

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
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April 7, 2016

The Honorable Rick Snyder  
Governor, State of Michigan  
111 South Capitol Avenue  
P.O. Box 30013  
Lansing, MI 48909

Dear Governor Snyder:

During your appearance before our Committee on March 17, 2016, you testified that you wanted to learn the lessons of the Flint water crisis caused by your administration. You claimed you were working with local leaders rather than marginalizing them, and you claimed you were being transparent, cooperating fully with Congress, and holding your employees accountable for their actions. Rather than learning these lessons, it appears that you are perpetuating the same type of heavy-handed, deficient governance that caused this disaster in the first place.

On March 17, at approximately 9:30 a.m., you testified under oath before our Committee that you were “working with local leaders like Mayor Karen Weaver and our representatives here in Washington to deliver the assistance our citizens deserve.” However, based on new documents we have obtained, it appears that you withheld from Mayor Weaver information about your 75 point plan to address this crisis until 7:12 p.m. that night. Your top aide, Richard Baird, sent an email informing her that you would be releasing your plan publicly in the coming days. Mr. Baird even proposed a quote for Mayor Weaver in a draft press release, which she rejected immediately because you excluded her from this process.

Despite your sworn testimony to the Committee earlier that day, Mayor Weaver reports that you did not seek input from her about your plan before you testified and that you excluded her from meetings with the state officials you charged with developing this plan in the weeks leading up to our hearing. As Mayor Weaver stated, “Governor Snyder continues to ignore me, my administration, and the residents of Flint.” You also apparently excluded from this process the Flint City Council and Rep. Dan Kildee, who represents the people of Flint in Congress.

Your actions raise grave concerns about the accuracy of your testimony before our Committee. If you withheld information about your 75 point plan from Mayor Weaver and other local leaders until after your appearance before our Committee, that would appear to directly contradict your testimony on March 17.

In order to investigate this matter further, I request that you produce all emails, communications, and other documents relating to how you and your staff planned, developed, and released your 75 point plan, including your internal discussions about how and when to involve Mayor Weaver and others in this process.

Your continued refusal to engage in real consultation with the elected leaders of Flint is bewildering, and it contradicts one of the key lessons of your own Task Force. As a direct result, your 75 point plan looks more like a press release than a substantive or collaborative approach, and it fails to address many of the key problems identified by Mayor Weaver and other local officials, as described below in detail.

You also continue to dispute the authority of the Environmental Protection Agency (EPA). On February 11, 2016, your Director of the Michigan Department of Environmental Quality (MDEQ) contested the validity of EPA's January 21, 2016, emergency order directing you to comply with the Safe Drinking Water Act. He wrote: "we continue to dispute the legality and efficacy of the order."<sup>1</sup> As a result, your compliance with that order has also been deficient. On March 29, 2016, EPA identified a host of requirements that still have not been adequately addressed.<sup>2</sup>

In addition, it is particularly troubling that you continue to allow many of your own top officials, including Mr. Baird, to completely disregard requests from Congress to produce documents and participate in transcribed interviews—with absolutely no consequences. Your failure to direct your staff to cooperate fully with Congress contradicts both your sworn testimony before our Committee and your many public promises of cooperation and accountability to the people of Michigan.

Based on this record, it appears that you have learned little from this disaster and that you have changed virtually nothing about your approach.

When we met in Washington on March 16, 2016, you invited me to Michigan to meet with you to discuss a way forward for the people of Flint. I would like to accept your offer and come to Michigan as early as next week. I request that we meet jointly with Mayor Weaver, Flint City Council President Kerry Nelson, and Rep. Kildee to determine how to get the people of Flint the resources they need as soon as possible.

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<sup>1</sup> Email from Keith Creagh, Director, Michigan Department of Environmental Quality, to Mark Pollins, Director, Water Enforcement Division, Environmental Protection Agency, et al. (Feb. 11, 2016) (online as Attachment B at [www.epa.gov/sites/production/files/2016-02/documents/epa\\_letter\\_to\\_mdeq\\_and\\_city\\_of\\_flint\\_w\\_attachments\\_2.19.16.pdf](http://www.epa.gov/sites/production/files/2016-02/documents/epa_letter_to_mdeq_and_city_of_flint_w_attachments_2.19.16.pdf)).

