upended our regulatory system.

But this major questions doctrine is something that's very concerning, where the Court has sort of set the table in subsequent cases to call into question agency action in areas that the majority of the Court doesn't like. Let's be frank! They're using this major questions doctrine to go after administrative action, agency action, that they don't like. That's what's really, really going on here. So, depending on, I guess, your view, maybe you like major questions doctrine. And really, what it means is, that if it's something that is very expensive, i.e., very broadly applicable across our society, the Court's saying they want a lot of specificity from Congress that this is really what they want the agencies to do. Beyond that, they don't really give much guidance in the West Virginia v. EPA, as far as where EPA's authority will continue going forward.

OK, so there was a question about why they took the case to begin with; and then, this very specific section of the Clean Air Act 111 (d), that deals with EPA being able to set the best system of emission reductions across the country. The Clean Power Plan tried to do this by saying we're going to cap the amount of carbon emissions from the electric utility sector across

the country. Over time, that'll be ratcheted down, looking to phase out coal-burning power plants and transitioning to cleaner fuels.

The Court said that's not what the language of the Clean Air Act specifically says. So, they were going to limit EPA's authority to act there. But that's really it! And this is where I would push back, over and over again, that the EPA does have authority to regulate the type of fuel that goes into coal-fired power plants; they can require coal from the western United States, which has a lower sulfur content than coal from the eastern United States; they can require coal plants to be co-fired with natural gas, which limits some of the emissions; they could pass on or they could require carbon capture technology to be implemented. Now, whether they're going to do that now, I think there might be a chilling effect from the West Virginia v. EPA case. But, that is to say, it's not; we don't have any opportunity to regulate; it's a question of whether or not our agencies have the courage, and they have the support of the public to do that. So, we can talk more about some of the history, if you like.

But I also wanted to say that – you know – moving forward, we really do need a comprehensive climate change bill passed through Congress, you know, EPA is using authority under the Clean Air Act. It's been limited now under this case; but we don't have legislation specifically targeting greenhouse gas emissions, specifically targeting climate change and making investments that we need to move forward. So, until we have that, you're going to see attempts, depending on who's in the White House; you're going to see attempts at regulation under existing authority, which in 1970, the Clean Air Act. when these actions were passed, Climate change wasn't the intent, right? It was smog! It wasn't dealing with the visible air pollution, dealing with asthma, health impacts, and all of that. Now we're trying to sort of engineer ways to get at this problem through legislation that isn't specifically on point.

So, I don't want to leave you thinking that we don't have any legal tools right now to deal with greenhouse gas emissions; we do. It's just that it's limited. And until we have some more comprehensive legislation from Congress, we're going to have these fights and end up in the courts. And I will also say, that if you did have a comprehensive climate bill passed by Congress, I think we would then have a fight over whether or not – you know – based on this Court. But you have to try, right? You have to try it and say this is something that is of importance for us moving forward. So, that's kind of basically where we are; I'd say that it's from an environmental perspective, and from a greenhouse gas regulation perspective, certainly a harmful decision. But I was left thinking, well, this could have been worse.

I'm a little bit worried about. There's a case called, Sackett, that comes up this term, dealing with wetlands and the regulation of water. That case, I think, is another opportunity for the Court to say, we've got these regulatory agencies that are kind of running, running, running loose here; we need to rein them in. And so, that's, I think, where we're at right now. We really have to be watching this and making really good legal arguments, because the Court, again, they've signaled that they're willing to kind of take a shot at these regulations that are meant to protect the environment and public health. So, in the short time that I just wanted to give that kind of context, and I'm happy to answer questions.

Theresa Landrum [A community organizer and activist from southwest Detroit 48217; in her over 20 years' experience fighting against environmental injustice.]

I'm glad that you mentioned that, Nick. Right now, the EPA has proposed a federal implementation, federal implementation plan, where they're looking at one area, and actually this is part of the Sierra Club as part of it. And this goes on for miles. This is the area of Delrey, where Zug Island is located, the area of Ecorse, where U.S. Steel is located, the area of River Rouge, where DTE, now scuttled - they shut it down in, I think, 2020. And I think that has happened; the bad odors, the air, has become cleaner. Right? But the government – well not the government – the state government, didn't act fast enough to bring the area into attainment for SO₂, so now they have created this FIP, this plan to control greenhouse gas emissions on our community, because they see the impact it has had on our health. We have a high mortality rate among children; Our children are being born with asthma.

