

No. 23-3581

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

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SIERRA CLUB,

*Plaintiff-Appellant,*

---v.---

U.S. ENVIRONMENTAL PROTECTION AGENCY,

and MICHAEL REGAN, Administrator,

U.S. Environmental Protection Agency

**DETROIT HAMTRAMCK COALITION FOR ADVANCING HEALTHY  
ENVIRONMENTS, EASTSIDE COMMUNITY NETWORK, AND  
SCIENCE POLICY NETWORK-DETROIT'S MOTION FOR LEAVE TO  
FILE BRIEF OF *AMICUS CURIAE* IN SUPPORT OF PLAINTIFF-  
APPELLANT**

The Detroit Hamtramck Coalition for Advancing Healthy Environments, the Eastside Community Network, and the Science Policy Network-Detroit (hereinafter referred to collectively as “the Organizations”) respectfully move this Court for leave to appear as *amicus curiae* and to file its attached “Detroit Hamtramck Coalition for Advancing Healthy Environments, Eastside Community Network, and

Science Policy Network-Detroit's *Amicus Brief* In Support of Plaintiff-Appellant.”

In support of this Motion, the Organizations state:

1. The outcome of this case could have a transformative impact on the quality of life and health of the residents of Detroit. The Organizations have members located throughout the City of Detroit and seek to represent the best interest of those living in Detroit.

2. The Organizations are nonprofit organizations that seek environmental justice. The goals of the Organizations are achieved by advocating for environmental justice and working for positive change in their communities.

Amicus Curiae the DETROIT HAMTRAMCK COALITION FOR ADVANCING HEALTHY ENVIRONMENTS (“The Coalition”) is an active, fully volunteer based coalition that is working to correct environmental injustice. The Coalition focuses on changing environmental policy and decision making that have a disparate impact on minority racial groups. The Coalition is comprised of over 300 people. The Coalition places an emphasis on community outreach through rallies, community education, health fairs, and Town Hall meetings. The Coalition’s membership includes residents of the east side of Detroit, many of whom suffer from cancer, asthma, and a lack of access to quality health care. The Coalition is gravely concerned with the health effects caused by environmental injustice and air pollution.

Amicus Curiae EASTSIDE COMMUNITY NETWORK (“ECN”), formerly Warren Conner Development Coalition, has helped develop people, places, and plans for sustainable neighborhood growth on Detroit's eastside for the last 40 years, with impact areas in community economic development, climate equity, cultivating wellness, sustainable housing, supporting residents, community power building, and youth development. ECN has established itself as a leader in advocacy for equitable climate change efforts and environmental justice. ECN focuses its efforts on policy advocacy, leadership capacity building, community-driven infrastructure development, and community science that promote strategies for equitable climate change solutions and community well-being.

ECN is concerned that EPA’s designation may negatively affect their work on climate equity, sustainable housing, community power building, and economic development. Additionally, ECN believes the government has a duty to protect the health of its citizens and that reducing response to harmful air pollutants, such as ozone, while our community continues to suffer health impacts represents a failure to uphold this duty.

Amicus Curiae SCIENCE POLICY NETWORK-DETROIT (“SciPol-Detroit”) is an advocacy network that actively champions science and evidence-based policy making and that seeks to provide science based communication and advocacy. SciPol-Detroit maintains a goal to “bridge the gap” between scientists,

lawmakers, and the lay public. SciPol-Detroit is an organization created by and for scientists and students who are passionate about science. SciPol-Detroit is associated with the National Science Policy Network, is an affiliate of the Union of Concerned Scientists, and is currently a registered student organization at Wayne State University. SciPol-Detroit accomplishes its goals by holding meetings with state, local and federal lawmakers, as well as by writing letters to lawmakers. SciPol-Detroit has formed action groups to volunteer in the local Detroit community and holds forums to bring attention to water injustices and air pollution.

SciPol-Detroit is concerned that EPA's action endangers public health in Detroit and runs contrary to SciPol-Detroit's goal of protecting citizens from air pollution and is inconsistent with its focus on science-based rulemaking.