<sup>2</sup> Letter from Mark Pollins, Director, Water Enforcement Division, Environmental Protection Agency, to Karen Weaver, Mayor, City of Flint, and Keith Creagh, Director, Michigan Department of Environmental Quality (Mar. 29, 2016) (online at [www.epa.gov/sites/production/files/2016-03/documents/epa\\_3\\_29\\_16\\_response\\_letter.pdf](http://www.epa.gov/sites/production/files/2016-03/documents/epa_3_29_16_response_letter.pdf)).

### **Continuing to Ignore the People of Flint**

On March 21, 2016, the Flint Water Advisory Task Force that you appointed in 2015 issued its final report, concluding that your administration bears “primary responsibility” for the poisoning of Flint’s drinking water.<sup>3</sup>

One of the key lessons highlighted by your Task Force was that you should stop cutting elected local officials out of the decision-making process. The Task Force concluded:

The Flint water crisis occurred when state-appointed emergency managers replaced local representative decision-making in Flint, removing the checks and balances and public accountability that come with public decision-making.<sup>4</sup>

The Task Force also found that “Flint residents were not provided equal access to, and meaningful involvement in, the government decision-making process.” It stated: “Citizen concerns were at times derided and dismissed.” It also concluded that your officials displayed “a degree of intransigence and belligerence that has no place in government.”<sup>5</sup>

According to Task Force Member Chris Kolb, “One of the biggest lessons we hope to impart in our report is the need for government leaders to listen to their constituents; in Flint that didn’t happen.”<sup>6</sup>

In contrast to this clear and direct warning, you issued your 75 point plan without any consultation with Mayor Weaver or other local officials. As a result, your plan fails to fully address a number of critical areas that Mayor Weaver and other local officials believe must be addressed immediately.

#### ***Ensuring Adequate Corrosion Control and Testing***

Mayor Weaver believes that “corrosion control is essential to protect Flint residents.”<sup>7</sup> Your Task Force agreed, finding that this tragedy resulted because, “under emergency management, the Flint Water Department rushed unprepared into full-time operation of the Flint

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<sup>3</sup> Flint Water Advisory Task Force, *Final Report* (Mar. 21, 2016) (online at [www.michigan.gov/documents/snyder/FWATF\\_FINAL\\_REPORT\\_21March2016\\_517805\\_7.pdf](http://www.michigan.gov/documents/snyder/FWATF_FINAL_REPORT_21March2016_517805_7.pdf)).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *The Governor and the Mayor: Perceived Snubs Strain Flint Recovery*, MLive, Bridge Magazine (Mar. 31, 2016) (online at [www.mlive.com/politics/index.ssf/2016/03/the\\_governor\\_and\\_the\\_mayor\\_per.html](http://www.mlive.com/politics/index.ssf/2016/03/the_governor_and_the_mayor_per.html)).

<sup>7</sup> *Flint Mayor Promises Cooperation to Improve Water Quality*, Fox17 (Feb. 20, 2016) (online at <http://fox17online.com/2016/02/20/flint-mayor-promises-cooperation-to-improve-water-quality/>).

Water Treatment Plant, drawing water from a highly corrosive source without the use of corrosion control.”<sup>8</sup>

Amazingly, your 75 point plan never mentioned corrosion control. This omission is significant. On March 29, 2016, EPA sent a letter to Mayor Weaver and your Director of MDEQ warning that current corrosion control efforts “do not represent a comprehensive approach to minimize lead concentrations.” EPA also warned that it is not clear that you are “maintaining chlorine residual in the distribution system” or “continuing to add corrosion inhibitors at levels sufficient to optimize corrosion control in the distribution system.”<sup>9</sup>

EPA also raised concerns about the “adequacy” of 25 sites identified for water quality measurements and whether these sites provide a complete picture of the water distribution system.<sup>10</sup> Ultimately, that responsibility falls on MDEQ.

