




TRANSCRIPT OF FEBURARY 3, 2016 MEETING OF THE HOUSE
OVERSIGHT AND GOVERNMENTAL REFORM COMMITTEE



Transcript corrected by O'Brien & Bails Court Reporting & Video
Michigan Firm Number 8029
141 EAST MICHIGAN, SUITE 206, KALAMAZOO, MI 49007 - 1.800.878.8750
WWW.OBRIENANDBAILS.COM

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On February 3, 2016 the House Oversight and Governmental Reform Committee held its second hearing on the contaminated drinking water in Flint, Michigan. Environmental Protection Agency (EPA) and Michigan state officials testified at a hearing on lead contaminated drinking water in Flint, Michigan. Representative Dan Kildee (D-MI) was the first witness. A resident of Flint who first called the EPA to her home early in 2015 to test the water that had become discolored also appeared. Committee Chair Jason Chaffetz (R-UT) said his committee had issued subpoenas to three officials who refused to appear before his panel, including former Flint Emergency Manager Darnell Earley.

The following transcript was compiled from uncorrected closed caption testimony from C-Span's coverage of the committee and is publicly available at <http://www.c-span.org/video/?404078-1/hearing-contaminated-drinking-water-flint-michigan>

People in this video:

- Joel Beauvais – Acting Deputy Assistant Administrator of the Environmental Protection Agency – Office of Water
- Keith Creagh – Interim Director of the Michigan Department of Environmental Quality
- Marc Edwards – Member Flint, Michigan – Water Interagency Coordination Committee
- Morgan Griffith - U.S. Representative [R] Virginia
- Sheila Lee - U.S. Representative [D] Texas
- Dan Kildee - U.S. Representative [D] Michigan
- Leeanne Walters – Resident of Flint
- Justin Amash - U.S. Representative [R] Michigan
- Matt Cartwright - U.S. Representative [D] Pennsylvania
- Jason Chaffetz - U.S. Representative [R] Utah
- William Clay Jr. - U.S. Representative [D] Missouri
- Bonnie Watson Coleman – U.S. Representative [D] New Jersey
- Gerry Connolly – U.S. Representative [D] Virginia
- Elijah Cummings – U.S. Representative [D] Maryland
- Paul Gosar - U.S. Representative [R] Arizona
- Michelle Grisham – U.S. Representative [D] New Mexico

- Glenn Grothman - U.S. Representative [R] Wisconsin
- Jody Hice - U.S. Representative [R] Georgia
- Robin Kelly - U.S. Representative [D] Illinois
- Brenda Lawrence - U.S. Representative [D]
- Ted Lieu - U.S. Representative [D] California
- Cynthia Lummis - U.S. Representative [R] Wyoming
- Mark Meadows –U.S. Representative [R] North Carolina
- John Mica - U.S. Representative [R] Florida
- Mick Mulvaney - U.S. Representative [R] South Carolina
- Eleanor Norton – Congressional Delegate [D] District of Columbia
- Gary Palmer - U.S. Representative [R] Alabama
- Stacey Plaskett - U.S. Representative [D] Virgin Islands
- Steve Russell - U.S. Representative [R] Oklahoma
- Tim Walberg - U.S. Representative [R] Michigan

Jason Chaffetz:

MEMBERS OF THE OVERSIGHT AND GOVERNMENT REFORM WILL COME TO ORDER. WITHOUT OBJECTION, THE CHAIR IS AUTHORIZED TO DECLARE A RECESS AT ANY TIME. THE CHAIRMAN IS RESPONSIBLE UNDER THE RULES OF THE HOUSE AND THE RULES OF THE COMMITTEE TO MAINTAIN ORDER AND PERSERVE DECORUM IN THE COMMITTEE ROOM. WE APPRECIATE YOUR PARTICIPATION HERE TODAY. BUT I'D REMIND EVERYBODY THAT THIS IS A CONGRESSIONAL HEARING AND THERE IS A CERTAIN DECORUM THAT WE WOULD WISH EVERYBODY'S PARTICIPATION IN. I BELIEVE THERE'S SOME PEOPLE IN THE OVERFLOW ROOM AND WHATNOT. BUT WE ARE GLAD TO DO THIS AND HAVE EVERYBODY HERE TODAY.

PRIOR TO OUR OPENING STATEMENTS, I WANT TO ADDRESS SOME PEOPLE WHO PROBABLY SHOULD BE HERE, THAT WERE INVITED TO BE HERE, AND OTHERS THAT MEMBERS ON BOTH SIDES WANTED TO BE HERE. WE HAVE TWO PANELS TODAY. I THINK THIS WILL BE A GOOD FIRST STEP MOVING FORWARD. SOME PEOPLE HAVE WANTED THE GOVERNOR TO BE HERE. SOME

PEOPLE HAVE WANTED THE EPA ADMINISTRATOR TO BE HERE. WE'RE GOING TO HAVE THIS HEARING TODAY. WE HAVE DOCUMENTS THAT WILL BE PROVIDED BY THE EPA AND OTHERS. AND WE WILL MOVE FORWARD FROM THERE.

LET ME ADDRESS A FEW PEOPLE THAT I NEED TO -- THAT WERE ANTICIPATED TO BE HERE. MIGUEL DEL TORAL WAS, THE PROGRAM MANAGER FOR REGENT 5 WATER DIVISION AT THE EPA. THIS, BY ALL APPEARANCES, AT LEAST WHAT I'VE SEEN SO FAR, IS A GOOD PERSON WHO IS DOING GOOD WORK AND MADE THE RIGHT MOVES AT THE RIGHT TIME.

MS. LEEANN WALTERS, WHO WERE GOING TO HEAR TESTIMONY ON OUR SECOND PANEL FROM, CONTACTED THE EPA IN FEBRUARY OF 2015. NOW, KEEP THE TIMELINE IN MIND IN PLACE HERE, FEBRUARY OF 2015. MR. DEL TORAL WAS VERY RESPONSIVE AND CAME TO HER HOUSE AND TESTED THE WATER IN THAT SAME MONTH. HE WAS SENT AN INVITATION TO APPEAR AS A WITNESS BEFORE THE COMMITTEE. WE DID THAT LAST WEEK. BUT IN FURTHER DISCUSSIONS WITH THE EPA, AND GIVEN HIS EXCESSIVE AND APPROPRIATE RESPONSIVENESS TO THE COMMITTEE, WE ARE -- HAVE COME TO UNDERSTAND HE IS VERY ACTIVE IN THE CLEANUP EFFORTS AS WE SPEAK. WE THEREFORE HAVE EXCUSED HIM TODAY AND COMMUNICATED TO THE F -- TO THE EPA, AFTER GOOD DISCUSSIONS WITH THE EPA THAT THEY WOULD PROVIDE ALL OF HIS E-MAILS BY THE END OF THIS WEEK. WE THINK THAT IS A GOOD AND PRODUCTIVE STEP FORWARD. WE DID NOT COMPEL OR PUSH TO HAVE MR. DEL TORAL COME BEFORE US TODAY. AND IN CONSULTATION WITH THE DEMOCRATS, I THINK THIS IS THE RIGHT MOVE.

SUSAN HEDMAN IS THE FORMER REGION 5 ADMINISTRATOR FOR THE EPA. SHE IS NO STRANGER TO THE COMMITTEE. JULY OF 2015 WE HELD A HEARING ABOUT MISMANAGEMENT AND RETALIATION AT THE EPA IN REGION 5, WHICH IS BASED IN CHICAGO. THIS HAS BEEN A PROBLEM FOR THE COMMITTEE AND HER ACTIONS IN MANAGEMENT. AGAIN, SHE IS THE FORMER EPA ADMINISTRATOR FOR REGION 5.

NOW, I HAVE A FEW DOCUMENTS THAT I'D LIKE TO ENTER INTO THE RECORD. SO I WOULD ASK UNANIMOUS CONSENT TO ENTER A JUNE 24TH, 2015, E-MAIL, MEMO, FROM MIGUEL DEL TORAL TO THOMAS POY, WHO'S THE CHIEF GROUNDWATER/DRINKING AT THE DRINKING WATER BRANCH. PART OF THIS E-MAIL SAYS, "RECENT DRINKING WATER SAMPLE RESULTS INDICATE THE PRESENCE OF HIGH LEAD RESULTS IN THE DRINKING WATER." WITHOUT OBJECTION, THAT WILL BE ENTERED INTO THE RECORD.

I ALSO HAVE AN APRIL 27 E-MAIL FROM MIGUEL DEL TORAL TO THOMAS POY. "FLINT HAS BEEN OPERATING -- HAS NOT BEEN OPERATING IN A CORROSIVE CONTROLLED TREATMENT, WHICH IS

VERY CONCERNING, GIVEN THE LIKELIHOOD OF LEAD SERVICE LINES IN THE CITY.” WITHOUT OBJECTION, I WILL ENTER THAT INTO THE RECORD.

WE HAVE ANOTHER E-MAIL HERE THAT IS DATED JULY 1, FROM SUSAN HEDMAN, TO DAYNE WALLING, WHO’S THE MAYOR – WHO’S THE MAYOR OF FLINT. “THE PRELIMINARY DRAFT REPORT SHOULD NOT HAVE BEEN RELEASED OUTSIDE OF THE AGENCY.” WITHOUT OBJECTION, WE’LL ENTER THAT INTO THE RECORD.

AND ANOTHER ONE FROM SUSAN HEDMAN TO DUANE WALL- -- DAYNE WALLING. "I'M NOT INCLINED FOR MY STAFF TO HAVE ANY FURTHER COMMUNICATION WITH THE ACLU REPRESENTATIVE. WE NEED TO FOCUS ON FINALIZING THE REPORT. IN THE MEANTIME HOWEVER, I HAVE NO OBJECTION TO THE CITY LETTING HIM KNOW THAT THE REPORT HE WAS GIVEN WAS PRELIMINARY DRAFT AND THAT HE WOULD BE PREMATURE TO DRAW ANY CONCLUSIONS BASED ON THAT DRAFT."

AGAIN, THIS IS JULY. YOU WILL SEE THIS HAS BEEN REDACTED, THE TOP PART. THE EPA HAS AGREED BY THE END OF THE WEEK WE WILL GET THESE NON-REDACTED VERSIONS OF THESE E-MAILS. WITHOUT OBJECTION, WE WILL ENTER THESE FOUR DOCUMENTS INTO THE RECORD.

THE COMMITTEE REQUESTS THAT A TRANSCRIBED INTERVIEW WITH MS. HEDMAN AND A LETTER SENT TO THE EPA LAST WEEK. SHORTLY AFTER THE EXTENT OF THE CRISIS IN FLINT BECAME PUBLIC, MS. HEDMAN RESIGNED HER POSITION LATE IN JANUARY. HER RESIGNATION BECAME EFFECTIVE ON MONDAY. THE EPA HAS AGREED TO PROVIDE ALL OF MS. HEDMAN’S E-MAILS, AGAIN BY THE END OF THE WEEK. TODAY – THIS ONE RIGHT HERE -- WE ARE ISSUING A SUBPOENA FOR SUSAN HEDMAN TO COME UP HERE BEFORE THE COMMITTEE AND PARTICIPATE IN A DEPOSITION. THIS WILL HAPPEN LATER THIS MONTH.

DARNELL EARLEY IS THE FORMER EMERGENCY MANAGER FOR THE CITY OF FLINT. HE IS THE FORMER EMERGENCY MANAGER FOR FLINT, MICHIGAN. HE WAS APPOINTED TO THE POSITION IN 2013, AND HE WAS TASKED WITH OVERSEEING FLINT’S FINANCES. MR. EARLEY LEFT HIS POSITION IN JANUARY OF 2015. THE FLINT CITY COUNCIL VOTED 7 TO 1 TO MAKE THE TRANSITION FROM DETROIT CITY WATER. COMMITTEE SENT MR. – HE’S VITAL TO UNDERSTANDING HOW THIS HAPPENED AND HOW THESE DECISIONS WERE MADE. THE COMMITTEE SENT MR. EARLEY AN INVITE LETTER LAST WEEK. HE KNEW THAT THIS WAS HAPPENING AND KNEW THAT HE WAS INVITED TO APPEAR AS A WITNESS BEFORE THE COMMITTEE. MOST OF THE PEOPLE THAT APPEAR BEFORE THE COMMITTEE, THEY DO NOT -- WE DO NOT NEED TO COMPEL THEM TO ATTEND. PARTICIPATION, THOUGH, BEFORE THIS COMMITTEE, IS NOT OPTIONAL. WHEN YOU GET

INVITED TO COME TO THE OVERSIGHT AND GOVERNMENTAL REFORM COMMITTEE, YOU ARE GOING TO SHOW UP. WE WERE – WE WERE TOLD AT, I BELIEVE, 7:50 P.M. ON MONDAY NIGHT, THAT HE WOULD NOT ATTEND.

ON TUESDAY, I ISSUED THE SUBPOENA. NORMALLY THESE ARE DONE ELECTRONICALLY WITH THE COUNSEL OF RECORD. HIS ATTORNEY REFUSED SERVICE. WE ARE CALLING ON THE U.S. MARSHALS TO HUNT HIM DOWN AND GIVE HIM THAT – GIVE HIM THAT SUBPOENA. [APPLAUSE] TODAY WE ARE ISSUING A NEW SUBPOENA. HE WILL APPEAR, AND HE WILL BE HERE TO DO A DEPOSITION LATER THIS MONTH. THIS SUBPOENA WILL ALSO BE ISSUED TODAY. BUT WE'RE GOING TO NEED THE HELP OF THE U.S. MARSHALS.

I WANT TO ISSUE – I FORGOT TO ISSUE ONE OTHER DOCUMENT. I'D ASK UNANIMOUS CONSENT TO ENTER INTO THIS DOCUMENT. THIS IS -- FOR THE RECORD – SORRY. ENTER INTO THE RECORD. THIS IS FROM SUSAN HEDMAN. THIS IS A DECEMBER 10, 2015. THE NATURAL RESOURCES DEFENSE COUNCIL PETITION BACK IN OCTOBER TO GET THE EPA TO DO ITS JOB. AGAIN, FURTHER DELAYING IT. LET THE MEMBERS OF THE PUBLIC LOOK AT THIS. BUT I ASK UNANIMOUS CONSENT TO ENTER THAT INTO THE RECORD.

SO WITH THAT BUSINESS IN MIND, BEFORE WE GET TO THE OPENING STATEMENTS, I DON'T KNOW IF MR. CUMMINGS HAS ANY BUSINESS OR THINGS THAT HE WANTS TO ENTER INTO THE RECORD. WITH THAT, LET US NOW TRANSITION. I APPRECIATE THE INDULGENCE OF THE COMMITTEE. BUT I THINK IT'S IMPORTANT THAT MEMBERS UNDERSTAND WHERE WE ARE WITH SUBPOENAS, WITH PEOPLES PARTICIPATION, AND THE INTENT OF THE COMMITTEE TO PARTICIPATE IN THESE DEPOSITIONS.

SO NOW LET'S GO TO THE OPENING STATEMENTS. I WOULD LIKE TO YIELD TO THE GENTLEMAN FROM MICHIGAN, MR. WALBERG, FOR HIS COMMENTS.