3. The position of the Organizations in this proceeding is aligned with that of the plaintiff-appellant, Sierra Club. The Organizations, however, are interested in this action on behalf of all residents of Detroit, not just the parties to this case, to give voice to broad public concern about Detroit air quality.

4. The Organizations wish to submit a Brief of *Amicus Curiae* to present unique arguments and information on the potential consequences of EPA's action and the effects of poor air quality in Detroit.

5. For the reasons stated above, the Organizations respectfully submit that their proposed Brief of *Amicus Curiae* will assist the Court in considering the issues presented, their importance, and the effect on the law and on health in Detroit.

6. Sierra Club has consented to the filing of this brief upon the accompanying Motion for Leave to File Amicus Brief. The United States does not take a position with respect to the filing of this brief upon the accompanying Motion for Leave to File Amicus Brief.

WHEREFORE, the Organizations respectfully request that the Court grant this Motion, enter an appropriate Order allowing them to file a Brief of *Amicus Curiae*, order that the Organizations brief was filed on this date, and for all other just and proper relief that this Court sees fit.

Dated January 16, 2024

Detroit, Michigan /s/ Nicholas J. Schroeck

NICHOLAS J. SCHROECK

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HAMTRAMCK COALITION FOR  
ADVANCING HEALTHY  
ENVIRONMENTS, EASTSIDE  
COMMUNITY NETWORK, AND  
SCIENCE POLICY NETWORK-  
DETROIT*

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U.S. Environmental Protection Agency

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BRIEF FOR DETROIT HAMTRAMCK COALITION FOR ADVANCING  
HEALTHY ENVIRONMENTS, EASTSIDE COMMUNITY NETWORK, AND  
SCIENCE POLICY NETWORK-DETROIT AS *AMICUS CURIAE* IN  
SUPPORT OF SIERRA CLUB URGING REVERSAL

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NETWORK, AND SCIENCE POLICY  
NETWORK-DETROIT - Amicus*

**DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL  
INTERESTS**

Sixth Circuit

Case Number: 23-3581

Case Name: SIERRA CLUB  
v. U.S. ENVIRONMENTAL  
PROTECTION AGENCY,  
and MICHAEL REGAN,  
Administrator,  
U.S. Environmental Protection  
Agency

Name of counsel: NICHOLAS J. SCHROECK

Pursuant to 6th Cir. R. 26.1, the DETROIT HAMTRAMCK COALITION FOR  
ADVANCING HEALTHY ENVIRONMENTS, EASTSIDE COMMUNITY  
NETWORK, AND SCIENCE POLICY NETWORK-DETROIT as *amicus curiae*  
makes the following disclosure:

1. Is said party a subsidiary or affiliate of a publicly owned corporation? If Yes, list below the identity of the parent corporation or affiliate and the relationship between it and the named party:

No.

2. Is there a publicly owned corporation, not a party to the appeal, that has a financial interest in the outcome? If yes, list the identify of such a corporation and the nature of the financial interest:

No.

**CERTIFICATE OF SERVICE**

I certify that on January 16, 2024 the foregoing document was served on all parties or their counsel of record through the CM/ECF system

*/s/ Nicholas J Schroeck*

NICHOLAS J. SCHROECK

*Counsel for DETROIT HAMTRAMCK  
COALITION FOR ADVANCING  
HEALTHY ENVIRONMENTS,  
EASTSIDE COMMUNITY NETWORK,  
AND SCIENCE POLICY NETWORK-  
DETROIT*



**TABLE OF CONTENTS**

**DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL INTERESTS** .....2

**CERTIFICATE OF SERVICE** .....3

**TABLE OF CONTENTS** .....4

**TABLE OF AUTHORITIES** .....4

**STATEMENT OF IDENTIFICATION**.....7

**SUMMARY OF ARGUMENT**.....9

**ARGUMENT**.....12

**I. The Agencies Should Not be Permitted to Exclude June 24 and 25, 2022 From Consideration**.....12

**A. Polluted Air is Polluted Air**.....14

**B. Exposure to Ozone and Polluted Air is Linked to Asthma and Other Physiological and Mental Impairments**.....15

**C. Minority and Lower-Income Areas are Disproportionately Affected by Poor Air Quality** .....16

**II. The Agencies Should Not Redesignate Southeast Michigan As Attaining the Ozone National Ambient Air Quality Standard**.....17