So, if the Supreme Court decision has any ramifications, it could stop our state government from creating this FIP that would continue to monitor and replace and regulate and demand and mandate that industry lower their emissions. Right now, U.S. Steel is idle. Ans just the other day, I rode down the street, they have a whole hiring advertisement. They're hiring for every department, and they're paying \$29 plus an hour, plus 401K, plus health benefits, right? If that plant comes back online, that means emissions are going to go back up, and that this FIP isn't going to be worth the paper it's written on. Because in the FIP, there is no detail or online or plan on how they're going to keep emissions down. And then, another thing, even though they shut down the DTE coal power burning, coal-burning power plant, what is the plan of another company, comes in and opens up. Not only that, if the plant stays shut down, who's going to mitigate the area that now widespread pollution?

And what people don't understand that our government must allow these industries to dispel waste into our waterways. And our drinking source is the Detroit River, which leads into Lake St. Clair, which is our freshwater system that serves more than 86 million people in Canada and the United States. So, these carbon emissions and these ramifications are widespread. As Matt said, when I hit it with a hammer, it's going to hit everywhere; it's going to spread. So, the impact: we see our home value drop every time the air quality is poor. People don't want to live in an area with poor air. And when a company expands- like Marathon expands – we saw our home value drop 50%. In our area, the average price in one year, particularly around 2015, it was an average between \$3,000. to \$5,000. Even though we had brick homes, beautiful, manicured lawns, the value of our homes declined there's poor air quality. Many people, when Obamacare came in, it was a plus, because many of our families did not have health care. So, their children were being seen on the basis of with the ability unable to pay; they were being seen as below poverty level, so the hospital was giving them gratis treatment ... for free.

Matt Mio [Professor of Chemistry, co-chair of the Seven Year Journey task force of the Office of Mission Integration, to implement recommendations from *Laudato Si* throughout the entire University.]

I'm really honored to be part of this panel. And thanks again to all the panelists and for the invitation. You know, as a member of the profession of chemistry, I'm proud of the fact that we have kind of turned around the definition of what it means to be a scientist and as a chemist over the last 50 years. We know the role that we played placing profit ahead of environmental action over the last, I'd say, since basically the end of World War II. And I'm proud to say now that I'm a member of the American Chemical Society that tried to change peoples' attitude, not just towards chemistry viewed negatively, as a first approximation, hard subject, etc.; but also, you know, when it comes to environmental action. And if you want to learn more about what ACS does, our Green Chemistry Institute actually talks about different ways of thinking about how you can design chemicals and processes at step zero, so that we don't make things that we know we need to dispose of. And, you know, my panelists friends here have done a much better job understanding what the end product of all these things is.

But I digress. I think that the role I play here as a co-chair with Notrena Tate from our College Health Professions, for the Seven Year Journey, *Laudato Si*, here at Detroit Mercy, is to say more about what action we can take immediately. And I think I've learned a lot. I was charged with, by my parish, the National Shrine of the Little Flower in Royal Oak, an number of years ago to take a look at *Laudato Si* and give the scientist's perspective. And I always go to the same place every time someone asked me to talk about it. It's the only line that I have ever highlighted in the entire encyclical; I Mean, this is the Holy Father addressing the entire planet in 2015 with, "The Earth, our home, is beginning to look more and more like an immense pile of filth."

And this was life-changing for me to read that. Someone as important as Pope Francis is important, as someone in the station of being the Holt Father, to say some things like that. I delved deep; I talked to my parish: what are we doing? Well, people wanted to have a legal discussion; they wanted to have community action discussions. I think Detroit Mercy is uniquely situated, which is why I agreed to help co-chair this committee with its dual charisms for both the apostolic preferences of the Society of Jesus, the Jesuits, and the critical concerns, which we heard from the Sisters of Mercy, to sort of bring these two things together and really talk about doing something that would get beyond a lot of legal things we've heard from our lawyer friends, Professor Schroeck, and move into a world of action.

You know, I'm sitting here right now with a glass of water and a tumbler of water here, you know, I Just – the unbelievable blessing and luck that comes from having clean water – like right in front of me, is something that can't be, you know, underestimated. And I think the way that all these things come together; and forgive me, because it's kind of boring, almost put you to sleep kind of logistics; but I have grown up in a world where institutions work on strategic plans. So, we know that missions are what you strive to be. Missions are what you hope to get done. Vision statements tell you about what's coming. But I've gotten most turned on by my

work with the American Chemical Society into a world of what's called the actual ground base concepts that define your institution. What are the things that everything flows from? And I joke this all the time even with my students.

The Pope makes it clear in his encyclical, you know, that out of making a purchase – we actually already heard that – is an environmental act. But when's the last time you thought about that? If university has money, and it buys a box of paperclips, who is making the decision about what further action happens as a result of this purchase? If it's not part of your core values, then it affects every decision that's made in that institution, then it's not really anything other than a book that just ends up on your bookshelf. It's part of our faith; and we have to follow through on it. It's not like: I will put that aside and worry bout some other stuff later kind of thing.