Tim Walberg:

THANK YOU, MR. CHAIRMAN. AND I THANK YOU FOR TAKING THIS ISSUE, THIS HEARING AND SUBSEQUENT, VERY SERIOUSLY. IT IS A SERIOUS ISSUE. I RECOGNIZE MY GOOD FRIEND AND COLLEAGUE, REPRESENTATIVE KILDEE, THE GENTLEMAN FROM FLINT. THE EFFORTS THAT YOU HAVE CARRIED ON IS IMPORTANT. FOR MICHIGAN, IT'S IMPORTANT. I WOULD – I WOULD MENTION TO MY OTHER COLLEAGUES, THIS IS IMPORTANT FOR THE UNITED STATES. WE HAVE INFRASTRUCTURE NEEDS; WE HAVE CHALLENGES WITH GOVERNMENT AT ALL LEVELS ALL

AROUND THIS COUNTRY. AND WE NEED TO TAKE IT SERIOUSLY. AND SO TO MR. KILDEE, THANK YOU FOR RAISING THIS.

THE FLINT WATER CRISIS IS INDEED A HUMAN TRAGEDY. IT'S NOT A NATURAL DISASTER. IT'S A HUMAN DISASTER, BROUGHT ON BY FAILURES OF HUMANS. BUT I THINK AS WELL, BROUGHT ON BY FAILURES OF GOVERNMENT AT ALL LEVELS. AND WE ARE HERE AS A GOVERNMENT OVERSIGHT AND REFORM COMMITTEE TO DO THE VERY THING THAT'S NECESSARY -- TO DO OVERSIGHT AND THEN REFORM, TO MAKE IT RIGHT WHERE WE CAN.

SADLY, AS I THINK OF IT AS A GRANDFATHER AND FATHER, I WOULDN'T WANT MY KIDS OR GRANDKIDS TO HAVE TO DRINK THIS TYPE OF WATER. IT'S NOT -- [APPLAUSE] IT'S NOT THE THING WE SHOULD EXPECT IN AMERICA, ESPECIALLY. BUT IT HAS HAPPENED. AND NOW THE ISSUE IS, HOW DO WE MAKE IT RIGHT? HOW DO WE MOVE FORWARD? THE LIVES OF YOUNG CHILDREN WILL BE IMPACTED FOR YEARS TO COME, SADLY. THE DREAMS AND ASPIRATIONS COMING FROM THEIR PARENTS WILL BE IMPACTED. WE ARE HERE TODAY TO FIND ANSWERS, TO GET ANSWERS, AND HELP FOR THE PEOPLE OF FLINT, BUT ALSO FOR THE PEOPLE OF THE UNITED STATES. WE MUST GET ALL THE FACTS AND GET THEM RIGHT. THERE MUST BE ACCOUNTABILITY WHERE ACCOUNTABILITY NEEDS TO BE TAKEN. THESE CHILDREN AND FAMILIES DESERVE NOTHING LESS.

MR. CHAIRMAN, I WANT TO BE CLEAR -- AGAIN, THIS WAS A FAILURE OF GOVERNMENT, A KEY FAILURE OF GOVERNMENT. AND JUST AS THIS CRISIS WAS A FAILURE AT EVERY LEVEL, THE EFFORT TO MAKE THINGS RIGHT MUST BE A COOPERATIVE EFFORT AT EVERY LEVEL AS WELL. THE SAFETY AND WELL-BEING OF OUR CITIZENS IS NOT A REPUBLICAN OR A DEMOCRAT OR AN INDEPENDENT ISSUE. IT IS A HUMAN ISSUE. IT'S AN AMERICAN ISSUE THAT AFFECTS AMERICAN'S LIVES. POLITICIZING THIS TRAGEDY WON'T SOLVE THE PROBLEM, AND IT WON'T HELP THE CHILDREN OF FLINT.

I MAKE MY COMMITMENT, MR. CHAIRMAN, I MAKE IT TO YOU, MR. KILDEE AS WELL, THAT THIS WILL BE AN EFFORT THAT IS BIPARTISAN. I THINK YOU'VE SEEN OUR DELEGATION STEP UP, EVEN THIS MORNING WITH INTRODUCTION OF LEGISLATION TO ASSIST IN THIS DEAL. I HOPE TODAY'S HEARING WILL BEGIN TO SHINE THE LIGHT ON HOW THIS TRAGEDY HAPPENED, WHO WAS INVOLVED, HOW WE CAN MAKE IT RIGHT, AND HOW WE CAN NEVER LET IT HAPPEN AGAIN, SO WE CAN MOVE FORWARD TOGETHER TO FIX AND ENSURE THAT THIS AMERICAN IDEAL THAT ALLOWS PEOPLE TO BE FREE, SAFE, SECURE, AND UPWARDLY MOBILE HAPPENS TO A GREAT DEGREE BY PRINCIPLES DEVELOPED IN THIS HEARING.

MR. CHAIRMAN, I THANK YOU AND I YIELD BACK.

Jason Chaffetz:

THANK YOU. I WOULD REMIND THE AUDIENCE, DISPLAYS OF APPROVAL OR DISAPPROVAL, CLAPPING, ARE NOT NECESSARILY APPROPRIATE FOR THIS – FOR THIS COMMITTEE HEARING. SO IF YOU'D PLEASE REFRAIN FROM APPLAUSE AND WHATNOT, I WOULD -- WE WOULD ALL APPRECIATE IT.

THIS IS THE UNITED STATES OF AMERICA. THIS ISN'T SUPPOSED TO HAPPEN HERE. WE ARE NOT SOME THIRD-WORLD COUNTRY WHERE YOU GET 100,000 PEOPLE WHO GET POISONED – POISONED – FOR LONG PERIODS OF TIME. I CAN'T – I CAN'T EVEN BEGIN TO EXPRESS -- I DON'T KNOW HOW WOULD MY WIFE AND I DEAL WITH OUR KIDS BEING POISONED FOR SO LONG. I JUST -- I PHYSICALLY CANNOT EVEN UNDERSTAND OR COMPREHEND WHAT THE PARENTS AND THE LOVED ONES AND THE INDIVIDUALS WHO HAVE BEEN DRINKING THAT WATER HAVE BEEN GOING THROUGH. AND I'M DISAPPOINTED IN THE RESPONSE AT THE LOCAL LEVEL, AT THE STATE LEVEL, AND AT THE FEDERAL LEVEL. THIS IS A FAILING AT EVERY LEVEL. IT'S ABOSLUTELY FUNDAMENTALLY AND TOTALLY WRONG. THE PUBLIC HAS A RIGHT TO BE OUTRAGED. OUTRAGE DOESN'T EVEN BEGIN TO COVER IT. SO I DON'T KNOW HOW WE FIX THIS, BUT IT HAS TO BE FIXED. WE ARE GOING TO HEAR FROM ONE OF OUR WITNESSES TODAY. AND I CHATTED WITH HER FOR A MOMENT BEFORE, MS. WALTERS. AND I APPRECIATE YOUR COMING BEFORE THE COMMITTEE AND DOING WHAT YOU DID EARLY ON IN THE PROCESS. I REALLY DO. AND I LOOK FORWARD TO HEARING FROM OUR WITNESSES. WE CAN'T LET THIS HAPPEN. IT SHOULD HAVE NEVER HAPPENED IN THE FIRST PLACE.

I AM GOING TO YIELD BACK. I WILL TURN THE TIME TO OUR RANKING MEMBER, MR. CUMMINGS, FOR HIS OPENING COMMENTS.

Elijah Cummings:

THANK YOU VERY MUCH, MR. CHAIRMAN. MR. CHAIRMAN, THE – MR. KILDEE, I REALLY APPRECIATE YOU AND MS. LAWRENCE FOR ALL OF YOUR EFFORTS, FOR REQUESTING THIS HEARING AND MAKING IT HAPPEN.

AND MR. CHAIRMAN, I WANT TO YIELD THREE MINUTES TO MY DISTINGUISHED COLLEAGUE MS. LAWRENCE FROM MICHIGAN FOR A PAR OF HER OPENING.

Brenda Lawrence:

THANK YOU, MR. CHAIR, AND TO THE RANKING MEMBER CUMMINGS. I WANT TO PERSONALLY THANK YOU FOR HOLDING THIS HEARING. IN MY LETTER TO THE CHAIRMAN ON JANUARY THE 12TH OF THIS YEAR, I ASKED THAT THIS HEARING EXAMINE THE ACTIONS OF KEY DECISION-MAKERS INVOLVED IN THE DEVELOPMENT OF THIS DRINKING WATER CONTAMINATION CRISIS. I NEVER THOUGHT THIS COULD HAPPEN IN AMERICA, IN THIS DAY AND AGE, IN OUR GREAT COUNTRY AND OUR GREAT HOME OF MICHIGAN, WHERE WE ARE SURROUNDED BY FRESHWATER AND THE GREAT LAKES.

EVERY AMERICAN HAS THE RIGHT TO THREE BASIC NEEDS FROM THEIR GOVERNMENT -- CLEAN AIR TO BREATHE, SAFE FOOD TO EAT, AND AIR THAT THEY CAN BREATHE THAT WILL NOT HARM THEIR BODIES. WE IN GOVERNMENT HAVE FAILED THEM IN PROVIDING THESE BASIC NEEDS. WE HAVE ALSO FAILED THEIR TRUST.

I AM PLEASED THAT MS. WALTERS IS HERE, BECAUSE SHE PUTS A FACE ON THIS TRAGEDY. SHE, LIKE SO MANY MOTHERS AND RESIDENTS OF FLINT, DESERVE TO BE HEARD. THEY ARE PUTTING THEIR TRUST IN THE GOVERNMENT TO FULLY INVESTIGATE THE WRONGS THAT THIS CITY AND THESE CITIZENS OF AMERICA HAVE SUFFERED. AND TODAY WE HAVE A CHANCE TO START REBUILDING THAT TRUST.

I SUBMIT TO YOU, MR. CHAIRMAN, THAT WHILE WE ARE DOING THE RIGHT THING IN HOLDING THIS HEARING -- AND I APPRECIATE YOUR SWIFT REACTION TO MY REQUEST FOR THIS HEARING, IT IS DIFFICULT TO CORRECT THE MISTAKES OF THE PAST UNLESS WE CALL THE DECISION-MAKERS IN THIS MAN-MADE DISASTER AND ASK THEM WHAT HAPPENED, WHY DID IT HAPPENED, AND WHEN DID YOU KNOW AND WHAT DID YOU DO WHEN YOU FOUND OUT ABOUT IT.

I WANT TO PUBLICLY RENEW MY REQUEST FOR ANOTHER HEARING. AND I AM SO ENCOURAGED TO HEAR THAT THERE WILL BE. I STRONGLY BELIEVE THAT GOVERNOR RICK SNYDER, DAN WYATT, MR. EARLEY, AND OTHER MICHIGAN STATE OFFICIALS DIRECTLY RELATED TO THIS DEVASTATING EVENT BEFORE THIS BODY, THEY SHOULD COME AND THEY SHOULD ANSWER THE QUESTIONS.

TO THE PEOPLE OF FLINT, TO CONGRESSMAN KILDEE, I STAND WITH YOU IN THIS FIGHT. I KNOW THAT I'VE WALKED THROUGH FLINT, MET WITH SO MANY PEOPLE. AND THE HEART AND THE COURAGE THAT YOU'RE HAVING DURING THIS CRISIS -- I WANT YOU TO KNOW THAT I'M STANDING WITH YOU, I WILL FIGHT WITH YOU. AND MR. KILDEE, I WILL BE RIGHT THERE WITH YOU. MY OBJECTIVE IS, NEVER AGAIN IN AMERICA. WE CAN FIX THIS, BUT WE HAVE TO HAVE THOSE WHO MADE THE DECISIONS COME FORWARD AND GIVE ANSWERS.

AND I YIELD BACK MY TIME.

Elijah Cummings:

MR. CHAIRMAN, WE ARE THE LAST LINE OF DEFENSE. I DO THANK YOU FOR CALLING THIS HEARING, BECAUSE THERE ARE SOME GENTLEMEN THAT WOULDN'T HAVE CALLED IT.

Brenda Lawrence:

THAT'S TRUE.

Elijah Cummings:

AND I MEAN THAT; THEY WOULDN'T HAVE CALLED IT. BUT YOU DID.

AND FINALLY I WANT TO SAY A SPECIAL THANK YOU TO THE MANY RESIDENTS OF FLINT, MICHIGAN, WHO TRAVELED ALL THE WAY HERE TO WASHINGTON, D.C. TO ATTEND TODAY'S HEARING. AND TO YOU, WE THANK YOU. AND REVEREND SHARPTON, I THANK YOU FOR BEING HERE. I WELCOME YOU ALL AND THANK YOU SO MUCH.

I BELIEVE THAT WE HAVE A MORAL OBLIGATION TO CONDUCT A COMPREHENSIVE INVESTIGATION OF THIS CRISIS. AND LET'S BE ABUNDANTLY CLEAR, IT IS A CRISIS. WE NEED TO DETERMINE HOW CHILDREN IN THE UNITED STATES OF AMERICA, IN THE YEAR OF 2016, HAVE BEEN EXPOSED TO DRINKING WATER POISONED WITH LEAD. AND NOT BY ACCIDENT; BY THE ACTIONS OF THEIR OWN GOVERNMENT.

I ASK EVERY MEMBER OF THIS COMMITTEE TO TAKE A MOMENT AND IMAGINE WHAT YOUR REACTION WOULD BE IF THIS HAPPENED IN YOUR DISTRICT INSTEAD OF FLINT. ASK YOURSELVES, WOULD I TOLERATE IT? OF COURSE YOU WOULDN'T. YOU WOULD DEMAND ANSWERS. YOU WOULD DEMAND THAT WE EXAMINE THE ACTIONS OF EVERYONE. AND WHEN I SAY EVERYONE, I MEAN EVERYONE. YOU WOULD HEAR TESTIMONY FROM EVERYONE INVOLVED. AND YOU WOULD OBTAIN DOCUMENTS FROM EVERYONE INVOLVED. THE PROBLEM IS THAT TODAY WE ARE MISSING THE MOST CRITICAL WITNESS OF ALL, THE GOVERNOR OF THE STATE OF MICHIGAN, RICK SNYDER. HE IS NOT HERE. GOVERNOR SNYDER WAS THE DRIVING FORCE BEHIND MICHIGAN'S EMERGENCY MANAGER LAW, WHICH HE SIGNED IN 2011, AND INVOKED TO TAKE OVER THE CITY OF FLINT FROM ITS LOCAL ELECTED LEADERS. THE GOVERNOR HANDPICKED APPOINTEES TO RUN THE CITY. AND THEY DECIDED TO USE WATER FROM THE FLINT RIVER.