In addition, EPA warned that it has still not received complete lead testing data dating back to January 2013. EPA highlighted two missing samples with results of 104 ppb and 397 ppb, which far exceed EPA’s action-level threshold.<sup>11</sup>

### ***Removing Lead Pipes***

Mayor Weaver believes one of the most critical priorities for Flint is to remove lead service lines, particularly for the most vulnerable populations, and Flint officials estimate that thousands of lines need to be replaced.<sup>12</sup> Mayor Weaver has developed a plan to begin removing those lead service lines, which is called “Fast Start.”<sup>13</sup>

EPA supports Mayor Weaver’s plan. In its March 29, 2016, letter, EPA wrote: “EPA remains supportive and committed to the success of this effort.”<sup>14</sup>

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<sup>8</sup> Flint Water Advisory Task Force, *Final Report* (Mar. 2016) (online at [www.michigan.gov/documents/snyder/FWATF\\_FINAL\\_REPORT\\_21March2016\\_517805\\_7.pdf](http://www.michigan.gov/documents/snyder/FWATF_FINAL_REPORT_21March2016_517805_7.pdf)).

<sup>9</sup> Letter from Mark Pollins, Director, Water Enforcement Division, Environmental Protection Agency, to Karen Weaver, Mayor, City of Flint and Keith Creagh, Director, Michigan Department of Environmental Quality (Mar. 29, 2016) (online at [www.epa.gov/sites/production/files/2016-03/documents/epa\\_3\\_29\\_16\\_response\\_letter.pdf](http://www.epa.gov/sites/production/files/2016-03/documents/epa_3_29_16_response_letter.pdf)).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Moving Flint Forward*, Office of Mayor Karen Weaver, City of Flint (Feb. 2016).

<sup>13</sup> *Fast Start Lead Service Line Replacement Program*, Office of Mayor Karen Weaver, City of Flint (Feb. 2016).

<sup>14</sup> Letter from Mark Pollins, Director, Water Enforcement Division, Environmental Protection Agency, to Karen Weaver, Mayor, City of Flint, and Keith Creagh, Director, Michigan Department of Environmental Quality (Mar. 29, 2016) (online at [www.epa.gov/sites/production/files/2016-03/documents/epa\\_3\\_29\\_16\\_response\\_letter.pdf](http://www.epa.gov/sites/production/files/2016-03/documents/epa_3_29_16_response_letter.pdf)).

During your appearance before our Committee in March, you seemed to agree with this approach, testifying, “Let’s get these lead pipes out of the ground.”<sup>15</sup> However, when you issued your 75 point plan, you proposed replacing only 30 lead service lines.<sup>16</sup>

### ***Reversing Staffing Cuts***

Mayor Weaver believes that Flint needs significant additional funding to begin reversing staffing cuts imposed over the past several years by your Emergency Managers, including at the Flint Water Treatment Plant.<sup>17</sup> Flint’s staffing plan identifies 63 positions needed to staff the water treatment and distribution system.<sup>18</sup>

On March 29, 2016, Flint’s Utilities Administrator, Mike Glasgow, testified before the Joint Select Committee on the Flint Water Public Health Emergency. He reported that staffing at the plant in 2005 was “close to 40 employees” when it was running only as a backup. However, by the time your Emergency Manager switched to the Flint River in April 2014, the plant had only “24 or 26 employees,” according to Mr. Glasgow.<sup>19</sup>

Based on these concerns, Mr. Glasgow strongly warned against moving forward with the plan to use the Flint River in an email to your officials at MDEQ on April 17, 2014—just eight days before the switch occurred. He wrote: “I was reluctant before, but after looking at the monitoring schedule and our current staffing, I do not anticipate giving the OK to begin sending water out anytime soon.” He added: “If water is distributed from this plant in the next couple weeks, it will be against my direction.”<sup>20</sup> He also wrote:

I need time to adequately train additional staff and to update our monitoring plans before I will feel we are ready. I will reiterate this to management above me, but they seem to have their own agenda.<sup>21</sup>

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<sup>15</sup> House Committee on Oversight and Government Reform, Testimony of the Honorable Rick Snyder, Governor, State of Michigan, *Examining Federal Administration of the Safe Drinking Water Act in Flint, Michigan, Part 3* (Mar. 17, 2016).