**A. High Ozone Pollution Affects Mental Health and Quality of Life**.....18

**B. Air Pollution Hurts the Economy** .....19

**C. Ozone Levels Are Trending Upwards, Not Downwards**.....19

**CONCLUSION**.....21

**CERTIFICATE OF COMPLIANCE** .....21

**CERTIFICATE OF SERVICE** .....22

## TABLE OF AUTHORITIES

### Statutes

Clean Air Act ..... 10, 11, 14, 16, 17

### Other Authorities

<i>Asthma and African Americans</i> , U.S. DEP’T HEALTH & HUM. SERV. OFFICE OF MINORITY HEALTH, <a href="https://minorityhealth.hhs.gov/asthma-and-african-americans">https://minorityhealth.hhs.gov/asthma-and-african-americans</a> (last visited Oct. 24, 2023).....	16
<i>Basic Information about Air Emissions Monitoring</i> , EPA, <a href="https://www.epa.gov/air-emissions-monitoring-knowledge-base/basic-information-about-air-emissions-monitoring">https://www.epa.gov/air-emissions-monitoring-knowledge-base/basic-information-about-air-emissions-monitoring</a> (last updated Aug. 2, 2023).....	9
<i>Detroit Clean Data Determination for the 2015 Ozone Air Quality Standard</i> , EPA, <a href="https://www.epa.gov/mi/detroit-clean-data-determination-2015-ozone-air-quality-standard">https://www.epa.gov/mi/detroit-clean-data-determination-2015-ozone-air-quality-standard</a> (May 31, 2023) .....	11
E.M. Manczak et al., <i>Census Tract Ambient Ozone Predicts Trajectories of Depressive Symptoms in Adolescents</i> , 58 DEV. PSYCH. 485 (2022).....	18
<i>EPA Determines Detroit Metro Area Now Meets Federal Ozone Standard; Approves Michigan’s Plan to Maintain Air Quality</i> , EPA (May 16, 2023), <a href="https://www.epa.gov/newsreleases/epa-determines-detroit-metro-area-now-meets-federal-ozone-standard-approves-michigans">https://www.epa.gov/newsreleases/epa-determines-detroit-metro-area-now-meets-federal-ozone-standard-approves-michigans</a> . ....	13
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Jackson G Lu, <i>Air pollution: A Systematic Review of its Psychological, Economic, and Social Effects</i> , 32 CURRENT OP. IN PSYCH. 52 (2022). ....	18
Jason Sacks et al., <i>Integrated Science Assessment for Particulate Matter</i> , U.S. EPA, ES-5 (2019). ....	14, 15
Jennifer A. Rumpel et al., <i>Genetic Ancestry and its Association with Asthma Exacerbations Among African American Subjects with Asthma</i> , 130 ASTHMA & AIRWAY DISEASE 1,302 (2012). ....	16
Lu Liu et al., <i>The Effect of Air Pollution on Consumer Decision Making: A Review</i> , 9 CLEANER ENG’G & TECH. 1, 4 (2022).....	19