HE ALSO LED THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, WHICH FAILED TO PROTECT THE PEOPLE OF FLINT, ACCORDING TO THE GOVERNOR'S OWN TASK FORCE CHARGED WITH INVESTIGATING THIS CRISIS. OBVIOUSLY, GOVERNOR SNYDER SHOULD HAVE TO ANSWER FOR HIS DECISIONS. WE ASK THE CHAIRMAN TO INVITE HIM TODAY, BUT HE WOULD NOT. WE ASKED THE CHAIRMAN TO GIVE US A DATE IN THE FUTURE FOR A HEARING WITH GOVERNOR SNYDER, BUT HE WOULD NOT. WE ASKED THE CHAIRMAN TO SEND THE SAME KIND – THE SAME KIND OF DOCUMENT REQUEST TO GOVERNOR SNYDER THAT HE SENT TO THE EPA, BUT HE WOULD NOT DO THAT EITHER. WE WANT ANSWERS FROM EVERYBODY, FROM THE EPA STRAIGHT ON DOWN TO THE LOCAL OFFICIALS. THAT'S THE WAY WE GET TO THE BOTTOM OF THIS CRISIS.

THE PROBLEM WITH THIS APPROACH IS THAT IT UNDERMINES THE CREDIBILITY OF CONGRESS, OUR COMMITTEE AND THIS INVESTIGATION. THAT IS TOTALLY UNACCEPTABLE TO THE PEOPLE OF FLINT. IT SHOULD BE TOTALLY UNACCEPTABLE TO THE PEOPLE OF THIS CONGRESS AND TOTALLY UNACCEPTABLE TO THE PEOPLE OF THE UNITED STATES OF AMERICA. AS I SAID BEFORE, WE ARE THE LAST LINE OF DEFENSE. AND CERTAINLY WE WANT TO HEAR FROM THE EPA, I WANT TO HEAR FROM THE EPA. BASED ON WHAT I HAVE SEEN, EPA OFFICIALS SHOULD HAVE MOVED MUCH MORE AGGRESSIVELY AFTER THEY DETECTED THE HEIGHTENED LEVELS OF LEAD. BUT STATES ARE THE PRIMARY ENFORCEMENT AGENCIES FOR THE SAFE DRINKING WATER ACT; NOT THE EPA.

THE CHAIRMAN ARGUES THAT WE SHOULD LET THE STATE CONTINUE ITS OWN INVESTIGATION. BUT I DISAGREE. THE STATE HAS FAILED THE PEOPLE OF FLINT. NOW IT'S UP TO US, ALL OF US. AND LET ME BE CLEAR -- IF WE ACT SELECTIVELY FOR POLITICAL REASONS, THEN WE BECOME A PART OF THE PROBLEM. THE INFORMATION HAS BEEN BROUGHT TO US, AND WE NOW HAVE A DUTY TO INVESTIGATE ALL ASPECTS OF THE CRISIS. WE SIMPLY DO NOT HAVE THE RIGHT TO REMAIN SILENT. WE DO NOT HAVE THE RIGHT NOT TO ACT. GOVERNMENT BROKE IT; GOVERNMENT MUST FIX IT.

AND SO TODAY EVERY DEMOCRAT ON THE COMMITTEE HAS JOINED TOGETHER TO SIGN THIS LETTER TO THE CHAIRMAN. IT INVOKES OUR RIGHT UNDER THE HOUSE RULES TO DEMAND A HEARING WITH WITNESSES OF OUR CHOOSING. IN THIS LETTER, WE OFFICIALLY REQUEST TESTIMONY FROM GOVERNOR SNYDER, AND THE 3 KEY EMERGENCY MANAGERS THAT HE APPOINTED TO GOVERN FLINT; EDWARD KURTZ, JERRY AMBROSE, AND DARNELL EARLEY. I ASK THAT OUR LETTER BE INSERTED INTO THE OFFICIAL EARNED RECORD. MR. CHAIRMAN.

Jason Chaffetz:

WITHOUT OBJECTION, SO ORDERED.

Elijah Cummings:

I ASK THAT IT BE INSERTED INTO THE OFFICIAL END RECORD. AND OUR – OUR ULTIMATE GOAL MUST BE TO SERVE THE INTERESTS OF THE CHILDREN AND THE FAMILIES OF FLINT. AND SO WE DO NOT KNOW THE FULL EXTENT OF THE DAMAGE THAT WAS CAUSED. BUT WE KNOW IT IS GRAVE.

TODAY, THE COMMITTEE RECEIVED A LETTER FROM THE AMERICAN ACADEMY OF PEDIATRICS. THE LETTER WARNED THAT THOUSANDS OF CHILDREN UNDER THE AGE OF SIX HAVE NOW BEEN POTENTIALLY EXPOSED TO LEAD THROUGH THE FLINT DRINKING WATER. THE LETTER SAYS THIS. "AS YOU KNOW, THE CITY OF FLINT HAS LONG BEEN AN IMPOVERISHED COMMUNITY BESET BY A HOST OF ECONOMIC AND INFRASTRUCTURE HARDSHIPS. THIS ADVERSITY, COUPLED WITH WIDESPREAD LEAD EXPOSURE, MEANS THAT FLINT'S CHILDREN WILL REQUIRE SIGNIFICANT HELP IN COPING WITH THE IMPACT OF LEAD ON THEIR PHYSICAL AND BEHAVIORAL HEALTH AND DEVELOPMENT, THEIR SCHOOLING, AND MUCH MORE." END OF QUOTE.

AS I CLOSE, MR. CHAIRMAN, IT IS OUR JOB HERE ON THIS COMMITTEE AND IN THIS CONGRESS TO MAKE SURE THIS HELP IS PROVIDED TO THESE KIDS. BUT MR. CHAIRMAN, NOT ONLY TO THE KIDS, BUT TO THE ADULTS AND EVERY CITIZEN OF FLINT AND TO ENSURE THAT THEY ARE NOT FORGOTTEN AFTER THESE HEARINGS END. AND THAT IS WHY I SAY THIS IS NOT A POLITICAL ISSUE; THIS IS A MORAL ISSUE. WE HAVE TO INVESTIGATE WHAT HAPPENED AT ALL LEVELS, INCLUDING THE STATE. AND THEN WE HAVE TO TURN TO ACCOUNTABILITY AND REFORM.

LAST BUT NOT LEAST, MR. CHAIRMAN, THERE IS A FELLOW WHO HAD A SONG THAT I USED TO LOVE. HE NEVER HAD ANY HITS IN MY DISTRICT. BUT HE SANG A SONG. HE SAID -- AND HIS NAME WAS CAT STEVENS. AND CAT STEVENS SAID, "OH VERY YOUNG, WHAT WILL YOU BRING US THIS TIME? YOU'RE ONLY DANCING ON THIS EARTH FOR A SHORT TIME. OH VERY YOUNG, WHAT WILL YOU LEAVE US THIS TIME?"

AND I'VE OFTEN SAID THAT OUR CHILDREN ARE THE LIVING MESSENGERS WE SEND TO A FUTURE WE WILL NEVER SEE. THE QUESTION IS, IS WHAT WILL THEY LEAVE US AND HOW WILL WE SEND THEM INTO THE FUTURE? WILL WE SEND THEM STRONG? WILL WE SEND THEM HOPEFUL? WILL WE ROB THEM OF THEIR DESTINY? WILL WE ROB THEM OF THEIR DREAMS? NO, WE WILL NOT DO THAT. AND I AM PROUD OF THIS COMMITTEE FOR HOLDING THIS HEARING. WE WILL GET TO THE BOTTOM OF THIS. AND AS MR. WALBERG SAID, WE WILL DO IT IN A BIPARTISAN WAY.

THANK YOU, MR. CHAIRMAN, AND I YIELD BACK.

Jason Chaffetz:

THANK THE GENTLEMAN. YOU SHOULD HAVE APPLAUDED THAT, BUT I APPRECIATE YOU LISTENING. [APPLAUSE] ALL RIGHT. THANK YOU. ALL RIGHT. SO WE'RE GOOD NOW. ALL RIGHT. THANK YOU. AND THAT IS WHAT I LOVE ABOUT MR. CUMMINGS AND THIS COMMITTEE. WE HAVE PASSIONATE PEOPLE ON BOTH SIDES WHO CARE DEEPLY ABOUT THEIR COUNTRY. AND NOBODY, NOBODY WANTS TO SEE THIS – THIS THING HAPPEN. AND WE'RE GOING TO HAVE A GOOD – GOOD HEARING TODAY.

THE CHAIR -- I HOLD THE RECORD OPEN FOR FIVE LEGISLATIVE DAYS FOR ANY MEMBER WHO WOULD LIKE TO SUBMIT A WRITTEN STATEMENT. CHAIR ALSO NOTES THE PRESENCE TODAY OF THE FORMER CHAIRMAN OF THIS COMMITTEE, MR. CONYERS OF MICHIGAN. WE WOULD ASK UNANIMOUS CONSENT TO ALLOW HIM TO PARTICIPATE IN TODAY'S HEARING. WITHOUT OBJECTION, SO ORDERED.

WE ARE ALSO PLEASED TO NOTE THE PRESENCE OF CONGRESSMAN MORGAN GRIFFITH OF VIRGINIA. WE APPRECIATE HIM JOINING US TODAY. WE WOULD ASK UNANIMOUS CONSENT THAT HE, TOO, BE ALLOWED TO JOIN THE PANEL. WITHOUT OBJECTION, SO ORDERED.

WE NOW -- WE WILL HAVE TWO PANELS TODAY. IT HAS BEEN THE PRACTICE OF THE HOUSE AND COMMON CURTOSY TO COLLEAGUES IN A SITUATION LIKE THIS TO ALLOW A MEMBER WHO REPRESENTS THIS DISTRICT, MR. DAN KILDEE, WHO REPRESENTS THE FIFTH DISTRICT OF MICHIGAN, WHICH INCLUDES THE CITY OF FLINT. WE HAVE ASKED HIM TO PARTICIPATE TODAY, TO GIVE HIS PERSPECTIVE. AND WE WILL NOW RECOGNIZE HIM FOR 5 MINUTES. MR. KILDEE.

Dan Kildee:

FIRST OF ALL, THANK YOU, MR. CHAIRMAN, FOR HOLDING HIS HEARING AND FOR ALLOWING ME TO MAKE SOME COMMENTS ON WHAT'S HAPPENING IN MY HOMETOWN. AND TO THE RANKING MEMBER, MR. CUMMINGS, THANK YOU FOR YOUR SUPPORT AND YOUR GUIDANCE AND YOUR ALLEGIANCE TO THE PEOPLE OF THE CITY OF FLINT. AND TO MY COLLEAGUE, CONGRESSWOMAN LAWRENCE, WITH WHOM I'VE WORKED ON THIS FROM THE VERY BEGINNING, I JUST WANT TO SAY THANKS FOR HAVING MY BACK AND THE BACK OF THE PEOPLE OF THE CITY OF FLINT.

I'LL TRY TO BE BRIEF. I KNOW WE HAVE REALLY THE HEROS OF THIS STORY, SOME OF THEM ON THE PANEL, THAT I AM ANXIOUS TO LISTEN TO. FLINT IS MY HOMETOWN. I GREW UP IN FLINT. I RAISED MY CHILDREN IN FLINT. WHEN WE LEAVE HERE AT THE END OF EVERY WEEK, I FLY HOME TO FLINT. I AM A SON OF THIS TOWN. AND SO IT BREAKS MY HEART TO SEE WHAT IS HAPPENING. IT BREAKS MY HEART NOT JUST BECAUSE OF WHAT HAS BEEN INFLICTED UPON THE PEOPLE OF FLINT, BUT BECAUSE IT WAS AN ENTIRELY AVOIDABLE SET OF CIRCUMSTANCES. BETTER ACTION BY PEOPLE IN GOVERNMENT COULD HAVE PROTECTED THE PEOPLE OF FLINT. AND THOSE PLAYERS FAILED. AND I APPRECIATE THE OUTRAGE THAT MEMBERS OF CONGRESS HAVE EXPRESSED. AND THAT OUTRAGE HAS COME FROM BOTH SIDES OF THE AISLE. BUT MY HOPE IS THAT THAT OUTRAGE TRANSLATES INTO SOMETHING MORE THAN JUST SHARING THE MISERY OF THE PEOPLE OF FLINT OR SYMPATHY FOR THE PEOPLE OF FLINT. BUT WE NEED TO PROVIDE HELP FOR THE FOLKS IN FLINT.

FLINT IS A STRONG COMMUNITY. WE HAVE BEEN THROUGH REALLY TOUGH TIMES. AND WE WILL GET THROUGH THIS TOO. BUT WE HAVE TO HAVE RESOURCES FROM THE PEOPLE WHO DID THIS TO FLINT IN ORDER TO HAVE A PATH FORWARD FOR THE PEOPLE, AND ESPECIALLY FOR THE CHILDREN OF MY HOMETOWN.

RIGHT NOW THE WATER IS STILL NOT YET SAFE TO DRINK IN FLINT. HIGH LEVELS OF LEAD CONTINUE TO SHOW UP IN TESTING. THE REASON I AM HERE AND THE REASON I WANTED TO MAKE SOME COMMENTS IS THAT I WANT TO MAKE SURE THAT, AS THIS COMMITTEE PURSUES ITS RESPONSIBILITY, THAT WE FOCUS ON THE FACTS OF THIS CASE AND MAKE SURE THAT THOSE GUIDE THE CONCLUSIONS THAT WE MAKE.

IT WAS MENTIONED THAT IN FLINT WE HAVE HAD AN EMERGENCY MANAGER. THAT IS NOT JUST A SMALL ANECDOTE HERE. EMERGENCY MANAGERS IN MICHIGAN HAVE ABSOLUTE AUTHORITY OVER LOCAL GOVERNMENTS. SO WHEN WE TALK ABOUT FAILURE OF GOVERNMENT AT EVERY LEVEL, LET'S JUST BE CLEAR ABOUT ONE VERY POINT, ONE VERY IMPORTANT POINT. EVERY DECISION THAT WAS MADE FOR THE CITY OF FLINT THAT RELATES TO THIS CRISIS WAS MADE BY A STATE-APPOINTED EMERGENCY MANAGER. SO WHEN REFERRING TO LOCAL DECISIONS, THERE ARE SOME WHO ARE TRYING TO OBFUSCATE RESPONSIBILITY FOR THIS CRISIS BY SAYING THESE WERE LOCAL DECISIONS. THEY WERE LOCAL DECISIONS MADE BY A STATE EMERGENCY MANAGER. THE MAYOR OF THE CITY HAS NO AUTHORITY. THE CITY COUNCIL IN FLINT, ZERO AUTHORITY TO MAKE ANY DECISIONS. THAT'S AN IMPORTANT POINT.

MAKING MATTERS WORSE, THE REASON AN EMERGENCY MANAGER WAS REQUIRED IN FLINT IN THE FIRST PLACE IS LARGELY BECAUSE – OBVIOUSLY, BIG FACTORS OVER TIME, THE LOSS OF

OUR MANUFACTURING BASE, BUT AT THE SAME TIME, THE STATE OF MICHIGAN CUT AN ESSENTIAL ELEMENT OF CITY RESOURCES. IT CUT THE MONEY THAT GOES TO SUPPORT CITIES FROM ITS BUDGET. THE CITY HAS A \$50 MILLION GENERAL FUND. AND OVER THE LAST DECADE, \$50 MILLION OF DIRECT REVENUE-SHARING FROM THE STATE TO THE CITY WAS ELIMINATED, THROWING THE CITY INTO A FINANCIAL CRISIS, PRECIPITATING THE APPOINTMENT -- BY THE STATE -- OF AN EMERGENCY MANAGER TO TAKE OVER THE CITY. THE STATE THAT HELPED BANKRUPT THE CITY IS NOW SENT IN TO TRY TO TAKE IT OVER, TO GET IT RIGHT.