<sup>16</sup> Governor Rick Snyder, *State of Michigan Goals to Strengthen Flint* (Mar. 20, 2016) ([www.michigan.gov/flintwater/0,6092,7-345--379415--,00.html](http://www.michigan.gov/flintwater/0,6092,7-345--379415--,00.html)).

<sup>17</sup> *Moving Flint Forward*, Office of Mayor Karen Weaver, City of Flint (Feb. 2016).

<sup>18</sup> Letter from Mark Pollins, Director, Water Enforcement Division, Environmental Protection Agency, to Keith Creagh, Director, Michigan Department of Environmental Quality, et al. (Feb. 19, 2016) (online at [www.epa.gov/sites/production/files/2016-02/documents/epa\\_letter\\_to\\_mdeq\\_and\\_city\\_of\\_flint\\_w\\_attachments\\_2.19.16.pdf](http://www.epa.gov/sites/production/files/2016-02/documents/epa_letter_to_mdeq_and_city_of_flint_w_attachments_2.19.16.pdf)).

<sup>19</sup> Joint Select Committee on the Flint Water Public Health Emergency, Testimony of Mike Glasgow, Utilities Administrator, City of Flint (Mar. 29, 2016) (online at [www.youtube.com/watch?v=WVtgUsh52cY](http://www.youtube.com/watch?v=WVtgUsh52cY)).

<sup>20</sup> Email from Michael Glasgow, City of Flint Water Plant, to Adam Rosenthal, Michigan Department of Environmental Quality (Apr. 17, 2014).

<sup>21</sup> *Id.*

Based on the evidence before the Committee, it appears that Mr. Glasgow's concerns were disregarded. You denied knowing about this email or Mr. Glasgow's warnings during your testimony before the Committee. But even now that you have become aware of his warnings, it does not appear that you are taking them seriously.

On January 21, 2016, EPA ordered your administration to ensure that Flint has the "necessary, capable, and qualified personnel" to comply with federal drinking water laws by February 5, 2016, but you failed to do so.<sup>22</sup> On February 19, 2016, EPA sent a letter warning again that "the staffing appears inadequate."<sup>23</sup> On March 29, 2016, EPA warned again: "EPA stresses the importance of hiring to be done expeditiously."<sup>24</sup>

### ***Refunding Payments for Poisoned Water***

Mayor Weaver believes that "Flint residents should not have to pay for water they cannot and are not using."<sup>25</sup> Flint resident Amber Hasan described her own frustrations, explaining the government's position as, "we poisoned you, but you're paying for it."<sup>26</sup> Michigan Attorney General Bill Schuette expressed his opinion, stating: "if you can't drink the bad water, you shouldn't pay for it."<sup>27</sup>

You signed into law a bill to provide \$30 million in partial credits to Flint residents, but residents continue to be charged 35% of their bills. This plan falls short of the \$60 million

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<sup>22</sup> Environmental Protection Agency, Emergency Administrative Order to City of Flint, Michigan, Michigan Department of Environmental Quality, and State of Michigan (Jan. 21, 2016) (online at [www.epa.gov/sites/production/files/2016-01/documents/1\\_21\\_sdwa\\_1431\\_emergency\\_admin\\_order\\_012116.pdf](http://www.epa.gov/sites/production/files/2016-01/documents/1_21_sdwa_1431_emergency_admin_order_012116.pdf)).

<sup>23</sup> Letter from Mark Pollins, Director, Water Enforcement Division, Environmental Protection Agency, to Keith Creagh, Director, Michigan Department of Environmental Quality, et al. (Feb. 19, 2016) (online at [www.epa.gov/sites/production/files/2016-02/documents/epa\\_letter\\_to\\_mdeq\\_and\\_city\\_of\\_flint\\_w\\_attachments\\_2.19.16.pdf](http://www.epa.gov/sites/production/files/2016-02/documents/epa_letter_to_mdeq_and_city_of_flint_w_attachments_2.19.16.pdf)).