Melanie Carver et al., <i>Asthma Disparities in America: A Roadmap to Reducing Burden on Racial and Ethnic Minorities</i> , ASTHMA & ALLERGY FOUND. OF AM., 15 (2020), <a href="https://aafa.org/wp-content/uploads/2022/08/asthma-disparities-in-america-burden-on-racial-ethnic-minorities.pdf">https://aafa.org/wp-content/uploads/2022/08/asthma-disparities-in-america-burden-on-racial-ethnic-minorities.pdf</a> .....	16
Nina Ignaczak, <i>What you need to know about Ozone Action Days in Metro Detroit</i> , PLANET DET. (May 31, 2023), <a href="https://planetdetroit.org/2023/05/what-you-need-to-know-about-ozone-action-days-in-metro-detroit/">https://planetdetroit.org/2023/05/what-you-need-to-know-about-ozone-action-days-in-metro-detroit/</a> .....	20
Nour Rahal, <i>Detroit air quality among world’s worst as Canadian wildfire smoke worsens</i> , Det. Free Press (July 17, 2023, 1:13 PM), <a href="https://www.freep.com/story/news/local/michigan/2023/07/17/detroit-air-quality-canadian-wildfire-smoke-weather-forecast/70419476007/">https://www.freep.com/story/news/local/michigan/2023/07/17/detroit-air-quality-canadian-wildfire-smoke-weather-forecast/70419476007/</a> .....	13
<i>Ozone Nonattainment</i> , Mich. Dept. Enviro., Great Lakes, and Energy, <a href="https://www.michigan.gov/egle/about/organization/air-quality/state-implementation-plan/ozone-nonattainment">https://www.michigan.gov/egle/about/organization/air-quality/state-implementation-plan/ozone-nonattainment</a> (last visited Oct. 13, 2023). ....	10
Rachel Bassler, <i>EPA Determines Detroit Metro Area Now Meets Federal Ozone Standard; Approves Michigan’s Plan to Maintain Air Quality</i> , EPA (May 16, 2023), <a href="https://www.epa.gov/newsreleases/epa-determines-detroit-metro-area-now-meets-federal-ozone-standard-approves-michigans">https://www.epa.gov/newsreleases/epa-determines-detroit-metro-area-now-meets-federal-ozone-standard-approves-michigans</a> .....	12
RICHARD K. LATTANZIO, CONG. RSCH. SERV. RL30853, CLEAN AIR ACT: A SUMMARY OF THE ACT AND ITS MAJOR REQUIREMENTS, 1, 5–7 (2022). ....	10
Thomas Luben et al., <i>Integrated Science Assessment for Ozone and Related Photochemical Oxidants</i> , U.S. EPA, 84, Table ES-1 (April 2020), <a href="https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=348522">https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=348522</a> .....	14
<i>Wildfire Exceptional Event Demonstration for Ground-Level Ozone in Southeast Michigan – East 7-Mile Monitor</i> , MICH. DEP’T ENV’T, GREAT LAKES, AND ENERGY 6 (Jan. 2023), <a href="https://www.michigan.gov/egle/-/media/Project/Websites/egle/Documents/Reports/AQD/state-implementation-plan/2023-01-Exceptional-Event-Demonstration-for-Southeast-Michigan.pdf">https://www.michigan.gov/egle/-/media/Project/Websites/egle/Documents/Reports/AQD/state-implementation-plan/2023-01-Exceptional-Event-Demonstration-for-Southeast-Michigan.pdf</a> ...	13
<b>Regulations</b>	
40 C.F.R. pts. 50, 51, 53, and 58 (1977).....	9
88 F.R. 32584.....	11

### **STATEMENT OF IDENTIFICATION**

Amicus Curiae the DETROIT HAMTRAMCK COALITION FOR ADVANCING HEALTHY ENVIRONMENTS (“The Coalition”) is an active, fully volunteer based coalition that is working to correct environmental injustice. The Coalition focuses on changing environmental policy and decision making that have a disparate impact on minority racial groups. The Coalition is comprised of over 300 people. The Coalition places an emphasis on community outreach through rallies, community education, health fairs, and Town Hall meetings. The Coalition’s membership includes residents of the east side of Detroit, many of whom suffer from cancer, asthma, and a lack of access to quality health care. The Coalition is gravely concerned with the health effects caused by environmental injustice and air pollution.

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SciPol-Detroit is concerned that EPA's action endangers public health in Detroit and runs contrary to SciPol-Detroit's goal of protecting citizens from air pollution and is inconsistent with its focus on science-based rulemaking.

The DETROIT HAMTRAMCK COALITION FOR ADVANCING HEALTHY ENVIRONMENTS, the EASTSIDE COMMUNITY NETWORK, and the SCIENCE POLICY NETWORK-DETROIT file this brief pursuant to Rule 29(a) of the Federal Rules of Appellate Procedure. Sierra Club has consented to the filing of this brief upon the accompanying Motion for Leave to File Amicus Brief. The United States does not take a position with respect to the filing of this brief upon the accompanying Motion for Leave to File Amicus Brief.