IT WAS THE STATE EMERGENCY MANAGER THAT MADE THE DECISION TO SWITCH THE CITY OF FLINT TO THE FLINT RIVER WATER SOURCE. AND IT WAS THE EMERGENCY MANAGER WHO HAD 100% CONTROL OF ALL DEPARTMENTS OF CITY GOVERNMENT, INCLUDING THE DEPARTMENT RESPONSIBLE FOR MAKING SURE THAT THE WATER WAS PROPERLY TREATED. AND THAT EMERGENCY MANAGER FAILED.

LET ME JUST SHOW YOU ONE EXHIBIT JUST SO THAT YOU HAVE AN UNDERSTANDING. THESE ARE FACTS. THIS IS THE ORDER BY THE EMERGENCY MANAGER TO SWITCH TO THE FLINT RIVER. AND AGAIN, THERE'S A PUBLIC RELATIONS CAMPAIGN THAT'S UNDERWAY RIGHT NOW TO TRY TO SAY THESE WERE LOCAL DECISIONS, OR, NO, IT WAS ACTUALLY THE EPA, TO DEFLECT RESPONSIBILITY FROM THE STATE OF MICHIGAN. THIS WAS A DECISION BY AN EMERGENCY MANAGER IN FLINT TO GO TO THE FLINT RIVER WATER SOURCE. IT'S A CRITICAL DECISION THAT WAS MADE THAT PRECIPITATED THIS ENTIRE CRISIS.

SO AFTER THAT SWITCH WAS MADE, CITIZENS BEGAN TO SPEAK UP. AND IN FACT, ONE OF THEM, LEANNE WALTERS, IS HERE AND WILL BE ON THE NEXT PANEL. SHE IS ONE OF THE HEROES OF THIS STORY. AND LET ME BE CLEAR. THE HEROES IN THE STORY OF FLINT ARE THOSE WHO BROUGHT IT TO LIGHT. AND THEY'RE NOT PUBLIC OFFICIALS. THEY'RE CITIZENS, THEY'RE ACTIVISTS, THEY'RE PEOPLE THAT WOULD NOT BE QUIET. AND LEEANN WALTERS IS ONE OF THEM AND YOU WILL HEAR FROM HER. SHE WENT TO THE MDEQ, ULTIMATELY HAD TO GO TO THE EPA, AS THE CHAIRMAN HAD INDICATED, TO RAISE THIS QUESTION. AND WHAT WAS THE RESPONSE FROM THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY WHEN THESE ISSUES WERE RAISED? TO TRY TO DISCREDIT ALL THE VOICES THAT WERE CALLING THIS PROBLEM TO THEIR ATTENTION. WHETHER IT WAS DR. MARC EDWARDS FROM VIRGINIA TECH, WHO YOU'LL HEAR FROM. THE STATE OF MICHIGAN TRIED TO DISCREDIT HIS RESEARCH, A GUY WHO SPENT, REALLY, HIS CAREER ON CLEAN WATER. TRIED TO DISCREDIT THE CITIZENS, AS IF THEY WERE JUST UNHAPPY CITIZENS. THEY HAD LEAD IN THEIR WATER. IT WAS GOING TO THEIR CHILDREN.

AGAIN, THERE IS AN EFFORT TO TRY TO CREATE SOME FALSE EQUIVALENCY OF RESPONSIBILITY. I'M CRITICAL OF THE EPA INDUSTRY IN THIS CASE. DON'T GET ME WRONG. IN FACT I HAVE LEGISLATION THAT I'M INTRODUCING, HOPEFULLY IT WILL BE BIPARTISAN, TAKEN UP SOON, THAT WOULD REQUIRE MUCH GREATER TRANSPARENCY BY THE EPA. I WISH THAT AS SOON AS THE EPA DISCOVERED THAT THERE WERE PROBLEMS WITH THE WATER IN FLINT, THAT THEY WOULD'VE SHOUTED FROM THE MOUNTAINTOP THAT THERE'S A PROBLEM IN FLINT. INSTEAD, THEY KEPT INSISTING THAT THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY DO ITS JOB, WHICH IT FAILED TO DO.

ONE OF THE QUESTIONS THAT HAS COME UP IS, WHY DIDN'T THE EPA INSIST THAT THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY REQUIRE THE CORROSION CONTROL TO BE USED IN FLINT? WELL, THERE'S A DOCUMENT THAT I HAVE IN MY HAND WHICH I AM SUBMITTING TO YOU. IT IS A MEMO FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO THE DEPARTMENT -- TO THE EPA, SAYING THAT -- AND THIS IS DATED FEBRUARY 27 OF 2015, ALMOST A YEAR AGO -- INDICATING THAT FLINT HAS AN OPTIMIZED CORROSION CONTROL PROGRAM. THEY DID NOT. SO TO HOLD THE EPA ACCOUNTABLE -- I WANT TO HOLD THEM ACCOUNTABLE FOR TRANSPARENCY. BUT LET'S MAKE SURE WE GET THE FACTS RIGHT. IT WAS THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY TELLING THE EPA THAT THEY HAD THIS THING UNDER CONTROL, THAT THEY WERE USING CORROSION CONTROL IN FLINT WHEN THEY WERE NOT. I WOULD HAVE PREFERRED THE EPA HAD LET ME KNOW, HAD LET THE COMMUNITY KNOW THAT THEY HAD THIS DATA AND LET US FORCE THE DEQ TO DO ITS JOB. THEY DIDN'T, AND THAT'S THEIR FAILURE. BUT IT IS NOT THEIR FAILURE TO NOT INSIST THAT THE CORROSION CONTROL PROCESS IMPLEMENTED. THEY CONTINUED TO ASK AND THEY WERE TOLD IT WAS UNDER CONTROL WHEN IT WAS NOT.

SO WHEN THIS ALL BECAME PUBLIC, ANOTHER ONE OF THE HEROES OF THIS STORY, DR. MONA HANNA-ATTISHA, SHE IS A PEDIATRICIAN IN FLINT, SHE BEGAN TO LOOK AT BLOOD LEVELS IN CHILDREN. AND IT SHOWED ELEVATED BLOOD LEAD LEVELS IN CIN AND FLINT. SHE RELEASED HER DATA, AND WHAT WAS THE RESPONSE OF THE STATE OF MICHIGAN? TO TRY TO DISCREDIT THIS PEDIATRICIAN WHO HAS DEVOTED HER ENTIRE LIFE TO THE HEALTH OF CHILDREN, JUST TRYING TO DO HER JOB FOR THE KIDS OF FLINT.

THERE WAS A CONTINUOUS EFFORT TO TRY TO MINIMIZE THIS PROBLEM AS IF IT DID NOT EXIST. THERE'S A LOT OF QUESTIONS ABOUT WHO KNEW WHAT AND WHEN. AND THAT'S REALLY AN IMPORTANT PART OF THIS. WE HAVE AN E-MAIL FROM THE CHIEF OF STAFF IN THE GOVERNOR'S OFFICE BACK IN JULY OF 2015, RAISING THIS QUESTION AND SAYING THAT HE THOUGHT THAT

BASICALLY THE PEOPLE IN FLINT WERE GETTING BLOWN UP – BLOWN OFF BY THE STATE. SO THEY KNEW ABOUT THIS BACK THEN AND FAILED TO ACT.

LET ME JUST CONCLUDE BY SAYING A COUPLE OF THINGS. I AM REALLY CONCERNED THAT WE GET TO THE FACTS ON THIS, NOT JUST BECAUSE I WANT TO KNOW WHO SHOULD BE FIRED, WHO SHOULD BE SUBPOENAED, WHO SHOULD BE BLAMED, WHO SHOULD BE PROSECUTED -- JUSTICE COMES IN THOSE FORMS, FOR SURE -- BUT JUSTICE FOR THE PEOPLE OF FLINT COMES BY MAKING IT RIGHT FOR THE PEOPLE OF FLINT. AND THE ONLY WAY WE CAN MAKE IT RIGHT IS TO MAKE SURE WE KNOW WHO DID THIS.

AND FOR ANYBODY WHO HAS BEEN PAYING ATTENTION TO THIS CASE BACK HOME IN MICHIGAN, THERE IS REALLY NO DOUBT ABOUT WHO'S RESPONSIBLE. THE STATE OF MICHIGAN WAS RESPONSIBLE, AS THE RANKING MEMBER SAID, HAS PRIMACY FOR THE ENFORCEMENT OF THE LEAD AND COPPER RULE. THE STATE OF MICHIGAN WAS RUNNING THE CITY OF FLINT ITSELF AT THE TIME THAT THESE DECISIONS WERE MADE. AND THE STATE OF MICHIGAN DENIED TO THE CITIZENS OF THE STATE AND TO THE CITIZENS OF FLINT THAT THIS WAS A PROBLEM. AT ONE POINT A STATE OFFICIAL, AFTER THE LEAD DATA HAD ALREADY BEEN MADE KNOWN TO THEM, TOLD PEOPLE IN FLINT THAT THEY SHOULD JUST RELAX. 9,000 CHILDREN IN FLINT WITH WATER WITH ELEVATED LEAD LEVELS GOING INTO THEIR BODIES -- RELAX?

YES, THIS IS A FAILURE OF GOVERNMENT. BUT THIS FALSE EQUIVALENCY THAT SOMEHOW LOCAL OFFICIALS, WHO HAD NO POWER, AND THE EPA, WHO I AGREE, SHOULD HAVE DONE MORE, SHOULD HAVE – SHOULD BE HELD ACCOUNTABLE FOR THIS MISSES THE POINT. THIS WAS A STATE FAILURE. YOU WILL HEAR FROM FOLKS TODAY. AND THE CURRENT HEAD OF THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, WHOM I KNOW, IS A GOOD MAN. HE WAS NOT IN THE POSITION AT THE TIME THESE DECISIONS WERE MADE AND CAN'T REALLY TESTIFY TO WHAT HAPPENED THEN IN REAL-TIME. WE WERE THERE. LEANN WALTERS WAS THERE. MARC EDWARDS WAS THERE. DR. MONA WAS THERE. THE PEOPLE OF FLINT KNEW WHAT WAS HAPPENING.

SO THE STATE, TO MY POINT OF VIEW, FROM MY PERSPECTIVE, HAS A MORAL RESPONSIBILITY. NOT TO JUST APOLOGIZE. THE GOVERNOR HAS ALREADY APOLOGIZED. IN HIS STATE OF THE STATE, HE SAID HE ACKNOWLEDGED RESPONSIBILITY. THE WAY I WAS RAISED IS THAT WHEN YOU DO SOMETHING WRONG TO SOMEONE, SOMETHING THAT HAS CONSEQUENCE, YOU DO APOLOGIZE, FOR SURE. BUT ALSO, IF YOU HAVE IT IN YOUR POWER TO MAKE IT RIGHT FOR THAT PERSON, TO MAKE IT RIGHT FOR THOSE PEOPLE, YOU HAVE TO STAND UP AND DO THAT. SO FAR WE HAVEN'T SEEN THAT. WE NEED THE PIPES FIXED IN FLINT. IN FACT, THE GOVERNOR SHOULD WRITE A CHECK TOMORROW FOR THE \$60 MILLION THAT THE MAYOR OF FLINT HAS ASKED FOR

TO REPLACE THE LEAD SERVICE LINES. HE IS SITTING ON A \$1 BILLION SURPLUS. HE SHOULD ASK FOR THAT MONEY TOMORROW. AND THEN SHOULD COMMIT TO NOT JUST FIX THE INFRASTRUCTURE, BUT TO MAKE IT RIGHT FOR THESE KIDS. GIVE THEM THE KIND OF HELP THAT ANY CHILD WITH A DEVELOPMENTAL HURDLE TO OVERCOME SHOULD GET. EARLY CHILDHOOD EDUCATION, GOOD NUTRITION, LOTS OF SUPPORT, BEHAVIORAL SUPPORT. NOT JUST NOW; NOT JUST NEXT YEAR, BUT FOR THE ENTIRE TRAJECTORY OF THEIR DEVELOPMENTAL CYCLE.

THIS IS A TRAGEDY. IT CANNOT BE FIXED. BUT THOSE WHO DID THIS TO FLINT CAN STAND UP AND MAKE IT RIGHT. AND I WOULD ASK THIS COMMITTEE TO DO EVERYTHING WITHIN YOUR POWER TO FIND THE FACTS. AND IF YOU DO AND IF YOU LET THOSE FACTS LEAD YOU TO THE CONCLUSION THAT THEY SHOULD, WE WILL FIND THAT THE STATE OF MICHIGAN BEARS THE RESPONSIBILITY TO THE GREATEST EXTENT, AND THEY SHOULD BE HELD TO ACCOUNT. THAT THEY SHOULD ALSO SHOULD BE HELD TO MAKE IT RIGHT.

WITH THAT, MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO SPEAK AND I YIELD BACK. THANK YOU.

Jason Chaffetz:

THANK YOU FOR YOUR PARTICIPATION AND YOUR PASSION. ALL THOSE DOCUMENTS THAT YOU REFERRED TO WILL BE ENTERED INTO THE RECORD.

WHAT WE WILL DO NOW IS RECESS FOR APPROXIMATELY 4 MINUTES. SO DON'T GO ANYWHERE. BUT THE CLERKS NEED TO RESET FOR PANEL NUMBER 2. AND WE WILL GO FROM THERE.

THE COMMITTEE STANDS IN RECESS.

(RECESS.)

THE COMMITTEE WILL COME TO ORDER. THE COMMITTEE WILL NOW RECOGNIZE THE SECOND PANEL. I AM PLEASED TO WELCOME MR. JOEL BEAUVAIS. HE'S THE ACTING DEPUTY ASSISTANT ADMINISTRATOR FO THE OFFICE OF WATER AT THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. MR. KEITH CREAGH IS THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE STATE OF MICHIGAN. MR. MARC EDWARDS, THE CHARLES P. LUNDSFORD, PROFESSOR OF ENVIRONMENTAL AND WATER RESOURCES ENGINEERING AT THE VIRGINIA POLYTECH INSTITUTE AND STATE UNIVERSITY. AND MS. LEANNE WALTERS, A RESIDENT AND PARENT FROM FLINT, MICHIGAN. WE WELCOME YOU ALL. WE THANK YOU FOR YOUR PARTICIPATION TODAY.

PURSUANT TO COMMITTEE RULES, ALL WITNESSES ARE TO BE SWORN BEFORE THEY TESTIFY. IF YOU WILL PLEASE RISE AND RAISE YOUR RIGHT HAND. DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE TESTIMONY YOU WILL GIVE WILL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?

THANK YOU. YOU MAY BE SEATED. LET THE RECORD REFLECT THAT ALL WITNESSES ANSWERED IN THE AFFIRMATIVE.