<sup>24</sup> Letter from Mark Pollins, Water Enforcement Division, Environmental Protection Agency, to Karen Williams Weaver, Mayor, City of Flint, and Keith Creagh, Director, Michigan Department of Environmental Quality (Mar. 29, 2016) (online at [www.epa.gov/sites/production/files/2016-03/documents/epa\\_3\\_29\\_16\\_response\\_letter.pdf](http://www.epa.gov/sites/production/files/2016-03/documents/epa_3_29_16_response_letter.pdf)).

<sup>25</sup> *Flint Temporarily Suspends Sending Out Water Bills*, Detroit Free Press (Mar. 9, 2016) (online at [www.freep.com/story/news/local/michigan/flint-water-crisis/2016/03/09/flint-temporarily-suspends-sending-out-water-bills/81548306/](http://www.freep.com/story/news/local/michigan/flint-water-crisis/2016/03/09/flint-temporarily-suspends-sending-out-water-bills/81548306/)).

<sup>26</sup> *To Pay or Not to Pay: Flint Residents Continue to be Billed for Lead Poisoned Water*, Michigan Radio (Jan. 28, 2016) (online at <http://michiganradio.org/post/pay-or-not-pay-flint-residents-continue-be-billed-lead-poisoned-water#stream/0>).

<sup>27</sup> *Water Bills in Poisoned Flint an 'Outrage' Attorney General Says*, NBC News (Jan. 25, 2016) (online at [www.nbcnews.com/storyline/flint-water-crisis/water-bills-poisoned-flint-outrage-attorney-general-says-n503851](http://www.nbcnews.com/storyline/flint-water-crisis/water-bills-poisoned-flint-outrage-attorney-general-says-n503851)).

requested by Mayor Weaver to fully cover charges for water and sewer service since April 2014.<sup>28</sup>

Your administration has amassed a “rainy day fund” of nearly \$1 billion. But Republican House Speaker Kevin Cotter has refused to take up any further legislation to access these funds until the fall. Speaker Cotter explained his refusal, stating, “It comes down to the immediacy of the needs and also I think just being fiscally responsible.”<sup>29</sup>

Rather than pressing for more immediate action, your spokesperson said, “We have a great partner in the Legislature, both in the House and in the Senate in terms of finding money for the people of Flint.”<sup>30</sup>

### **Lack of Cooperation with Congress**

Contrary to your claims that you are fully cooperating with Congress, you appear to have taken no action to direct your own employees to comply with Congressional requests to participate in transcribed interviews and to produce documents relating to the Flint water crisis in their possession.

During our meeting in Washington on March 16, 2016, I personally handed you a letter from me and Ranking Member Brenda Lawrence requesting your assistance with 15 current and former state officials who are refusing to participate in transcribed interviews or to provide a single page of documents relating to the Flint water crisis in their possession. These include some of your top aides, including Mr. Baird, who you tapped to manage the Flint water crisis. As we explained in our letter, we have bent over backwards to address every argument these officials put forward to avoid cooperating—even offering to fly to Michigan to conduct interviews—but they continue to refuse our requests.<sup>31</sup>

During your testimony before the Committee, you claimed that you are “holding those who failed accountable” and that you are “being open with the public about how these failures came about.”<sup>32</sup> Similarly, during your State of the State address on January 19, 2016, you said,

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<sup>28</sup> *Snyder Pitches \$30 Million for Flint Water Bill Refunds*, Detroit News (Feb. 3, 2016) (online at [www.detroitnews.com/story/news/michigan/flint-water-crisis/2016/02/03/snyder-water-bills/79753564/](http://www.detroitnews.com/story/news/michigan/flint-water-crisis/2016/02/03/snyder-water-bills/79753564/)).

<sup>29</sup> *Cotter Gets Pushback on Opposition to More Flint Supplementals*, Gongwer (Mar. 2, 2016).