And I'm actually anxious working with our Office of Mission Integration over the next six or seven years. Do the Seven Year Journey to help get the community top start thinking about every single thing that we do from that lens, making it baked into everything that we do.

A very wise lawyer friend of mine, who is not here, said that they wish with the Supreme Court decision we're discussing here today, that things were different. you put an ice cube – I could do this right now – on the table and let it melt and then evaporate over several hours. You know, that different than hitting it with a hammer, shattering it into a million pieces. There's a time difference there; we call it in chemistry a difference in kinetics, how long it takes the change or the reaction to take place. It feels like there's a lot of hammers coming down on things, and not a lot of deep thought about how these decisions are going to be viewed. And I'm kind of honored, even though I know it's going to be very difficult to be part of the process at Detroit Mercy that's going to get, hopefully, the university and the rest of the community close by, to think more about the consequences to the choices they make.

Q & A

Fr. Si Hendry: I'd like to give everybody on the panel a chance to ask each other questions, if you want to comment on things each other said; and then, I'm gong to open up for everybody else to put their input and their questions.

Nicholas Schroeck: You know, related to what Theresa was mentioning on this, and I'd love to her thought on this too. You know, one of the goals of the Clean Power Plan was not to just regulate greenhouse gas emissions, but it was also to hasten the retirement of older polluting facilities. And so, so some of that's actually happened, just through market forces, through the, you know, the cost of natural gas versus the cost of coal, the cost of wind and solar energy coming down. But, I think, is what's been lost in tis discussion. And Theresa was mentioning it, I think, something related to this, is that by transitioning to cleaner sources of energy, or by reducing our greenhouse gas emissions, you also have the co-benefit of reducing a lot of other emissions, like Theresa was talking about, like sulfur dioxide particulate emissions, all, all of that.

And so, the Clean Power Plan was initially proposed, the cost savings on health care was in the billions of dollars (with a B) versus the expense of transitioning a way from those heavier polluting industries. And so, I'm kind of curious of course, like, on the ground is that something that has resonated with people that like, you know, the greenhouse gas emissions are super important; but it's all that stuff, right? Like transitioning away from these dirty, dirtier fuels, we have all these other benefits for health and property values, and all, you name it, all the life issues, like you mentioned.

Rev. Charles Morris: I'm a priest on the faculty of Madonna University. Question: Nick, you now, on the other, in the abortion thing, of Justice Thomas talked about the effect, you know, genocide, sex adjusting, the mortality. Yet, that was kind of bogus; that al least that argument that here it's not. Did that come into any of the conversations? Why is, you know, there ... What's not goo for the goose was good for the gander, you know; what's going on?

Nicholas Schroeck: So, right, and when I talked about the concern of West Virginia v. EPA, like what, what that ruling could look like, you know, looking at just a few weeks earlier, we had the Dobbs Decision overturning Roe v. Wade. If you had just, you know, overturned the Clean Air Act, or there's this. So, this case called Chevron and if you've ever Chevron deference, sometimes it gets quoted in the media. This is a case that said that agencies have the ability to fill gaps in congressional legislation. So, in their expertise at EPA, they have the ability under the Chevron case to basically interpret what Congress was saying in the past regulation. The Court really didn't go there. And when you want to talk about the differences between majority opinion in Dobbs and majority opinion in West Virginia v. EPA, the language in the concurrence in West Virginia v. EPA, which was Justice Gorsuch and Justice Thomas, that's where I think we're going, right?

And they're sort of following along some of the similar arguments that we had in the Dobbs case, meaning that they're using – this is my opinion – using historical arguments when it, when it benefits their perspective ideologically, and ignoring a whole bunch of historical arguments that run counter to that ideology. So, I guess that's the best way I can describe it; like you're basically taking convenient, convenient facts and ignoring others. Again, in this, this happens all the time in the law, right? Like you, you come up with an argument based on the facts that you can get enough votes on.

Rev. Charles Morris: Factoring the impact on health, human life and death, particularly people of color, should that be a factor on how decisions are made?

Nicholas Schroeck: Well, that's so, if you really just saying, and it's sort of convenient to say we're just going to look at this little piece of statutory language and not consider all the health implications, all the climate implications. You know, my view in the Dobbs case, as well as in West Virginia v. EPA, the majority says we're only talking about this specific instance, right? We're only talking about abortion, or we're only talking about this 111(d) of the Clean Air Act.