Counsel for the Appellant did not author the brief in whole.

Appellant did not contribute financial support intended to fund the preparation or submission of this brief. No other individual(s) or organization(s) contributed financial support intended to fund the preparation or submission of this brief.

### **SUMMARY OF ARGUMENT**

This amicus brief adopts and incorporates the statements of facts, events, and law presented in the principal brief of Petitioner/Appellant Sierra Club.

This Court should reverse the U.S. Environmental Protection Agency’s action because the Environmental Protection Agency (the “EPA” or the “Agency”) and Michigan Department of Environment, Great Lakes, and Energy’s (“EGLE”) (collectively, the “Agencies”) decision to reclassify the Detroit Area as an attainment zone requires the Agencies to set aside data that should be included in such decision-making.

Under the Clean Air Act, 42 U.S.C.A. § 7401 et seq. (1977) (“The Act”), EPA, with the cooperation of state agencies, is to establish air quality standards for designated regions throughout the United States. Pursuant to National Ambient Air Quality Standards (NAAQS), 40 C.F.R. pts. 50, 51, 53, and 58 (1977), air quality is measured by monitoring devices installed and maintained by EPA and state agencies charged with monitoring air pollution. *See Basic Information about Air Emissions Monitoring*, EPA, <https://www.epa.gov/air-emissions-monitoring-knowledge-base/basic-information-about-air-emissions-monitoring> (last updated Aug. 2, 2023). EPA classifies areas not satisfying these standards as “nonattainment areas.” Any designated “nonattainment area” must implement measures to lower air pollution within its borders, with the aim of reaching attainment levels. RICHARD K. LATTANZIO, CONG. RSCH. SERV. RL30853, CLEAN AIR ACT: A SUMMARY OF THE ACT AND ITS MAJOR REQUIREMENTS, 1, 5–7 (2022).

The Detroit Area, consisting of seven counties in Michigan, was designated as a nonattainment area in 2018. *Ozone Nonattainment*, Mich. Dept. Enviro., Great Lakes, and Energy, <https://www.michigan.gov/egle/about/organization/air-quality/state-implementation-plan/ozone-nonattainment> (last visited Oct. 13, 2023). On May 12, 2023, the Detroit Area was upgraded to attainment status as EPA determined the ozone levels in the area satisfied the NAAQS. *Id.* However, in doing so, the Agencies elected to exclude two days of high ozone levels. If the two excluded days had been included, an attainment designation would have been precluded.

The core purpose of the Act is “to protect and enhance the quality of the Nation’s air resources so as to promote the public health . . . .” 42 U.S.C.A. § 7401(b)(1). To ignore periods of high air pollution in favor of reclassifying areas as reaching attainment status is to ignore the core purpose of the Act. Although smoke from wildfires may “not [be] reasonably controllable or preventable,” the people living in the Detroit area nevertheless breathe it in, in addition to the other sources of air pollution that are controllable or preventable. *Id.* Wildfire smoke negatively impacts the health and welfare of those living in the Detroit Area, and setting those effects aside directly contradicts the Act’s purpose.

On January 26, 2023, EPA took final action based on “an exceptional events request submitted by . . . [EGLE]” and according to data collected from monitoring



devices in the Detroit Area. 88 F.R. 32584. In short, EGLE requested that EPA remove two days, June 24 and 25, 2022, from consideration when determining whether the Detroit area reached attainment levels. The Agencies should not be permitted to reclassify the Detroit region as reaching attainment levels by excluding multiple days of high ozone levels.