IN ORDER TO ALLOW TIME FOR FURTHER DISCUSSION AND QUESTIONING BY MEMBERS, WE WOULD APPRECIATE YOU LIMITING YOUR OPENING COMMENTS TO NO MORE THAN FIVE MINUTES. AND YOUR ENTIRE SUBMISSION WILL BE – ENTIRE WRITTEN STATEMENT WILL BE MADE PART OF THE RECORD.

MR. BEAUVAIS, YOU'RE – BEAUVAIS, SORRY, BEAUVAIS, YOU ARE NOW RECOGNIZED FOR 5 MINUTES.

Joel Beauvais:

THANK YOU. GOOD MORNING, MR. CHAIRMAN, RANKING MEMBER CUMMINGS, DISTINGUISHED MEMBERS OF THE COMMITTEE. MY NAME IS JOEL BEAUVAIS AND I CURRENTLY SERVE AS DEPUTY ASSISTANT ADMINISTRATOR OF EPA'S OFFICE OF WATER. THANK YOU FOR THE OPPORTUNITY TO TESTIFY ABOUT EPA'S RESPONSE TO THE DRINKING WATER CRISIS IN FLINT, MICHIGAN.

I SPENT THE DAY YESTERDAY IN FLINT WITH ADMINISTRATOR MCCARTHY AND MEMBERS OF EPA'S RESPONSE TEAM ON THE GROUND. WE MET WITH MAYOR WEAVER, DR. HANNA-ATTISHA, AND OTHER COMMUNITY LEADERS AND MEMBERS. THE SITUATION IN FLINT IS CRITICAL AND DEMANDS URGENT AND SUSTAINED ACTION AT ALL LEVELS OF GOVERNMENT TO PROTECT THE PUBLIC AND HELP THE CITY RECOVER. EPA IS INTENSELY ENGAGED IN WORK TO RESTORE SAFE DRINKING WATER IN FLINT IN COORDINATION WITH THE BROADER FEDERAL RESPONSE EFFORT.

WHAT HAPPENED IN FLINT WAS AVOIDABLE AND SHOULD NEVER HAVE HAPPENED. UNDER THE SAFE DRINKING WATER ACT, CONGRESS DIRECTED EPA TO SET NATIONAL STANDARDS, BUT ASSIGNED PRIMARY RESPONSIBILITY TO THE STATES TO IMPLEMENT AND ENFORCE THE LAW. THE EPA MAINTAINS FEDERAL OVERSIGHT OF STATE PROGRAMS. THAT SYSTEM, WHILE IMPERFECT, HAS ACHIEVED MAJOR GAINS IN DRINKING WATER SAFETY NATIONWIDE .

THE SITUATION THAT GAVE RISE TO THE CURRENT CRISIS IN FLINT OF A LARGE PUBLIC WATER SYSTEM SWITCHING FROM PURCHASING TREATED WATER TO USING AN UNTREATED WATER SOURCE IS HIGHLY UNUSUAL. UNDER FEDERAL REGULATIONS, THE CITY WAS REQUIRED TO OBTAIN PRIOR APPROVAL FOR THE SWITCH FROM THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY. MDEQ ADVISED THE CITY OF FLINT THAT CORROSION CONTROL TREATMENT WAS NOT NECESSARY. FAILURE TO IMPLEMENT SUCH TREATMENT RESULTED IN LEECHING OF LEAD INTO THE CITY'S DRINKING WATER. EPA REGIONAL STAFF URGED MDEQ TO ADDRESS THE LACK OF CORROSION CONTROL BUT ENCOUNTERED RESISTANCE. DELAYS IN TAKING THE ACTIONS NEEDED TO TREAT FLINT'S DRINKING WATER PROPERLY AND IN INFORMING THE PUBLIC OF ONGOING HEALTH RISKS HAVE HAD SERIOUS CONSEQUENCES. ALL PARTIES INVOLVED NEED TO TAKE STEPS TO UNDERSTAND HOW THIS HAPPENED AND TO ENSURE THAT IT NEVER HAPPENS AGAIN.

SEVERAL REVIEWS AND INVESTIGATIONS, INCLUDING A U.S. DEPARTMENT OF JUSTICE INVESTIGATION, ARE UNDERWAY IN MICHIGAN. ADMINISTRATOR MCCARTHY HAS ASKED EPA'S INSPECTOR GENERAL TO UNDERTAKE AN INDEPENDENT REVIEW OF EPA'S RESPONSE AND ITS OVERSIGHT OF MDEQ. EPA LOOKS FORWARD TO RECEIVING AND ACTING PROMPTLY UPON THE RESULTS OF THAT REVIEW. ADMINISTRATOR MCCARTHY ALSO ISSUED AN AGENCY-WIDE ELEVATION POLICY DIRECTING EPA'S LEADERSHIP TO ENCOURAGE PROMPT AND DECISIVE ACTION TO ADDRESS CRITICAL PUBLIC HEALTH CONCERNS. FURTHER, WE ARE COMMITTED TO ENGAGING WITH STATES, SYSTEM OPERATORS, AND OTHER STAKEHOLDERS TO IDENTIFY AND ADDRESS LESSONS FROM FLINT AND OTHER POTENTIAL DRINKING WATER RISKS.

EPA IS WORKING HARD TO ADDRESS THE PUBLIC HEALTH EMERGENCY IN FLINT. SINCE LAST OCTOBER, OUR FLINT SAFE WATER TASK FORCE HAS PROVIDED EXPERT TECHNICAL ASSISTANCE TO THE CITY AND MDEQ ON CORROSION CONTROL TREATMENT AND PROPER LEAD TESTING. IN NOVEMBER, EPA ANNOUNCED THAT WE ARE CONDUCTING AN AUDIT OF MDEQ'S DRINKING WATER PROGRAM TO ASSESS ITS PERFORMANCE AND IDENTIFY NEEDED CHANGES. AND ON JUNE 21, EPA ISSUED AN EMERGENCY ORDER UNDER THE SAFE DRINKING WATER ACT, DIRECTING THE STATE OF MICHIGAN, MDEQ, AND THE CITY OF FLINT TO TAKE ACTIONS NECESSARY TO ENSURE THAT CORROSION CONTROL IS REOPTIMIZED AND THAT THE CITY ESTABLISHES CAPACITY TO OPERATE ITS DRINKING WATER SYSTEM IN COMPLIANCE WITH THE LAW.

FOLLOWING PRESIDENT OBAMA'S EMERGENCY DECLARATION IN JANUARY, THE ADMINISTRATION HAS DEPLOYED A MULTIAGENCY RESPONSE EFFORT IN FLINT. EPA HAS ESTABLISHED A SIGNIFICANT PRESENCE ON THE GROUND, INCLUDING SCIENTISTS, WATER QUALITY EXPERTS,

RESPONSE PERSONNEL, AND COMMUNITY ENGAGEMENT COORDINATORS. IN ADDITION TO PROVIDING TECHNICAL ASSISTANCE THROUGHOUT OUR TASK FORCE, EPA HAS LAUNCHED A MULTIPRONGED DRINKING WATER SAMPLING EFFORT TO ASSESS AND SUPPORT ONGOING WORK TO RESTORE FLINT'S SYSTEM. WE ARE SHARING INFORMATION WITH THE PUBLIC IN A TRANSPARENT AND TIMELY WAY AND WILL CONTINUE TO WORK WITH THE CITY, STATE, AND COMMUNITY TO GET FLINT'S SYSTEM BACK ON TRACK.

IN ADDITION TO OUR WORK IN FLINT, EPA IS COMMITTED TO STRENGTHENING THE LEAD AND COPPER RULE WHICH COVERS APPROXIMATELY 68,000 SYSTEMS NATIONWIDE. WE ARE WORKING ON REVISIONS TO THE RULE. LAST DECEMBER, WE RECEIVED EXTENSIVE RECOMMENDATIONS FROM OUR NATIONAL DRINKING WATER ADVISORY COUNCIL AND OTHER CONCERNED STAKEHOLDERS. WE WILL CAREFULLY CONSIDER THIS INPUT AND THE NATIONAL EXPERIENCE IN IMPLEMENTING THE RULE, INCLUDING THE EVENTS IN FLINT AS WE DEVELOP PROPOSED IMPROVEMENTS. IN THE NEARER TERM, WE WILL BE WORKING WITH STATES AND OTHER STAKEHOLDERS TO TAKE NEAR-TERM ACTIONS TO STRENGTHEN IMPLEMENTATION OF THE EXISTING RULE.

THANK YOU FOR THE OPPORTUNITY TO TESTIFY TODAY. I WELCOME ANY QUESTIONS.

Jason Chaffetz:

THANK YOU. MR. CREAGH, YOU ARE NOW RECOGNIZED FOR FIVE MINUTES.

Keith Creagh:

THANK YOU, CHAIRMAN CHAFFETZ, RANKING MEMBER CUMMINGS AND MEMBERS OF THE COMMITTEE ON OVERSIGHT GOVERNMENT REFORM. THANK YOU FOR THE OPPORTUNITY TO BE HERE TODAY TO DISCUSS THE FLINT WATER CRISIS.

MY NAME IS KEITH CREAGH AND SINCE JANUARY 4, 2016, I HAVE SERVED AS A DIRECTOR OF THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY. I WANT TO START BY APOLOGIZING TO THE RESIDENTS OF FLINT. IN RETROSPECT, GOVERNMENT AT ALL LEVELS SHOULD HAVE DONE MORE. WE MUST FULLY INVESTIGATE WHAT HAPPENED IN ORDER TO MAKE SURE IT WILL NEVER HAPPEN AGAIN. IN ADDITION, AND MOST URGENTLY, WE MUST FIX THE PROBLEM FOR THE PEOPLE OF FLINT. THIS IS A COMPLEX ISSUE, DUE IN PART TO THE MULTIPLE LEVELS OF GOVERNMENT OVERSIGHT. THE CITY OF FLINT IS RESPONSIBLE FOR DAILY OPERATIONS OF THE WATER PLANT AND THE DISTRIBUTION SYSTEM, INCLUDING IDENTIFYING SAMPLING LOCATIONS,

COLLECTING SAMPLES, AND CERTIFYING THAT THE SAMPLES MEET THE CRITERIA OF THE LEAD – LEAD AND COOPER RULE. THE STATE OF MICHIGAN IS RESPONSIBLE FOR ENSURING COMPLIANCE WITH THE LEAD AND COPPER RULE AND THE SAFE DRINKING WATER ACT. THE U.S. EPA SETS NATIONAL DRINKING WATER STANDARDS, PROVIDES OVERSIGHT TO MAKE SURE THOSE STANDARDS ARE MET, AND AUDITS THE STATES PROGRAMS.

IN FLINT, THE IMPLEMENTATION OF THE FEDERAL LEAD AND COPPER RULE WAS INEFFECTIVE IN PROTECTING PUBLIC HEALTH. WHEN THE FIRST ROUND OF LEAD SAMPLING CAN BACK IT SIX PARTS PER BILLION IN 2015, CORROSION TREATMENT WAS NOT IMPLEMENTED. REGARDLESS OF THE TESTING SCHEDULE ALLOWED BY THE EPA RULE, IN HINDSIGHT, WHEN THE LEAD LEVELS BEGAN TO RISE, CORROSION TREATMENT SHOULD HAVE BEEN REQUIRED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY. AS A MICHIGAN AUDITOR GENERAL POINTED OUT, THE MDEQ'S OFFICE OF DRINKING WATER AND MUNICIPAL ASSISTANCE RELIED ON TECHNICAL COMPLIANCE INSTEAD OF ENSURING SAFE DRINKING WATER. IT IS NOTEWORTHY THAT THE LEAD AND COPPER RULE WOULD HAVE ALLOWED UP TO 24 MONTH TO BEGIN THESE TREATMENTS. IT HAS NOW BECOME CLEAR THAT THE FEDERAL LEAD AND COPPER RULE IS OUTDATED AND INADEQUATE TO PROTECT THE PUBLIC FROM EXPOSURE TO LEAD, ESPECIALLY IN COMMUNITIES WITH AGING INFRASTRUCTURE SUCH AS FLINT.

I AM CONFIDENT THAT THE MANY REVIEWS OF THIS SITUATION, FROM THE U.S. DEPARTMENT JUSTICE TO THE INNER AGENCY TEAM TO THE MICHIGAN ATTORNEY GENERAL WILL ADDRESS IN-DEPTH THE POLICY AND DECISION-MAKING CORRECTIONS NEEDED TO ENSURE THAT GOVERNMENT AT ALL LEVELS CAN PROVIDE SAFE, CLEAN, DRINKING WATER TO CITIZENS.

WHILE WE COULD SPEND THE WHOLE MORNING TRYING TO ASSIGN BLAME, I WOULD FIRST LIKE TO ACKNOWLEDGE THE ONWAVERING ADVOCACY OF LEANNE WALTERS, EPA'S MIGUEL DEL TORAL, DR. MARC EDWARDS, AND DR. MONA HANNA-ATTISHA IN HELPING TO BRING THIS PROBLEM TO LIGHT.

AND I WOULD LIKE TO SPEND THE FINAL FEW MINUTES DISCUSSING THE COORDINATED STATE RESPONSE THAT HAVE BEEN UNDERTAKEN TO FIX THIS PROBLEM. THE STATE HAS BEEN WORKING HARD TO DEVELOP EFFECTIVE AND RESPONSIVE STEPS TO ADDRESS ISSUES RELATING TO THE DRINKING WATER OF FLINT. ON OCTOBER 7, GOVERNOR RICK SNYDER ANNOUNCED A 10-STEP PLAN TO ADDRESS THE FLINT WATER EMERGENCY. ON JANUARY 5TH THE STATE EMERGENCY OPERATIONS CENTER WAS ACTIVATED. SINCE THEN WE HAVE HANDED OUT APPROXIMATELY 100,000 WATER FILTERS, 234 CASES OF BOTTLED WATER, 32,000 WATER TESTING SAMPLING KITS.

I ALSO WANT TO HIGHLIGHT THE STATE'S FIVE-PRONGED SAMPLING PLAN. THAT ADDRESSES BOTH THE SHORT AND LONG-TERM NEEDS OF FLINT. THIS APPROACH INCLUDES THE FOLLOWING: ACCESS TO WATER SAMPLING FOR ALL RESIDENTS. ALTHOUGH THIS IS NOT A SCIENTIFIC SAMPLING POOL, INITIAL RESULTS HAVE SHOWN LEAD LEVELS IN WATER WITH 93% OF SAMPLING OF HOMES BELOW THE FEDERAL ACTION LEVEL OF 15 PARTS PER BILLION. TESTING OF ADDITIONAL SCHOOLS, DAYCARES, AND NURSING HOMES IS UNDERWAY. ASSESSMENT OF FOOD ESTABLISHMENTS THROUGH THE MICHIGAN DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT IS OCCURRING. HOME SCREENING AND ADDITIONAL FOLLOW-UP FOR CHILDREN WITH ELEVATED LEAD LEVELS IN THEIR BLOOD ARE BEING COORDINATED BY THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES. AN IDENTIFICATION OF SEVERAL SITES IS OCCURRING TO ALLOW FOR LONG-TERM MONITORING AND TESTING OF WATER IN CONJUNCTION WITH THE EPA AND CITY. THE STATE WILL ASSET – WILL ACHIEVE THESE DELIVERABLES IDENTIFIED IN THE EPA ORDER, SENT ON JANUARY 31. SINCE THE ISSUANCE OF THE ORDER, THE STATE AND THE EPA HAVE HAD PRODUCTIVE AND CONSTRUCTIVE CONVERSATIONS ON A UNIFIED PATH FORWARD. WHILE WE CERTAINLY APPRECIATE THE DIALOGUE THAT HAS OCCURRED, CONSULTATION WITH THE STATE BEFORE THE ORDER WAS ISSUED WOULD HAVE PROVIDED CLARITY TO THE MANY ISSUES THAT THE STATE WAS ALREADY UNDERWAY IN ADDRESSING.