That's not how lawyers operate through, right? We look at the language that judges use in the majority opinion, and then they, and then they try and make arguments based on the reasoning in those opinions. And so, the clearest example I can give you, this was Bush v Gore case in the 2000 election, where the Court was like, we're only talking about this presidential election; this case has no ramification on anything else. That case has been cited, I don't even know how many times, as authority in election decisions and in the states' authority in elections.

So, to say that we're only looking at these specific issues before us today, that doesn't really pass, pass the smell test for me, because that's really – lawyers are always looking at, okay, well, how can I use the language of this opinion to kind of further my client's interest or my, you know, advocacy going forward. So, you know, there are different distinct areas of the law, but I think you can see some kind of some of those threads running through these cases. And again, I think they're setting it up; the facts of the West Virginia v. EPA were not the right facts if you're going to completely upturn the regulatory environment. Those weren't the facts that they needed; they've got to have a better case to do that. And that's, that's what I fear is coming.

Tom Kyle: I think we live in a culture of individualism; and this individualism leads us to say, 'It doesn't affect me directly; it's somebody else's problem; let them deal with it.' And as I look at the politicians now running for Congress, no one is talking about the environment or emissions; you don't hear that named. So, apparently, they're dealing with what people want to hear and what they want. And so, I'm thinking they're not interested in this. So, part of this is educating the public in general of the various things we've talked about today; and generally it just isn't out there.

Individual in the audience: This question I have is addressed to the entire panel. What specific, concrete programs are in place right now with either the League of Women Voters or the ACLU,

or whatever organization out there to actually have a get out the vote canvassing effort to boost polluter voter turnout in Detroit. If you look at the statistics for the 200 elections, that the drop-off in the turnout in Detroit, compared to the turnout historically in Oakland County and Macomb County, it's just astonishing. What is out there for us; and I think there a lot of people at this university who would love to jump at a social justice opportunity of participating in GOTV canvas.

Theresa Landrum: That's a hard question to answer right now, because of the misinformation that we often see on TV. And that education gap needs to be closed so people can understand when you turn that light on, you have to understand where that source is, and if that source is using clean or alternative energy to produce the electricity to your house or is it using greenhouse gas that is doing damage to Mother Earth. Therefore, your climate is your environment and people can't equate that because there taking care of everyday need of turning on that light switch, or hitting that gas pedal to get from point A to point B

So, the education is not out there, or is not being put through our TV through these advertisements. As you see with Line 5, they talk about all the good things that Line 5 does, but they never tell you that if Line 5 breaks in our straits the damage it will do. So, we have to find friends, and we have to come together as each organization to say this is the pro and this is the con; and that is the educational gap that is not being put together by our voters to make a right choice.

Nicholas Schroeck: I would add to that, that sometimes there's a disconnect when, you know, the public opinion surveys, like what are the main issues that people care about, the pocketbook stuff, you know, the economy, inflation, health care, whatever. But all of these are directly impacted by climate and directly impacted by, you know, the environment writ large; but that connection isn't often made. And so, you know, there are groups I'm – I get sort of cynical about these things and can get really depressed, you know, working in this space all the time. - but it can be a little bit discouraging. But one of the things that really gives me hope is that there are, particularly among young people, there are really active engagement activities for voters on issues relating to climate. You know, the Sunrise Movement is one. I know East Michigan Environmental Action Council has done a lot of work of actually getting kids to go do door knocking to talk specifically about their health and about the climate. So, I don't know what we're seeing it kind of at a national level the ay I would like to as far as political messaging; but there's definitely that ground swell.

You know, in talking with my law students, I'm sure you know, Matt probably hears this from his students at the University as well. They're kind of like, "What are you doing?" like, "Why can't we actually," and I'm not saying, "us" necessarily a faculty, but like adults, right? The people, our decision makers, like, "What ore you doing? We know this is a problem." And so, I hear a lot of frustration from younger citizens about, you know, "What's going on here." So, I think there is a ground swell; but we don't have time for a 30 or 40 year generational shift here, right? Like, we can do it immediately.

So, that gets back to the education Theresa was talking about; but I don't want to – there is definitely a grassroots level; there is the kind of engagement, that kind of canvassing going on around climate; but it's not as big of a movement as it needs to be.

Karen Donahue: I think another issue is media. Our media is corporate, corporately controlled. So, even outlets that we think of as being more progressive, and folks, really aren't. And breaking through that, for media, seems very critical.

Another thing is that there's a great danger in Michigan for election workers. So, you've probably heard that a large number of people who have been working the polls for years, decades in some cases, have decided to retire, given all the stress of particularly to 2020 election. So, there's going to be a real need for people to work the polls.