### **ARGUMENT**

#### **I. The Agencies Should Not be Permitted to Exclude June 24 and 25, 2022 From Consideration**

On February 3, 2023, EPA declared that the Detroit metropolitan area obtained compliance with ozone air quality standards under the NAAQS, citing natural wildfire events as anomalies and excluding their data. *See Detroit Clean Data Determination for the 2015 Ozone Air Quality Standard*, EPA, <https://www.epa.gov/mi/detroit-clean-data-determination-2015-ozone-air-quality-standard> (May 31, 2023); 88 F.R. 32584. According to the Agencies, the June 24 and 25, 2022 East 7 Mile monitor readings (the “Exceptional Event Data”) should be excluded from the dataset, which EPA evaluates to determine whether or not the Detroit Area has reached federal standards for attainment status under the Act. *Detroit Clean Data Determination for the 2015 Ozone Air Quality Standard, supra.*

EPA asserts that “[b]ecause natural wildfires are not reasonably controllable or preventable,” the Exceptional Event Data should not be factored into deciding whether the region has reached attainment levels. *See Rachel Bassler, EPA*

*Determines Detroit Metro Area Now Meets Federal Ozone Standard; Approves Michigan's Plan to Maintain Air Quality*, EPA (May 16, 2023), <https://www.epa.gov/newsreleases/epa-determines-detroit-metro-area-now-meets-federal-ozone-standard-approves-michigans>. This conclusion is concerning for multiple reasons.

First, excluding this Exceptional Events Data does not negate residents' exposure to air pollution, regardless of whether it was caused by wildfire smoke or other sources of ozone. Detroit Area residents breathed in polluted air regardless of whether EPA acknowledges it. Second, asthma is directly correlated with ozone and polluted air, and Detroit already experiences significantly higher rates of asthma than the rest of Michigan. Third, minority and lower-income populations disproportionately bear the impacts of poor air quality. Setting aside the Exceptional Events Data is not helpful in battling Detroit's high asthma rate or addressing pervasive socio-economic racial disparities. Finally, the recurrence of wildfire smoke in 2023 strongly suggests that it is necessary to reconsider such events rather than dismissing them as anomalies. See Nour Rahal, *Detroit air quality among world's worst as Canadian wildfire smoke worsens*, Det. Free Press (July 17, 2023, 1:13 PM), <https://www.freep.com/story/news/local/michigan/2023/07/17/detroit-air-quality-canadian-wildfire-smoke-weather-forecast/70419476007/>.

### **A. Polluted Air is Polluted Air**

The Agencies have consistently attributed the June 24 and 25, 2022 data to the Canadian wildfires, ruling out technological or interpretive errors. *See Wildfire Exceptional Event Demonstration for Ground-Level Ozone in Southeast Michigan – East 7-Mile Monitor*, MICH. DEP’T ENV’T, GREAT LAKES, AND ENERGY 6 (Jan. 2023), <https://www.michigan.gov/egle/-/media/Project/Websites/egle/Documents/Reports/AQD/state-implementation-plan/2023-01-Exceptional-Event-Demonstration-for-Southeast-Michigan.pdf>; *EPA Determines Detroit Metro Area Now Meets Federal Ozone Standard; Approves Michigan’s Plan to Maintain Air Quality*, EPA (May 16, 2023), <https://www.epa.gov/newsreleases/epa-determines-detroit-metro-area-now-meets-federal-ozone-standard-approves-michigans>. These acknowledgements imply that the monitor readings were indeed influenced by polluted air.

Regardless of the cause of the Exceptional Events Data, the result of EPA’s decision is that residents of the Detroit Area have breathed, and will likely continue to breathe, air containing higher levels of pollution. Ignoring Exceptional Events Data does nothing to “promote the public health through the welfare and the productive capacity of its population,” as the Act directs EPA to do. 42 U.S.C.A. § 7401(b)(1). Rather, it accomplishes the opposite. By setting aside this data to enable

the Detroit Area to achieve “attainment” status, the Detroit Area risks having little margin for NAAQS compliance.

### **B. Exposure to Ozone and Polluted Air is Linked to Asthma and Other Physiological and Mental Impairments**

The correlation between asthma rates and ozone levels is well established, with both short- and long-term exposure linked to adverse health effects, including respiratory and cardiovascular issues, and increased mortality rates. *See, e.g.,* Thomas Luben et al., *Integrated Science Assessment for Ozone and Related Photochemical Oxidants*, U.S. EPA, 84, Table ES-1 (April 2020), <https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=348522> (synthesizing decades of research on the physiological effects of ozone on the human body).