<sup>30</sup> *Id.*

<sup>31</sup> Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, and Ranking Member Brenda Lawrence, Subcommittee on the Interior, to the Honorable Rick Snyder, Governor of Michigan (Mar. 16, 2016) (online at <http://democrats.oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2016.03.16.EEC%20Lawrence%20to%20Gov.%20Snyder%20re%20Flint.pdf>).

<sup>32</sup> House Committee on Oversight and Government Reform, *Hearing on Examining Federal Administration of the Safe Drinking Water Act in Flint, Michigan, Part III* (Mar. 17,

“For those whose mistakes contributed to this disaster, we are fully cooperating with investigations and will hold those individuals accountable.”<sup>33</sup>

Contrary to these claims, over the past three weeks, you have apparently taken no action in response to our letter. After receiving our letter, you told reporters that you would follow up with our staff “to understand what they’re looking for and what could be done, because I think I’m trying to be very cooperative.”<sup>34</sup> Yet, we have received no communication from you since that time.

It is clear that you could issue a directive—today—requiring your current staff members to comply with requests from Congress for transcribed interviews and documents, but you are simply refusing to do so. Your refusal directly contradicts your sworn testimony before the Oversight Committee and your many public promises to the people of Michigan.

As your own spokesman conceded just last week regarding documents:

[A]ll of these emails are puzzle pieces, so until all the emails related to the Flint water crisis—at all levels of government—are released, it would be impossible to put together the whole picture without making possibly unjustified assumptions.<sup>35</sup>

### **Request for Meeting**

My highest priority in this investigation is to help the people of Flint. They need clean water as soon as possible, and they deserve rapid, robust assistance based on full input from their elected leaders. For these reasons, I am willing to take you up on your invitation to travel to Michigan and meet with you, but only if you are willing to include Mayor Weaver, City Council President Nelson, and Rep. Kildee in our discussions.

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2016).

<sup>33</sup> Governor Rick Snyder, *2016 Michigan State of the State* (Jan. 19, 2016) (online at [www.michigan.gov/documents/snyder/2016\\_Michigan\\_State\\_of\\_the\\_State\\_Transcript\\_511676\\_7.pdf](http://www.michigan.gov/documents/snyder/2016_Michigan_State_of_the_State_Transcript_511676_7.pdf)).

<sup>34</sup> *Snyder Disputes Lack of Staff Cooperation on Flint*, Detroit News (Mar. 17, 2016) (online at [www.detroitnews.com/story/news/michigan/flint-water-crisis/2016/03/17/snyder-staff/81914632](http://www.detroitnews.com/story/news/michigan/flint-water-crisis/2016/03/17/snyder-staff/81914632)).

<sup>35</sup> *MDEQ Official Considered Flint Water Treatments in May*, Detroit Free Press (Mar. 29, 2015) (online at [www.freep.com/story/news/local/michigan/flint-water-crisis/2016/03/29/mdeq-official-considered-flint-water-treatments-may/82399358](http://www.freep.com/story/news/local/michigan/flint-water-crisis/2016/03/29/mdeq-official-considered-flint-water-treatments-may/82399358)).

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You and your administration bear primary responsibility for poisoning the water of Flint and endangering the health and safety of its people. You also bear primary responsibility for addressing this crisis. You once said you wanted your legacy as Governor to be “a lasting foundation for success.”<sup>36</sup> History will be the ultimate judge of your legacy, but you now have the power and the moral obligation to help the children, the families, and the people of Flint.

Sincerely,



Elijah E. Cummings  
Ranking Member

cc: The Honorable Jason Chaffetz, Chairman

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<sup>36</sup> *Michigan Gov. Snyder Tests Out Re-election Slogans at Republican Conference: “We Said It. We Did It,”* MLive (Sept. 23, 2013) (online at [www.mlive.com/politics/index.ssf/2013/09/michigan\\_gov\\_snyder\\_tests\\_out.html](http://www.mlive.com/politics/index.ssf/2013/09/michigan_gov_snyder_tests_out.html)).