Matt Mio: I would like to Hybridge that everything we've already heard in a way says, in the 20 plus years that I've taught here in the university, there's a great hunger among the students. They're waiting for that education Theresa was talking about. We can't wait 30 or 40 years! So, someone will unlock this at some point, for good or for evil. And they will just latch onto it and go, because they come to us a lot. I'm training physicians, and dentists, and optometrists, pharmacists, and lab workers, and stuff like that; and they want to know everything is connected. And so, we do the best we can.

I was raised in a different generation. This world of green chemistry that I talked about, that's a gift that I am giving them. But then, what do they do with it after? There really is nothing, going back to Professor Schraeck, what's at the national level? That's why I keep coming back to core values, because it's like everybody would disagree, even if it's your local muffin company, like, what are their core values of this institution? But we have to define where everything else is going to flow from.

'Well,' people say, "Well, this doesn't matter!" It's the Holy Father. This is an encyclical. This is a letter from the Holy See; you can't, it's not, it's not a, it's just a granola pope. O man! We've got to do better than that! This is our faith. And that's a perspective that I have from sitting up here.

Tom Kyle: It's also culture.

Matt Mio: Well, sort of, that is individual culture we've talked about, but I think the time is riper than it's ever been. I've tried very, very hard without going into a world of toxic positivity to say all these things are happening at once for a reason. And who's going to harness that? That's really the big question.

Theresa Landrum: And we have to start from the universities too. In the university we know that the University of Michigan has the School of Environment. We're going to have to look at what our children are being taught how to be good stewards of Mother Earth, because the irreparable harm is irreparable. We have to look at: we only have one Earth.

And then, we have to look at this decision how widespread Matt said it could go. We are in the United States, one of the most powerful countries in the world. This will impact and influence other countries with this decision. So, I think the narrow view the Supreme Court took was very detrimental.

Fr. Si Hendry: We have a couple of questions from the chat and people online. And we've got just two more from here.

Audience member: I belong to a Citizens Climate Lobby. We had a meeting last night. The monthly presentation was about environmental voter project. And if you go online to Citizens Climate Lobby, you can hear this presentation, which was excellent. But also, they're doing training programs for people; and that's all ages. That organization deals and invites people of every political strength, every level of education, our young people go to their meetings. So, it's a group that hands out that education component. And it's there right now. And the training is there now. So, I just wanted to share that.

Fr. Si Hendry: Great. Thank you. Bill

Bill O'Brien: One more comment as a grad of U of D Mercy. And as a Catholic I'm just really, really proud to be here. And I want to thank you, thank the panel, and the University. So then also, I think that the University, if there's any way that we outside the University of that so-called community, whatever, however broad that is, if we can expand your microphone, or expand your voice, let us know.

I'm glad that U of D Mercy brought here a leader from southeast Detroit, which is, I think, 11 miles away, and gives for that one way to have a voice here. This is some, what you, the stories you were telling, we're not hearing in northwest, or northwest Detroit. So, thank you, U of D Mercy.

Fr. Si Hendry: Thank you. We have some questions too. So we can raise these; we've got five of them. First one: 'What goes up must come down. Does that mean we can regulate greenhouse gas emissions using the Safe Drinking Water Act?"

Nicholas Schroeck: I can take a shot at that. So right! So, with the technical term, there is air deposition. So, when we're releasing air emissions, that it does, it falls down, or in the form of rain. This example I often use here, and by the chemistry assists, but with methyl mercury, with burning coal and mercury coming down with the rain, that's where we have mercury contamination in our lakes; by and large, this is from burning coal.

And so, the question about the Safe Drinking Water Act, that's a law that regulates the water that goes through public utility systems, so, anything more than a dozen homes on a water utility system that would be permitted under the Safe Drinking Water Act. And there are specific pollutants that are listed under that law that must be reduced to a certain level to drink. The Safe Drinking Water Act has been very successful in cleaning up pollutants. The

question is: you have to list, you've got to list those pollutants under the Safe Drinking Water Act, or they are not regulated. So, if we were to list, you know, some other pollutant – I don't know what – I'm trying to think of some good example that's not gonna get me in trouble; but if we were to list a particular chemical or PFAS, you know, if we were to list that under the Safe Drinking Water Act, then it would be regulated. The thing is a lot of these air deposited pollutants are not listed under the law. So, that's the issue.

And then, the Safe Drinking Water Act has its own issues. We know from the water crisis and the harbor water crisis, water shut off crisis in the city of Detroit, that there are still some gaps that are particularly on enforcement penalties, or when state or federal agencies dropped the ball to protect people.