INDEED, IT IS PUZZLING THAT THE ORDER WAS ISSUED SO LONG AFTER THE STATE RESPONSE BEGAN, WITHOUT MENTIONING THE STEPS THAT WERE ALREADY UNDERWAY. TO BE SUCCESSFUL, WE, THE STATE, NEED TO HAVE A HIGH-PERFORMING TRUST-BASED PARTNERSHIP WITH THE EPA, THE CITY OF FLINT, AND OTHER AGENCIES AT THE LOCAL AND COUNTY LEVELS. I APPRECIATE THE RELATIONSHIPS THAT HAVE BEEN ESTABLISHED BETWEEN MYSELF, MAYOR WEAVER, AN INTERIM EPA ADMINISTRATOR BOB KAPLAN, THROUGH OUR WEEKLY CALLS AND MEETINGS.

IN CLOSING, WE KNOW THE TASK AHEAD IS IMPORTANT, AS IS THE RESTORATION OF THE PUBLIC'S TRUST. GOVERNOR SNYDER IS COMMITTED TO PROVIDING THE RESOURCES NECESSARY TO PROVIDE SOLUTIONS. I LOOK TO OUR CONGRESSIONAL AND FEDERAL PARTNERS TO ALSO PROVIDE LEADERSHIP ON FEDERAL RESOURCES THAT CAN BE LEVERAGED TO ADDRESS THE PROBLEMS RELATED TO THE FLINT WATER CRISIS. WE WILL NOT REST UNTIL THIS PROBLEM IS SOLVED AND THE PEOPLE OF FLINT OUR ASSURED THEY AGAIN HAVE WATER THAT IS SAFE FOR THEM AND THEIR FAMILIES.

I THANK YOU AGAIN FOR THE OPPORTUNITY TO COME BEFORE YOU TODAY. AND I LOOK FORWARD TO ANSWERING ANY QUESTIONS YOU MAY HAVE.

Jason Chaffetz:

THANK YOU, MR. CREAGH.

MR. EDWARDS, YOU'RE NOW RECOGNIZED FOR FIVE MINUTES.

Marc Edwards:

THANK YOU. THIS IS THE THIRD TIME, UNFORTUNATELY, THAT I HAVE TESTIFIED BEFORE CONGRESS ABOUT DEFICIENCIES IN THE EPA LEAD AND COPPER RULE. AND I SEE MY GOOD FRIEND ELEANOR HOLMES-NORTON UP THERE, AND I WISH I DIDN'T KNOW YOU SO WELL, BECAUSE WHEN WE MET ON THIS IN 2004, WE TALKED ABOUT THE DEFICIENCIES OF THE EPA, THE LOOPHOLES IN THE REGULATION. AND ALL OF WHAT WE COULD HAVE LEARNED FROM WASHINGTON DC WAS DERAILED. AND, FRANKLY, THE ONLY THING THAT WE LEARNED IN WASHINGTON DC WAS THAT THESE AGENCIES PAID TO PROTECT US FROM LEAD IN DRINKING WATER CAN GET AWAY WITH ANYTHING. SO I AM REALLY BEGGING YOU TO DO WHAT WE D'DN'T DO THE LAST TWO TIMES I APPEARED BEFORE THIS COMMITTEE, WHICH IS TO FIX THE EPA LEAD AND COPPER RULE AND TO FIX THE U.S. EPA.

THE AGENCIES INVOLVED IN PROTECTING CHILDREN FROM LEAD IN DRINKING WATER IN THIS COUNTRY, INCLUDING THE U.S. CENTERS FOR DISEASE CONTROL, THE EPA, PRIMACY AGENCITES, AND THE WATER UTILITIES, HAVE PROVEN THEMSELVES TIME AND TIME AGAIN UNWORTHY OF THE PUBLIC TRUST. THEY CANNOT BE TRUSTED TO FIX THIS PROBLEM. THEY'VE REPEATEDLY ENGAGED IN SCIENTIFIC MISCONDUCT. AND IN THE WRITTEN TESTIMONY I SUBMITTED, I OUTLINE OVER THE LAST 10 YEARS, 5 EXAMPLES OF FALSIFIED REPORTS FROM THESE AGENCIES THAT HAVE CONCLUSIONS DIRECTLY ENDANGERING CHILDREN IN THIS COUNTRY, THAT HAVE CAUSED CHILDREN TO BE LEAD POISONED. AND THEY REFUSE TO CORRECT THE SCIENTIFIC RECORD, EVEN IN THE CASE OF AN EPA REPORT THAT THEY NOW ACKNOWLEDGE HAS NO DATA, NO DATA AFTER NINE YEARS. I'VE TRIED TO GET THIS REPORT CORRECTED. THEY'VE REFUSED TO RETRACT THIS REPORT.

SO THEIR CALLOUS DISREGARD FOR THE MOST VULNERABLE AMONGST US HAS REALLY PLAYED OUT MOST RECENTLY IN FLINT, MICHIGAN. AND RESIDENTS THERE HAVE BEEN LIVING A SURREAL EXPERIENCE. IT'S PART 1984, PART ENEMY OF THE PEOPLE. AND I AM PERSONALLY ASHAMED THAT THE PROFESSION I BELONG TO, THE DRINKING WATER INDUSTRY IN THIS COUNTRY, HAS ALLOWED THIS TO OCCUR.

SO IN CLOSING, I'M REALLY – I'M JUST BEGGING YOU. PLEASE. THESE AGENCIES -- DO WHAT THESE AGENCIES HAVE REFUSED TO DO. PROTECT KIDS IN THIS COUNTRY FROM LEAD IN DRINKING WATER. AND LET'S MAKE THEM LIVE UP TO THEIR NOBLE MISSION AND ONCE AGAIN BE WORTHY OF THE PUBLIC TRUST.

WITH THAT I'LL YIELD MY TIME TO LEEANNE.

Jason Chaffetz:

THE GENTLEMAN YIELDS BACK. MS. WALTERS, YOU'RE NOW RECOGNIZED FOR FIVE MINUTES.

Leeanne Walters:

MY HOME USED TO BE A PLACE OF COMFORT AND SAFETY FOR MY FAMILY. IT USED TO BE WHAT A HOME SHOULD BE, A PLACE OF PEACE AND PROTECTION FROM THE OUTSIDE WORLD. THAT WAS TAKEN FROM US. AND NOT JUST FROM MY FAMILY, BUT FROM EVERY HOME AND EVERY CITIZEN IN FLINT. NOW MY HOME IS KNOWN AS GROUND ZERO. THE PEOPLE IN FLINT NOW STAND WITH THE PEOPLE IN DC WHO SUFFERED THEIR OWN LEAD CRISIS A DECADE AGO BECAUSE WE NOW KNOW THE HORROR OF POISON RUNNING THROUGH OUR TAPS AND THE NEGLIGENCE OF THE AGENCIES PAID TO PROTECT US.

IN 2014, IN A CITY WITH NO DEMOCRACY, FORCED UNDER AN EMERGENCY MANAGER, HAND PICKED BY GOVERNOR SNYDER, A DECISION WAS MADE TO SWITCH THE WATER SOURCE WITHOUT THE PROPER TESTING AND ENFORCEMENT OF REGULATION. THE MDEQ CLAIMS THEY MISINTERPRETED FEDERAL LAW REGARDING CORROSION CONTROL. THEY WERE ALLOWED TO TELL EPA THEY WERE FOLLOWING THE LAW WITHOUT ANY VERIFICATIONS. THE CITIZENS IN FLINT WERE ASSURED FOR 18 MONTHS THAT THE WATER WAS SAFE.

MY HOME WAS BEING TESTED BECAUSE OF THE DISCOLORATION OF MY WATER AND THE HEALTH ISSUES MY FAMILY WAS EXPERIENCING. WE FOUGHT THE CITY AND THE STATE SAYING THERE WAS SOMETHING WRONG, AND WE WERE DISMISSED. I DECIDED WE NEEDED TO GET TO THE SCIENCE IF ANYONE WAS EVER GOING TO BELIEVE US. I STARTED RESEARCHING AND EDUCATING MYSELF ABOUT WATER. I HAD THREE TESTS DONE BY THE CITY OF FLINT, USING EXTRA STEPS THAT TEND TO MINIMIZE LEAD IN WATER. THOSE NUMBERS WERE 104 PARTS PER BILLION, 397 PARTS PER BILLION, AND 707 PARTS PER BILLION. I CONTACTED THE EPA AND STARTED WORKING WITH MIGUEL DEL TORAL AND JENNIFER CROOKS AT THE EPA. MR. DEL TORAL WAS

VERY THOROUGH AND KNOWLEDGABLE IN ASSISTING ME. I TOLD MR. DEL TORAL I DID NOT BELIEVE THERE WAS CORROSION CONTROL IN THE WATER, PROVIDED HIM DOCUMENTATION ABOUT THIS FACT, AND HE VERIFIED MY FINDINGS. AND HE WAS FURIOUS. MR. DEL TORAL QUESTIONED THE MDEQ, AND AT FIRST THEY LIED AND THEN LATER ADMITTED THE TRUTH.

I FIGURED OUT THAT MS. CROOKS WAS AIDING THE MDEQ WITH HER LIES. AND MR. DEL TORAL WAS THE ONLY ONE WILLING TO ADDRESS THE PROBLEM. I REQUESTED A COPY OF MR. DEL TORAL'S REPORT AND I MADE IT PUBLIC BECAUSE PEOPLE HAD A RIGHT TO KNOW.

WITH THE REPORT PUBLIC, SUSAN HEDMAN, EPA, APOLOGIZED TO THE MAYOR OF FLINT AND TO THE MDEQ BECAUSE OF POLICY. NO ONE BUT MR. DEL TORAL WAS WILLING TO DO THEIR JOB. MR. DEL TORAL WAS TOLD BY THE ETHICS ATTORNEY TO FORWARD ALL MEDIA REQUESTS, INCLUDING THOSE DURING HIS PERSONAL TIME. HE WAS ALSO ADVISED NOT TO TALK ABOUT FLINT OR TO ANYONE FROM FLINT.

IN A MEETING I HAD WITH MDEQ, LIANE SHEKTER-SMITH BRAGGED TO ME ABOUT HOW MR. DEL TORAL HAD BEEN HANDLED, THAT HIS REPORT WAS FLAWED, AND THAT THERE WOULD BE NO FINAL REPORT. THIS WAS THE ULTIMATE BETRAYAL FOR THE CITIZENS. SUSAN HEDMAN CARED MORE ABOUT POLICY THAN THE WELFARE OF AN ENTIRE COMMUNITY WHILE PUNISHING AND SILENCING THE ONE PERSON THAT WAS WILLING TO HELP US.

I STARTED DOING INDEPENDENT TESTING WITH VIRGINIA TECH AND 30 TESTS WERE DONE. TESTS THAT WERE PERFORMED IN ACCORDANCE WITH THE LCR. MY AVERAGE WAS 2,500 PARTS PER BILLION. MY HIGHEST WAS 13,500 PARTS PER BILLION. HAZARDOUS WASTE IS 5,000. REGARDLESS OF THIS INFORMATION AND THE FACT THAT MY SON HAD LEAD POISONING, THE CITY AND THE MDEQ STILL CONTINUED TO TELL EVERYONE THE WATER WAS SAFE, AS THE EPA SAT BY AND WATCHED IN SILENCE. BECAUSE THE STATE AND FEDERAL GOVERNMENTS FAILED US, WITH THE HELP OF VIRGINIA TECH, WE CONDUCTED CITIZEN-BASED SAMPLINGS. WE EDUCATED AND DISTRIBUTED 300 SAMPLES EQUALLY THROUGHOUT THE CITY. WE COLLECTED BACK 277 SAMPLES. ALL OF THIS WAS DONE IN A 3-WEEK TURNAROUND.

HERE ARE THE FACTS. AFTER THE TRAGEDY IN DC FROM 2001 TO 2006 WHERE CHILDREN WERE POISONED BY LEAD IN WATER, THE EPA SHOULD HAVE IMMEDIATELY CLOSED THE LOOPHOLES TO PROTECT ALL CITIZENS. HAD THE EPA CLOSED THE LOOPHOLES, THEN IT COULD HAVE 100 PERCENT PREVENTED WHAT JUST TOOK PLACE IN FLINT. EPA HAS FAILED TO PROTECT PEOPLE BY REFUSING TO BAN PARTIAL LEAD SERVICE LINE REPLACEMENTS. THE EPA'S LCR NATIONAL

REPORT FROM 2006 STATES THAT THE LACK OF SYSTEM RESPONSE FOR LEAD EXCEEDENCE IS ESPECIALLY TRUE TO INFORM THE PUBLIC. IT IS DONE LESS THAN ONE THIRD OF THE TIME.

FROM MY RESEARCH I HAVE FOUND THAT THIS IS NOT A FLINT PROBLEM OR A RARE ANAMOLY. THIS IS A NATIONAL PROBLEM. ONLY 10 STATES TEST ACCURATELY AND ACCORDING TO THE LCR. TWENTY-ONE STATES DO NOT REVEAL THEIR SAMPLING INSTRUCTIONS. AND 19 STATES HAVE TESTING SIMILAR TO LOOPHOLES TO THE MICHIGAN ONES. THERE IS NO JUSTIFIABLE REASON FOR TESTING WITH LOOPHOLES, EXCEPT TO HIDE LEAD. THESE LOOPHOLES THAT NEED TO BE ELIMINATED ARE PREFLUSH, SMALL MOUTH BOTTLES, AND CAP ON STAGNATION.

I SPOKE AGAINST THE MIDWAK RECOMMENDATIONS THAT ARE NOW CURRENTLY UNDER ADVISEMENT BY THE EPA TO CHANGE THE LCR. THESE RECOMMENDATIONS WILL WEAKEN AN ALREADY BROKEN SYSTEM. AND I'M OUTRAGED THAT THE EPA CONTINUES TO ALLOW THIS TYPE OF DISHONESTY WITH TESTING TO CONTINUE NATIONALLY.