Furthermore, particulate matter (“PM”), derived from “emissions . . . from anthropogenic sources . . . [such as] industrial activities, motor vehicles, cooking, and fuel combustion, including biomass burning,” is directly associated with serious negative health effects in humans. *See* Jason Sacks et al., *Integrated Science Assessment for Particulate Matter*, U.S. EPA, ES-5 (2019). There is strong evidence indicating a relationship between “short-term [PM] exposure and . . . asthma exacerbation, chronic obstructive pulmonary disease (COPD) exacerbation, and combined respiratory-related diseases . . . .” *Id.* at ES-12. There is also “likely to be a causal relationship between long-term [PM] exposure and respiratory effects. *Id.*

at ES-13. Finally, cardiovascular effects and mortality are both causally related to both short- and long-term exposure to PM. *Id.* at ES-13–17.

Regardless of the cause of the Exceptional Events Data, the result is that Detroit Area residents were exposed to high levels of levels of air pollutants leading to exceptionally high ozone readings at the East 7 Mile monitor. Ignoring this data does not negate the health risks associated with this exposure. Detroit Area residents were exposed to polluted air, the contents of which have proven causal links to adverse health outcomes in humans.

### **C. Minority and Lower-Income Areas are Disproportionately Affected by Poor Air Quality**

Racial and ethnic minorities, particularly Black populations, bear a disproportionate burden of asthma, with higher diagnosis and mortality rates linked to genetic predisposition. Melanie Carver et al., *Asthma Disparities in America: A Roadmap to Reducing Burden on Racial and Ethnic Minorities*, ASTHMA & ALLERGY FOUND. OF AM., 15 (2020), <https://aafa.org/wp-content/uploads/2022/08/asthma-disparities-in-america-burden-on-racial-ethnic-minorities.pdf>; *see generally* Jennifer A. Rumpel et al., *Genetic Ancestry and its Association with Asthma Exacerbations Among African American Subjects with Asthma*, 130 ASTHMA & AIRWAY DISEASE 1,302 (2012). Non-Hispanic Black Americans were “30 percent more likely to have asthma than non-Hispanic whites,” and were nearly three times more likely to die from asthma-related causes compared

to non-Hispanic whites. *Asthma and African Americans*, U.S. DEP'T HEALTH & HUM. SERV. OFFICE OF MINORITY HEALTH, <https://minorityhealth.hhs.gov/asthma-and-african-americans> (last visited Oct. 24, 2023).

Racial disparities in asthma burdens will not be improved by designating the Detroit Area as an “attainment area.” Upgrading to attainment allows for the relaxation of pollution restrictions, *See* 42 U.S.C.A. § 7502–03, diminishing air pollution protections for City of Detroit residents, 77.8% of whom are African American.

The Agencies should not be permitted to exclude the June 24 and 25, 2022 Exceptional Events Data from consideration in deciding whether to redesignate the Detroit Area to attainment under the NAAQS and the Act.

## **II. The Agencies Should Not Redesignate Southeast Michigan As Attaining the Ozone National Ambient Air Quality Standard**

EPA should not redesignate the Detroit Area to NAAQS ozone attainment because it will negatively impact the local community. High ozone levels can harm mental health and diminish quality of life. Moreover, consumer spending is reduced in areas with high pollution, which harms local businesses, economic health, and property values. Attainment of NAAQs would not be possible but for the approval of the Clean Data Determination request by EGLE. In effect, this allows the Detroit

Area to “slide under the radar” without having to create a meaningful plan to meet ozone standards in the future.

### **A. High Ozone Pollution Affects Mental Health and Quality of Life**

Continued exposure to high levels of ozone is detrimental to physical and mental health. When air quality is poor, it often forces residents indoors to avoid contact with pollutants, restricts outdoor recreation activities, community engagement, and social interaction. Amici’s members regularly forgo outdoor activities due to ozone pollution. Avoiding outdoor activities places a strain on mental health and can decrease overall enjoyment of life. Michigan summers are short and Amici’s members have expressed disappointment in being unable to fully enjoy the fleeting warm days due to poor air quality.