Fr. Si Hendry: Next question: Thanks for this event. My question: The U.S. bishops make important statements, including denouncing the Supreme Court decision through the USCCB; but the majority of Catholics will never hear about their position or that of Sisters and other Catholic organizations. How can we help amplify this moral message and spread the word? That's for everybody.

Matt Mio: The first thing I think of is there's some sort of joke baked into, "Oh, Matt's chemist; let's get him to talk about *Laudato Si* at our parish." Like, I mean, you have to start getting people to think about what's written here. And that's going down to the 30-to-40-year route. I would, I would encourage everybody to make this a part of what every parish does. I can't, it's just very hard for me to calculate it isn't already. By 2015, by the way, you know, seven years ago, it's part of what governs every act you take; it's defined exactly like that. Every purchase you make, every decision you choose, that goes back to Si's wonder and awe at looking at nature.

Karen Donahue: Another question. Has the Archdiocese of Detroit signed onto the letter *Laudato Si* Action Plan? There are components for, you know, schools, parishes, guys in health care, the whole religious community, to the various aspects for different Catholic entities. I haven't seen it. I wrote, I wrote to the Archbishop shortly after it came out, asking what we're going to do, but never heard back.

Fr. Si Hendry: Question for Nick Schroock and Theresa Landrum. I heard Nick mention carbon capture earlier, which is widely considered to be a false solution, especially by environmental justice communities. Can you talk more about the role you see, policies around carbon capture playing?

Nicholas Schroock: Yeah, and I mean, I agree. You know, the carbon capture has been sold as this, Like, "Oh, well, we'll innovate our way out of this," right? "We're going to come up with this technological solution that's going to solve all our problems." And it has not been demonstrated at scale. And you can do it, but it's at a very small level. It hasn't been at scale, like a utility scale, to be able to do carbon capture. I mentioned that as an opportunity for EPA to say, "Hey, we could require," you know, "carbon capture and then, force industry to figure

it out." Okay, this is, this is the technology forcing what we're suppose to do under the Clean Air Act. So, I mean, I agree with the question, that it's not something that's sitting there on the shelf today, where we can say, you know, DTE, here's this carbon capture machine," you know," implement it is southwest Detroit.; make it work."

We're not there yet; but we can, you know, this is how they did the Clean Air Act, right? We said you have so many years to come into compliance, So, you've got 10 years for this regulation, 15 years for that regulation. If you build a new facility, you have to meet the utmost technology. And so, so that's what I was getting at there, i.e., it's a forward-thinking thing. And that, yes, we have to avoid the, OK, we're going to have to put a large solar shield outside the Earth to deflect the sun's rays. I mean, you hear these kinds of things. It's these technological solutions. We know what we need to do; and we just have to get going about doing it. But I appreciate that question. But that's what I was getting at is that there are these opportunities; but the agency then has to step out, and they've got to force some of that technology development, which they've done before. It's not like we have it sitting on the shelf that we can implement it.

Theresa Landrum: And we can't wait for carbon capture to be the solution. We're under a time crunch. The scientists have predicted again that climate change is happening, happening 30% more rapidly than anticipated. So, carbon capture right now is not the solution to end the climate crisis.

Nicholas Schroeck: And if I may, too, just with what Theresa was mentioning. It occurred to me that cap and trade, the idea that you cap emissions, and then over time, you lower that cap; and then you make, you know, pollution credits, where when companies can either, you know, sell, buy and sell products on an exchange, or they can invest in technology to reduce emissions. That is a Republican idea; that is a conservative idea. That was something that president H.W. bush was a great champion of; and now, that is like viewed as this, like, you know, like a boogeyman kind of thing. But, but that's not the kind of thing that we could do that would have been shown with sulfur dioxide. I mean, there's still certainly problems in southwest Detroit, but your acid rain issue was largely solved through the sulfur dioxide cap and trade program. And again, that was a, you know, politically conservative solution that we have, and we can do today, you know, rather than saying there's some, you know, future thing that well – will solve all our problems.

Fr. Si Hendry: Thank you. Thanks for these excellent presentations.

What is UD Mercy's outreach to the local community – I live on Marygrove campus – regarding the *Laudato Si* Action plan?

Matt Mio: So, the main thing I would say as part of our tsk force on the Seven Year Journey is that we have a lot of people coming together. And we definitely have plans to bring in the community to these discussions. Ovendue! But getting started.

Fr. Si Hendry: Thanks Matt. How is the building of the bridge further affecting the air quality of the area?