THE CITIZENS IN FLINT ARE RELYING ON EACH OF YOU BECAUSE WE HAVE NO CHOICE. WE TRUST NO ONE BUT VIRGINIA TECH. THERE ARE PEOPLE IN FLINT TODAY STILL NOT BEING ASSISTED DURING THIS CRISIS: ILLEGAL IMMIGRANTS, DISABLES, AND SHUT INS. BROKEN POLICY AND PROCEDURES ARE SMOTHERING THE OUTCRY OF AN ENTIRE COMMUNITY SUFFERING FINANCIALLY, PHYSICALLY, MENTALLY, AND EMOTIONALLY.

I URGE YOU TO HELP RESTORE SOME OF THE TRUST LOST AND PROTECT ALL THE CITIZENS IN THE UNITED STATES BY NEVER ALLOWING THIS TO HAPPEN AGAIN. WE NEED THIS TO HAPPEN NOW; NOT 10 YEARS FROM NOW. THANK YOU.

Jason Chaffetz:

THANK YOU. (APPLAUSE) AGAIN, THANK YOU FOR THE TESTIMONY. WE'LL NOW RECOGNIZE THE GENTLEMAN FROM MICHIGAN, MR. WALBERG, FOR FIVE MINUTES.

Tim Walberg:

THANK YOU, MR. CHAIRMAN. AND THANKS TO THE PANEL. YOU ARE A – YOU ARE A GOOD PANEL TO HAVE IN FRONT OF US TO START THIS INVESTIGATION HERE AT THIS LEVEL.

MR. BEAUVAIS, IN HIS TESTIMONY DIRECTOR CREAGH NOTED AN E-MAIL FROM THE EPA TO MDEQ IN RESPONSE TO THE RELEASE OF MIGUEL DEL TORAL'S JUNE 24, 2015, MEMO STATING – AND THIS IS THE EPA E-MAIL THAT I QUOTE FROM.

QUOTE -- I WANT TO REMIND YOU THAT MIGUEL'S REPORT HAD DEQ CC'D. SO IF THE LEGISLATURE OR WHOEVER MIGHT SAY YOU WERE ALL CC'D, YOU CAN TRUTHFULLY RESPOND THAT IT WAS EPA'S REQUEST THAT THE REPORT NOT BE SENT TO THE CCS. CONSEQUENTLY, YOU-ALL NEVER RECEIVED THE REPORT FROM MIGUEL.

MR. BEAUVAIS, WHO SENT THAT E-MAIL AND WHY WOULD THE EPA TELL MDEQ THAT THEY NEVER RECEIVED A REQUEST – A REPORT WHICH IDENTIFIED THE LACK OF CORROSIVE CONTROLS IN PLACE?

Joel Beauvais:

MY UNDERSTANDING IS THAT THE E-MAIL TO WHICH YOU'RE REFERRING WAS FROM A STAFFER IN REGION FIVE, THE NAME JENNIFER CROOKS. I HAVE SEEN THE E-MAIL. I DO NOT KNOW WHY THAT E-MAIL WAS SENT.

Tim Walberg:

IS THERE --- HAS THERE BEEN A CHECK TO SEE WHY THE E-MAIL WAS SENT FROM ANYBODY?

Joel Beauvais:

WE ARE LOOKING INTO THAT AND THE ADMINISTRATOR HAS ASKED THE INSPECTOR GENERAL TO UNDERTAKE AN EVALUATION AND ASSESSMENT AND AN INDEPENDENT REVIEW OF WHAT HAPPENED HERE. WE NEED TO GET TO THE BOTTOM OF THAT AND ALL OF THE OTHER FACTS.

Tim Walberg:

WAS MIGUEL DEL TORAL PUNISHED FOR RELEASING THIS INTERIM MEMO?

Joel Beauvais:

I AM NOT AWARE OF ANY PUNISHMENT OF MR. DEL TORAL. MR. DEL TORAL IS A VALUED MEMBER OF EPA'S TEAM. HE IS A NATIONALLY RECOGNIZED EXPERT IN THIS AREA.

Tim Walberg:

HE'S NOT LISTENED TO.

Joel Beauvais:

MR. DEL TORAL HAS SPOKEN RECENTLY TO THE MEDIA. I BELIEVE THAT HE HAS ALSO BRIEFED THE STAFF OF THIS COMMITTEE. AND I AM NOT AWARE OF ANY –

Tim Walberg:

MR. EDWARDS, DO YOU BELIEVE MR. DEL TORAL WAS PUNISHED BY THE EPA?

Marc Edwards:

NOT IN WRITING.

Tim Walberg:

MICROPHONE.

Marc Edwards:

NOT IN WRITING. BUT THE WAY EPA OPERATES, IN GENERAL, IS THAT PEOPLE WHO ARE CAUSING TROUBLE BY DOING THEIR JOB ARE SIMPLY NOT ALLOWED TO DO THEIR JOB, THEIR ASSIGNMENTS, AS MR. DEL TORAL WAS. HE WAS TOLD, AS LEEANN SAID, BY THE ETHICS OFFICER AT EPA NOT TO SPEAK TO ANYONE FROM FLINT OR ABOUT FLINT. HE TOLD ME THAT HIMSELF BEFORE HE WAS UNABLE TO TALK TO ME ANYMORE.

Tim Walberg:

MR. EDWARDS, OR DR. EDWARDS, DO YOU BELIEVE THE EPA IS AWARE OF LOCAL MUNICIPALITIES THAT ARE NOT FOLLOWING THE TESTING REQUIREMENT UNDER THE LEAD AND COPPER RULE?

Marc Edwards:

YES. I THINK THE EPA, IN GENERAL, CASTS A BLIND EYE ON THESE MUNICIPALITIES WHO ARE NOT FOLLOWING.

Tim Walberg:

EVEN BEYOND FLINT.

Marc Edwards:

YES, ABSOLUTELY.

Tim Walberg:

A BLIND EYE –

Marc Edwards:

WELL, FOR EXAMPLE, IN DURHAM, NORTH CAROLINA, IN 2008, CHILDREN WERE LEAD POISONED AS A RESULT OF A SAMPLING PROTOCOL WHERE YOU REMOVE THE AERATOR THE NIGHT BEFORE SAMPLING TO CLEAN THE LEAD OUT. SO WHEN YOU MEASURE THE LEAD THE NEXT DAY, THE LEAD IN WATER LOOKS LOWER THAN IT NORMALLY IS. EPA WROTE A MEMO THAT ESSENTIALLY BANNED THAT PROTOCOL. BUT THEY KNOW, AS WE SPEAK TODAY, WATER UTILITIES STILL USE THAT PROTOCOL, EVEN AFTER IT WAS BANNED AND CAUSED LEAD POISONING OF CHILDREN IN DURHAM. IT'S EXTREMELY FRUSTRATING.

Tim Walberg:

THEIR RESPONSE, WOULD YOU CONCLUDE, IS BECAUSE OF A LACK OF CLARITY IN THE REGULATIONS OR A LACK OF ENFORCEMENT OR BOTH?

Marc Edwards:

IN A WRITTEN LETTER I WROTE TO EP OFFICE OF WATER, I SAID POINTBLANK THAT THE ONLY THING I CAN CONCLUDE IS THAT THEY DON'T CARE ABOUT CHILDREN LEAD POISONED FROM DRINKING WATER.

Tim Walberg:

WHY DO YOU THINK THE EPA HAS THIS PROBLEM? I MEAN, THAT'S A PRETTY STRONG STATEMENT. AND I GUESS WE'LL LOOK FOR FURTHER TESTIMONY. BUT WHY DID – WHY DOES EPA HAVE THIS PROBLEM?

Marc Edwards:

YOU WOULD HAVE TO ASK THEM WHY THEY REFUSE TO DO THE JOB THEY'RE PAID TO DO.

Tim Walberg:

DO YOU BELIEVE THEY'RE VIOLATING THE LAW?

Marc Edwards:

I BELIEVE THAT THEY ARE NOT ENFORCING THE LAW, THEY'RE NOT ENFORCING THEIR OWN POLICIES. AND THEY'VE CREATED THIS ENVIRONMENT IN WHICH, BASICALLY, ANYTHING GOES.

Tim Walberg:

AND THIS IS HAS ITSELF VERY CLEARLY MANIFESTED ITSELF IN FLINT.

Marc Edwards:

YES, IT -- MOST OBVIOUSLY IN FLINT DUE TO THE UNIQUE CIRCUMSTANCES, THE MIRACLE OF OUTSIDERS, IN SPITE OF THE SYSTEM, SHOWING THAT THIS PROBLEM OCCURRED. HAD IT NOT BEEN FOR PEOPLE COMPLETELY OUTSIDE THE SYSTEM, THOSE CHILDREN IN FLINT WOULD STILL BE DRINKING THAT WATER TO THIS DAY. THAT IS A FACT.

Tim Walberg:

HAVING MORE QUESTIONS BUT SEEING MY TIME HAS EXPIRED, I YIELD BACK.

Jason Chaffetz:

THANK THE GENTLEMAN. I'LL REMIND THE COMMITTEE THAT WE HAD A HEARING HERE IN JULY ABOUT REGION FIVE, ABOUT SUSAN HEDMAN. WE HAD THREE WHISTLEBLOWERS SAYING THAT PEOPLE WERE BEING RETALIATED AGAINST FOR BRINGING COMPLAINTS BEFORE – BEFORE THAT

REGION. AND IT'S SO FRUSTRATING THAT THAT WAS NOT DEALT WITH WHEN IT WAS BROUGHT UP. IT SHOULD HAVE NEVER HAPPENED IN THE FIRST PLACE. AND IT OBVIOUSLY CONTINUED BECAUSE SHE JUST RETIRED ON MONDAY.

Elijah Cummings:

JUST VERY BRIEFLY, MR. CHAIRMAN. BACK ON THAT HEARING, IF YOU'LL REGARD, IN A BIPARTISAN WAY, WE MADE IT CLEAR THAT WE WOULD NOT TOLERATE RETALIATION, NOBODY ON THESE PANELS WOULD TOLERATE THAT. AND IT'S BEEN OUR POLICY. AND AS WE LOOK AT THESE DEPOSITIONS THAT THE CHAIRMAN IS PLANNING TO DO, WE MAY WANT TO LOOK TO MAKE SURE THAT WE GET TO THE BOTTOM OF THAT. I KNOW THE AG'S WAS LOOKING AT IT. I KNOW THE FBI IS LOOKING AT IT. BUT, YOU KNOW, PERHAPS WE MIGHT WANT TO CONSIDER THAT.

Jason Chaffetz:

AND I WOULD CONCUR. I WOULD ENCOURAGE PEOPLE, IF THEY FEEL RETALIATED AGAINST FOR TELLING THE TRUTH AND EXPOSING THE REALITY OF WHAT HAPPENED, COME TALK TO US, BOTH SIDES OF THE AISLE. THERE IS NO WAY WE ARE GOING TO STAND FOR THAT. WE'RE GOING TO HAVE YOUR BACK. AND WE'RE GOING TO MAKE SURE THAT THE TRUTH GETS OUT THERE. YOU SHOULD NOT BE RETALIATED. THERE ARE WHISTLEBLOWER PROTECTIONS IN PLACE FOR SHARING INFORMATION WITH CONGRESS. IT'S VITAL FOR US FOR DOING OUR JOBS. AND, PLEASE, PASS THAT – PASS THAT WORD ALONG.

WE'LL NOW RECOGNIZE THE GENTLEWOMEN FROM MICHIGAN, MS. LAWRENCE, FOR FIVE MINUTES.

Brenda Lawrence:

THANK YOU. MR. CREAGH, ON JANUARY 29, RANKING MEMBER CUMMINGS AND MYSELF SENT TO GOVERNOR SNYDER A DETAILED DOCUMENT REQUEST. AS OF THIS MORNING THE COMMITTEE HAS NOT RECEIVED ANY RESPONSE FROM THE GOVERNOR. SINCE THIS REQUEST COVERS YOUR AGENCY, CAN YOU TELL THE COMMITTEE WHAT STEPS HAVE BEEN TAKEN TO COLLECT THESE DOCUMENTS AND WHEN WILL WE GET THEM?

Keith Creagh:

I AM AWARE OF THE LETTER. I BELIEVE THERE'S A FEBRUARY 11TH DATE. AND I'M AWARE THAT THE GOVERNOR'S OFFICE IS REVIEWING THAT DOCUMENT.

Brenda Lawrence:

I HAVE A QUESTION ABOUT THIS ISSUE OF PRIMACY. CAN YOU EXPLAIN IN THE STATE OF MICHIGAN WHAT EXACTLY IS THE ROLE OF THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY? ONCE ADVISED BY EPA, WHICH DID HAPPEN IN THIS SITUATION, WHAT IS THE RESPONSIBILITY OF MICHIGAN, BASED ON THE STATE OF MICHIGAN'S LAW?

Keith Creagh:

SO THE STATE OF MICHIGAN HAS ENACTED COROLLARY STATUTES THAT MIRROR THE SAFE DRINKING WATER ACT THAT ALLOW US TO ENFORCE LAWS IN THE STATE OF MICHIGAN. WE HAVE PRIMACY FOR ENFORCING THE LEAD AND COPPER RULE IN THE SAFE DRINKING WATER ACT. AND AS I SAID IN MY TESTIMONY, THE U.S. EPA SETS THE STANDARDS, OVERSEES THE PROGRAM, AND CONDUCTS YEARLY AUDITS.

Brenda Lawrence:

SO WITH – WITH THE LAW AND YOUR RESPONSIBILITY, YOU'RE NOW IN THE POSITION. WHAT FAILED IN ENACTING THE LAW? AND CAN YOU EXPLAIN TO ME WHY A RESPONSE TO EPA ON THE FEBRUARY 26TH ADVISING THE STATE OF MICHIGAN THAT THERE WAS LEAD OR HIGH LEVELS OF CORROSION IN THE FLINT WATER?

Keith Creagh:

IT'S THE QUESTION OF THE DAY. AND THAT'S WHAT MANY OF THE AUDITORS AND REVIEWS WILL HAVE IS, WHO MADE WHAT DECISION WHEN. AND THAT'S WHEN I SAID WE NEEDED TO HAVE A THOROUGH INVESTIGATION.

AS I MENTIONED IN MY TESTIMONY, THE CITY RUNS THE PLANT. THEY CERTIFY THAT THE SAMPLES ARE CONSISTENT WITH THE LEAD AND COPPER RULE. WE OVERSEE THAT. AND THEN WE WORK WITH EPA ON STANDARDS AND CONVERSATIONS.

Brenda Lawrence:

SO ARE YOU SAYING THE CITY IS RESPONSIBLE FOR NOT RESPONDING? BECAUSE IF I FOLLOW THE INFORMATION, IT WENT – CAME FROM EPA DIRECTLY TO THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY ADVISING YOU ABOUT THE FLINT WATER.

Keith Creagh:

IF I COULD, I'D SAY IT DIFFERENTLY. WE ALL SHARE RESPONSIBILITY IN THE FLINT WATER CRISIS, WHETHER IT'S THE CITY, THE STATE, OR THE FEDERAL GOVERNMENT. WE ALL LET THE CITIZENS OF FLINT DOWN. AND THAT'S WHAT THE COMMITMENT IS, IS TO MAKE SURE THAT WE SOLVE THAT PROBLEM.