The American Psychological Association links high ozone exposure to depression symptoms in adolescents, including sadness, hopelessness, interrupted sleep, and suicidal thoughts. *See generally* E.M. Manczak et al., *Census Tract Ambient Ozone Predicts Trajectories of Depressive Symptoms in Adolescents*, 58 DEV. PSYCH. 485 (2022). Air pollution is also linked to substance abuse and elevated criminal behavior. *See* Jackson G Lu, *Air pollution: A Systematic Review of its Psychological, Economic, and Social Effects*, 32 CURRENT OP. IN PSYCH. 52 (2022). Further, air pollution can predict both violent crimes and property crimes, with the

psychological effects, like increased anxiety, leading to lack of self-control and higher crime rates. *Id.*

### **B. Air Pollution Hurts the Economy**

Elevated ozone levels not only harm human health but also have detrimental effects on property values and the economic well-being of communities. High ozone levels can create a dangerous environment that restricts people from being outside, depriving communities of economic activity. When citizens stay home to avoid air pollution, they keep their wallets with them. Restaurants, bars, coffee shops, movie theaters, golf courses, shopping centers, and cafes all suffer when people stay at home to avoid unhealthy air.

The effects of high ozone, and air pollution in general, cross cultures and boundaries. Generally, air pollution can affect “stock returns, . . . real estate and food prices, reduc[e] tourism decisions, and increas[e] insurance purchases. Lu Liu et al., *The Effect of Air Pollution on Consumer Decision Making: A Review*, 9 CLEANER ENG’G & TECH. 1, 4 (2022). Further, “consumers may . . . move to cities with better air quality” or “reduce outdoor activities to avoid the health risks of air pollution,” all negatively impacting the local economy. *Id.* at 3. Some studies suggest that higher levels of air pollution lead to lower property values. *Id.* at 4.

### **C. Ozone Levels Are Trending Upwards, Not Downwards**

By designating the Detroit Area as an “attainment area,” EPA is allowing the state to bypass important measures that are required for areas in nonattainment. If



left in nonattainment, Michigan would be required to, among other measures, prepare a nonattainment plan and enforce stricter “new source” review for air pollution permitting. EGLE granted the Clean Data Determination, which allows the Detroit Area to be an “attainment area,” on the premise that ozone levels are trending down. However, ozone levels are not trending down in Southeast Michigan. On April 15, 2023, Detroit had its earliest Ozone Action Day in any year, and “ozone season” is starting earlier than ever before. Nina Ignaczak, *What you need to know about Ozone Action Days in Metro Detroit*, PLANET DET. (May 31, 2023), <https://planetdetroit.org/2023/05/what-you-need-to-know-about-ozone-action-days-in-metro-detroit/>. Ozone action days are declared by the state when high temperatures combine with high pollution. *Id.* The state warns citizens that breathing the air outside on these days can adversely impact their health and urges preventative measures to help mitigate the high ozone, such as less travel by car. *Id.* High ozone and poor air quality are becoming the new normal for Detroit area communities.

The Detroit Area experienced 13 Ozone Action Days in 2023’s ozone season, which is more than double the number of action days in 2022 and 2021. Environmentalists claim that Detroit had its “worst ozone summer in a decade.” Hannah Mackay, *Detroit region’s ‘worst ozone summer in a decade’ reopens pollution debate*, DET. NEWS (July 5, 2023),

<https://www.detroitnews.com/story/news/local/michigan/2023/07/05/detroit-regions-worst-ozone-summer-in-a-decade-reopens-pollution-debate/70383063007/>.

### **CONCLUSION**

For all of the foregoing reasons, this Court should remand EPA's decision to designate the Detroit Area as attainment and grant Appellant/Petitioner's other requested relief.

Dated: January 16, 2024  
Detroit, Michigan

Respectfully submitted,

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### **CERTIFICATE OF COMPLIANCE**

This brief complies with the type-volume limitation of Federal Rules of Appellate Procedure 29(a)(5) and 32(a)(7) because the brief contains 3,900 words, excluding the parts of the brief exempt by Federal Rule of Appellate Procedure 32(f).

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Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

Dated: January 16, 2024

Detroit, Michigan

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the appellate CM/ECF system on January 16, 2024.

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Dated January 16, 2024

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