Theresa Landrum: Of course, we know why: truck traffic. No one really hears about mobile source pollution. We see thousands of trucks come through one neighborhood on an hourly basis. And that black carbon that is produced by burning diesel fuel emission will have a detrimental effect on air quality of the communities that they pass through and will end up going across the bridge. Not only that, right now, with the building of the bridge, we are with the county center with the air quality sensor collaborative to talk about monitoring the air around these hotspots. And it's devastating to the community of Delray and for the people that still live there, because of the activity of them, digging up and creating dust. PM10 and PM2.5 is one of the major things that can contribute to trigger asthma attacks in our children. And then, we have the roads that these trucks travel; and they idle, burning these diesel emissions, of which a byproduct is black carbon. Nobody's talking about black carbon.

So, we're looking at working in the community with community groups and organizations to put in extra monitors. We talked about purple air monitors that can be stationary, wearable, or mobile, and to track and create our own data. Because the organization Eagle does not have the capacity in which money and staffing to do the job monitoring, we're asking for continuous real time monitoring so that the system of purple air monitoring is in place. And that you can actually get an air monitor, place it on your house, wear it on your arm, and it can give you real time data on pollution hotspots or poor air quality hotspots from green to red.

Fr. Si Hendry: I'm going to read a few more questions, but before I do, I want to pass around a page, actually two pages, and ask those of you who are here to put your name and your e-mail address so we can send out some follow-up information to you. And we will start with you. Thank you.

Okay! This is an informational statement. Michigan Interfaith Power and Light is doing voter engagement registration in Detroit - request for contact on future plans of action. They didn't listen to Al Gore in the '80s, but there may be challenges and media misinformation that you've mentioned, voting for candidates that value the importance of the Green Movement is key: what systemic change can affect which neighborhoods become home to large pollution spreading factories. It's a tragedy that Theresa's neighborhood has been targeted. They are us! That should be a no-brainer for Christians. Any comments about strategies?

Nicholas Schrouck: I'll just say that the way we do environmental review for deciding where projects are located, that system is broken; it's been broken for a long time. You know, Theresa talked very eloquently about how we're connected to these electric grids. And that, you know, if I turn on the light switch in my home, I'm benefiting from power that's generated in a facility that's not necessarily in my neighborhood; and I'm not necessarily impacted by that pollution in my community. And so, you get the whole, "not in my backyard" mentality with heavy pollution industries.

So, historically, they've been located in communities that had less political influence, less money, less power to fight back. So, there's, there's a reason why, you know, in my neighborhood, I don't have, you know, I don't live adjacent to the mill universe in southwest Detroit. That is a lot of what the environmental justice movement seeks to confront and to change is the way that these decisions were made historically was wrong and shut out people that were most affected and most impacted in the fence line community, right there in the neighborhood.

And I'll just say that we have a long way to go. The tools that we have, things like civil rights litigation, are imperfect for confronting that issue. And so, there is, in addition to discussions about climate control bills, there has been legislation introduced on environmental justice, right? Senator Brooker in the Senate introduced an environmental bill that would actually talk specifically about the citing of heavy polluting industries; and dealing with another very important point Theresa made, the legacy of, you know, you shut down a coal plant, or you shut down a steel mill, there's a lot of contaminated soil there, contaminated water. And you take a community like River Rouge, I mean, what was the coal plant was like a quarter of the tax base, or something, the property tax, right?

Theresa Landrum: \$4 million.

Nicholas Schroeck: 4 million, 4 million dollars, right? A hole in the budget when you shut down that facility; so, good for air quality, good for climate that you shut down a coal plant; but then, the community is left holding the bag. Yeah, so that's – we've got a long way to go then. And, like I said, our laws are not by any way meeting the challenge of citing these facilities in an equitable way.

Theresa Landrum: Right! And one thing that we have to understand is that the EPA sets the rule; and when the states and their regulatory agencies set their rules, and the one thing that you know is that the EPA can set a rule, the state cannot go below what the rule says, but they can establish and put into place statutes that are stronger than the EPA.

So, we have to look at the states. But if we're dividing climate change down to a political party, the determinate of a Republican health state could be very detrimental to the people of that state, if you go along with it. B the previous administration's plan to restore, to save coal mining industry, or gut the Clean Air Act, so they are not thinking about the mass population of the United States that will be impacted. So, we have to get rid of these, these political ideologies that are being harmful to us and, therefore, to Mother Earth.

Fr. Si Hendry: Do all courses at the University of Detroit Mercy integrate climate change concerns from this perspective?

Nicholas Schroeck: I do. As an environmental law person, mine certainly do. And, and I think, you know, one of the things we have been working on across the law school is justice. Justice is making sure that we're talking about, you know, in result. I should say, you know, the George

Floyd murder, and really this kind of reckoning with policing and all those types of issues, the law school made a commitment to talk about justice in every one of our classes, sort of writ large. So, from my perspective, that's been environmental justice. And that's, you know, Theresa's come in and talked to my class and shared her wisdom. And, and that's a charge I take very seriously, is that we need to talk about climate justice; and we talk about environmental justice. So, that's just me. I know, all of our classes are different.

Fr. Gerald Cavanagh: Let me add to nick's. I teach in the business school; and I have for a long time, and I've plugged Laudato Sui ever since it first came out seven years ago; and I found the students really understand and love it -m most of them. And they're really stimulated to think; and it broadens their perspective. Anyway, so there's some hope out there.

Fr. Si Hendry: Somebody like Victor Carmona in the biology department is really in charge of sustainability for the engineering school, engineering and science school. And he tries to get science students and engineering students to get together to look at climate conditions, food conditions, and work together to both do the study and to also come up with solutions.

Gail Presby: Please mention the Bioneers' Conference.

Nicholas Schroeck: As you're talking, Si, so, it actually occurred to me , I was like, you know, there's a great convening that's happening this October here on campus. Gail Presby and I co-chair the Bioneers Conference. If you haven't heard of the Bioneers, they're a wonderful organization dedicated to tracking a lot of these very issues. The Great Lakes Bioneers Detroit, which we've sort of taken over from a couple of nuns, Sr. Gloria and Sr. Paula, who just, you know, for years championed that conference. So, there's a whole web page, actually, at Detroit Mercy, if, so you just Google Great lakes Bioneers Conference, or great lakes Bioneers, any of that, you'll find it coming up this October.

We've got really good panel presentations set up, dealing with issues around climate, water, water quality, environmental justice, you name it. And actually, I was gonna talk to these. One of the things we're going to do is a tour or will do; and Theresa and I've done these before, many of these environmental justice tours, because one of the best ways to understand those issues is to breath in the air, to stand next to the wastewater treatment plant and smell what it smells like, right? to see houses, see the kids playing soccer at the community center.

Theresa Landrum: On contaminated soil.

Nicholas Schroeck: Right. Exactly. And so that's another thing we'll be having these tours, which are always great. We also have others on green storm water management, that type of thing. But thanks, Gail, for the shout out and reminding me to mention that.

Theresa Landrum: As a matter of fact, we did a 'toxic tour" yesterday with some students from the Arab program of Dearborn. And one of the things we did not address, and I hope Matt would help with, is cumulative impact of chemicals. We know one thing; do not mix bleach and

ammonia, right? That creates a dangerous gas. Well, we have to look at from the chemical aspect of all these chemicals mixing together, like benzene, toluene with mercury and lead and SO₂. And our agencies, they are on the books, but they are not utilized for cumulative impact.

Fr. Gilbert Sunghera: Just to callout for another event that's happening here. The Jesuits who oversee worldwide social justice environmental issues will be on campus August 8th and 9th. And in Campus Connecting, you'll see some different panels that are going to be happening, along those ideas. And he's really interested in finding out what's going on in Detroit, because he's heard a lot of innovative stuff that's been occurring. So, to get a sense of that, but I think also to be able to explore parts of Detroit, especially southwest Detroit. I've taken my students there from the School of Architecture; and it's quite an eye opener when you get them to Delray. And the students refused to roll down their windows because they couldn't breathe anymore. Now you get the idea of what we're dealing with. So, how do we start doing this? But again, look for Campus connections, and we can send the information out to all those who are involved in this as well.

Theresa Landrum: Well, you have to take it further than Delray.

Fr. Si Hendry: Any other questions? Good.

Closing comments from Pam Zarkowski, our Provost, "This has been great. Thank you for convening. Thank you to the speakers; and the questions have been wonderful. [applause] I want to thank each of the panelists."

Fr. Si Hendry: You guys have been marvelous, and I have learned a heck of a lot. I want to also thank Alex Hichel, [applause] without whose work this wouldn't have happened. And then, I want to thank Lonnie Ellis from Washington D.C. and Bill O'Brien from here. And I want to thank y'all for coming.

I started by talking about spirituality. And my sense of spirituality is that spirituality involves experience, understanding and action in dealing with our relationship with God. We've talked a lot about our experiences. We've talked a lot about understanding. We need to make sure we do some action. And so, I think the Bioneers Conference is one great way to do it. Connecting with voting is another good way to do it, doing all kinds of little projects on your own and see what went on, or doing what Victor Carmanos does to try to get scientists and engineers working together on issues of food. So, think of things you can do that will move things forward. Thank you.

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