YOU HEARD DR. EDWARDS TALK ABOUT THE LEAD AND COPPER RULE. THE CITIZENS OF FLINT SHOULD NOT HAVE TO WORRY ABOUT THE LEAD AND COPPER RULE. THEY SHOULD HAVE FRESH, SAFE DRINKING WATER.

Brenda Lawrence:

YOU'RE NEW – YOU'RE NEW IN THE POSITION. AND WE HAVE HEARD, CLEARLY, THERE'S SOME ISSUES WITH EPA. WHAT ARE YOU DOING IN THE STATE OF MICHIGAN TO RESPOND TO THIS? WHAT ARE THE IMPROVEMENTS AND WHAT ARE YOU DOING?

Keith Creagh:

THANK YOU – THANK YOU FOR THAT QUESTION. SO FIRST AND FOREMOST, AS YOU KNOW, THERE IS EPA'S WATER TASK FORCE. I HAVE WEEKLY CALLS WITH THE BOB KAPLAN WHO'S THE INTERIM REGIONAL ADMINISTRATOR FOR THE U.S. EPA. OUR COMMITMENT IS, THERE IS NO DIFFERENCE OF OPINION ON REGULATION AND/OR IMPLEMENTATION.

I MEET WEEKLY WITH MAYOR WEAVER AND THE WATER TREATMENT FACILITY OPERATOR TO MAKE SURE THAT WE ARE, ONCE AGAIN, IN LOCKSTEP FOR ANY IMPLEMENTATION. WE HAVE IMPLEMENTED THE -- AND HAVE CONVERSATIONS. I VISITED WITH MIGUEL A COUPLE TIMES ALREADY SINCE I'VE BEEN THERE, TALKING ABOUT THE EPA WATER TASK FORCE TO MAKE SURE WE GET IT RIGHT. IT'S A VERY COMPLEX ISSUE TO GET IT RIGHT.

Brenda Lawrence:

I WANT TO BE CLEAR. WHEN YOU SAY, "IT'S THE QUESTION OF THE DAY," BECAUSE WHEN – THIS IS THE RESPONSE. "THE STATE DEQ IS PERPLEXED BY EDWARDS' RESULTS, AS IT SEEMS TO BE BY THE CITY'S TEST RESULTS. THIS GROUP SPECIALIZES IN LOOKING FOR HIGH LEAD PROBLEMS." AND WE KEEP SAYING, "IT'S THE QUESTION OF THE DAY." HAS ANYBODY BEEN HELD ACCOUNTABLE?

Keith Creagh:

YES. THERE'S ACCOUNTABILITY THROUGHOUT THE SYSTEM. AS YOU KNOW, THERE'S BEEN SOME CHANGES AT THE DEQ. THERE'S BEEN SUSPENSIONS AT THE DEQ. AND EVERYONE DESERVES DUE PROCESS.

Brenda Lawrence:

SO MY QUESTION IS, IF IT'S THE QUESTION OF THE DAY, YOU ARE, OBVIOUSLY, HOLDING SOME PEOPLE ACCOUNTABLE. YOU SHOULD KNOW WHAT HAPPENED. AND IT SHOULD MOVE FROM BEING A QUESTION TO ACTUALLY DOCUMENTING. BECAUSE HOW CAN YOU DISCIPLINE SOMEONE OR HOLD THEM ACCOUNTABLE, IF YOU DO NOT HAVE CLEAR INFORMATION OF FAILURE OF THEIR JOB?

Keith Creagh:

I APPRECIATE THAT QUESTION. AND WE DO HAVE CLEAR STANDARDS. WE HAVE CLEAR ACCOUNTABILITIES. WE HAVE A CLEAR PATH FORWARD. WE ARE WORKING IN CONJUNCTION WITH BOTH THE CITY, THE STATE, AND THE FEDERAL GOVERNMENT TO RESOLVE THIS SO IT DOES NOT HAPPEN AGAIN.

Brenda Lawrence:

I THINK I'M GOING TO HEAR THAT A COUPLE OF TIMES TODAY. I WANT TO SAY THANK YOU TO MS. WALTERS. YOU BEING HERE TODAY, YOUR PASSION GOING ABOVE AND BEYOND THE AMAZING JOB THAT YOU HAVE AS A PARENT, AND YOUR CONSISTENT COMMITMENT, I WANT TO THANK YOU.

I SAW YOU TAKING SOME BREATHS DURING YOUR TESTIMONY, BECAUSE THIS IS, OBVIOUSLY, MORE THAN JUST A TESTAMENT. THIS IS YOUR LIFE AND THESE ARE YOUR CHILDREN. SO I JUST WANT TO THANK YOU FOR BEING HERE.

Jason Chaffetz:

THANK THE GENTLEWOMAN. WE'LL NOW RECOGNIZE THE GENTLEMAN FROM MICHIGAN, MR. AMASH, FOR FIVE MINUTES.

Justin Amash:

THANK YOU, MR. CHAIRMAN, AND THANK YOU TO THE PANEL. IT IS OUTRAGEOUS THAT THIS SORT OF GOVERNMENT-MADE CATASTROPHE WOULD HAPPEN ANYWHERE IN THE UNITED STATES. AND I AGREE WITH MY DEMOCRATIC COLLEAGUES THAT WE NEED AN INDEPENDENT, NONPARTISAN INVESTIGATION. THE STATE OF MICHIGAN NEEDS TO PROVIDE COMPREHENSIVE ASSISTANCE TO THE PEOPLE OF FLINT. AND THE STATE HAS THE RESOURCES. I CAN ASSURE YOU THAT, AS A FORMER STATE LEGISLATOR.

THE STATE SPENDS \$33 MILLION ON THE PURE MICHIGAN AD CAMPAIGN, YET HAS PROVIDED ONLY \$28 MILLION TO MAKE SURE THAT THE PEOPLE OF FLINT HAVE PURE WATER. SO THE STATE HAS THE RESOURCES; THE STATE NEEDS TO MAKE IT RIGHT.

I'VE NEVER LIKED THE EMERGENCY MANAGER LAW. IT TAKES POWER AWAY FROM THE PEOPLE OF THE COMMUNITY. IT IS DISAPPOINTING THAT FORMER EMERGENCY MANAGER EARLEY HAD HIS ATTORNEY TELL US, WHEN HE RECEIVED THE SUBPOENA FOR HIS ATTENDANCE HERE, THAT IT BORDERS ON NONSENSICAL TO ACCEPT THAT SUBPOENA TO COME HERE. NOW, WHAT'S NONSENSICAL, WHAT'S DISAPPOINTING, IS THAT ONE OF THE PEOPLE WHO IS PROBABLY MOST CULPABLE FOR THIS SITUATION WON'T TAKE RESPONSIBILITY FOR IT. AND I THINK HE NEEDS TO APPEAR HERE. AND I WOULD LIKE TO HAVE SOME MORE PEOPLE HERE. AND IT'S UNFORTUNATE THAT, WHILE THIS IS AN ESTEEMED PANEL, THAT WE ONLY HAVE THE FOUR OF YOU.

SO MY FIRST QUESTION IS FOR MR. CREAGH. AND MS. LAWRENCE TOUCHED ON THIS. WHAT ROLE DOES THE MICHIGAN DEQ HAVE IN IMPLEMENTING AND ENFORCING SAFE DRINKING WATER STANDARDS? I JUST WANT TO GET TO THE BOTTOM OF IT. IS IT THE PRIMARY ROLE?

Keith Creagh:

YES. WE HAVE THE PRIMARY ROLE TO OVERSEE COMPLIANCE WITH THE SAFE DRINKING WATER ACT AND THE LEAD AND COPPER RULE.

Justin Amash:

WHAT ROLE DOES THE MICHIGAN DEQ HAVE IN THE PROCES OF BRINGING A WATER TREATMENT PLAN BACK ONLINE? IT'S MY UNDERSTANDING THAT THE FLINT TREATMENT PLANT WAS OFF-LINE FOR A LONG PERIOD OF TIME.

Keith Creagh:

ACTUALLY, THE FLINT TREATMENT PLANT HAS A LONG HISTORY. IT WAS A PRIMARY SOURCE, I BELIEVE, BEFORE 1967. I THINK IT'S BEEN IN EXISTENCE SINCE 1903. I THINK IT'S BEEN A BACKUP. I THINK IT'S TESTED ON A QUARTERLY BASIS TO ENSURE IT MEETS SAFE DRINKING WATER STANDARDS. AND SO IT'S GONE FROM A BACKUP TO A PRIMARY. ACTUALLY, STATE LAW DOES NOT REQUIRE ADDITIONAL PERMITS FOR THAT TO OCCUR IN AND OF ITSELF.

Justin Amash:

SO WHAT ROLE DOES THE DEQ HAVE -- THE MICHIGAN DEQ HAVE IN THAT PROCESS OF BRING IT BACK ONLINE?

Keith Creagh:

THEY WOULD APPLY TO US TO GET PERMITS FOR MODIFICATIONS TO THE PLANT.

Justin Amash:

AND WHEN A CITY DECIDES TO CHANGE ITS WATER SOURCE, HOW INVOLVED IS THE MICHIGAN DEQ?

Keith Creagh:

I THINK IT'S BEEN -- AS I MENTIONED, IT'S HIGHLY UNUSUAL ACROSS THIS COUNTRY TO GO FROM ONE WATER SOURCE TO ANOTHER. AND SO THE RIGOR SHOULD HAVE BEEN MORE WHEN THE WATER SOURCE CHANGED.

Justin Amash:

MY NEXT QUESTION IS FOR PROFESSOR EDWARDS. WE KNOW THAT NOT ENOUGH PHOSPHATES WERE ADDED TO THE WATER TO MAKE IT LESS CORROSIVE. WHAT IS THE COST OF TREATING THE WATER WITH THE APPROPRIATE AMOUNT OF PHOSPHATES?

Marc Edwards:

WHEN THE SWITCH WAS MADE, THERE WAS ACTUALLY NO PHOSPHATE ADDED AT ALL. THERE WAS NO CORROSION CONTROL. FEDERAL LAW WAS NOT FOLLOWED.

Justin Amash:

NO PHOSPHATES AT ALL.

Marc Edwards:

NOTHING. HAD THEY – HAD THEY DONE THE MINIMUM ALLOWABLE UNDER THE LAW, WHICH WOULD HAVE BEEN TO CONTINUE THE PHOSPHATE DOSING, WHICH WOULD HAVE BEEN IN DETROIT WATER, IT WOULD'VE COST \$8,200 A DAY.

Justin Amash:

DO YOU KNOW WHY OR WHY DO YOU THINK NO PHOSPHATES WERE ADDED? ISN'T THAT A NORMAL STEP YOU TAKE IF YOU'RE RUNNING A FACILITY?

Marc Edwards:

IT'S THE LAW. YOU HAVE TO HAVE A CORROSION CONTROL PLAN. AND THAT'S – THAT'S WHY WE HAVE THE LAW. THIS DISASTER WOULD NOT HAVE OCCURRED IF THE PHOSPHATE HAD BEEN ADDED. AND THAT INCLUDES, YOU KNOW, THE LEGIONELLA LIKELY OUTBREAK, THE RED WATER THAT YOU SEE, THE LEAKS OF THE PLUMBING SYSTEM.

IN GENERAL, CORROSION CONTROL, FOR EVERY DOLLAR YOU SPEND ON IT, YOU SAVE \$10. BUT IN THE FLINT SITUATION, FOR EVERY DOLLAR THEY WOULD HAVE SPENT ON IT, THEY WOULD HAVE EASILY SAVED \$1,000.

SO MY ONLY EXPLANATION IS THAT IT PROBABLY DID START INNOCENTLY IN THE CHAOS OF THE TURNOVER. AND SOMEONE SIMPLY FORGOT TO FOLLOW THE LAW.

Justin Amash:

AND NOT INCLUDING THE PHOSPHATES IS A PROBLEM, REGARDLESS OF THE WATER SOURCE, THE FLINT RIVER OR SOME OTHER WATER SOURCE?

Marc Edwards:

WELL, YOU DON'T HAVE TO USE PHOSPHATE. THERE ARE ALTERNATIVE APPROACHES THAT ONE CAN USE, INCLUDING PH AND ALKALINITY ADJUSTMENT. BUT THE KEY POINT IS THAT YOU HAVE TO HAVE A PLAN AND YOU'RE SUPPOSED TO BE OPTIMIZING IT TO MAKE SURE THAT YOU'RE PROTECTING YOUR PIPES, YOU'RE PROTECTING YOUR PEOPLE.

Justin Amash:

AND IF YOU STARTED TO SEND THESE PHOSPHATES OR OTHER CHEMICALS THROUGH THE WATER TO FIX THE PROBLEM, HOW LONG WOULD IT TAKE?

Marc Edwards:

WELL, IT'S QUITE LIKELY THAT RIGHT NOW, EVEN AFTER A FEW MONTHS OF PHOSPHATE DOSING, THAT THE CODING HAS BEEN LARGELY RESTORED. AND IF A FEDERALLY APPROVED LEAD AND COPPER SAMPLING WAS DONE TODAY, THERE'S A PRETTY GOOD CHANCE THAT FLINT WOULD PASS. I CAN'T SAY.

BUT UNTIL THEY ACTUALLY DO THAT TESTING, WE HAVE TO ERR ON THE SIDE OF CAUTION AND ASSUME THAT THE WATER IS NOT SAFE TO DRINK. FLINT HAS NEVER DONE A LEAD AND COPPER TESTING ACCORDING TO FEDERAL REGULATIONS, LIKE MANY CITIES ACROSS THE UNITED STATES. AND THE REASON IS, THEY NEVER DID THE FIRST STEP THAT WAS REQUIRED UNDER THE RULE IN 1997, WHICH IS TO IDENTIFY HIGH-RISK HOMES FROM WHICH YOU HAVE TO SAMPLE. WHAT'S BECOME CLEAR IN FLINT IS THEY'VE NEVER FOLLOWED THAT FIRST STEP AND, FRANKLY, ALL OF THEIR PRIOR SAMPLING RESULTS ARE INVALID.

Justin Amash:

THANKS FOR YOUR TESTIMONY. MY TIME'S EXPIRED.

Jason Chaffetz:

THANK THE GENTLEMAN. NOW RECOGNIZE MS. – MS. NORTON FROM WASHINGTON DC.

Eleanor Norton:

THANK YOU VERY MUCH, MR. CHAIRMAN. AND I THANK YOU FOR PROMPTLY CONVENING THIS HEARING.

MS. WALTERS, THERE IS ONLY ONE HERO IN THIS EPISODE, AND IT TURNS OUT TO BE A CITIZEN. SO ON BEHALF OF THOSE OF US ON THIS PANEL, AND I'M SURE THE CITIZENS OF FLINT, I CAN ONLY THANK YOU. IN OUR CASE IT WAS THE WASHINGTON POST.

AND I SHOULD INDICATE WHAT THE POINT OF MY QUESTIONS ARE. THIS REALLY SHOULD BE A PROBLEM-SOLVING EXERCISE. BLAME IS PRETTY CLEAR. THE VERDICT IS IN. THE RESPONSIBILITY OF EPA, GOING BACK TO THE CRISIS IN THE NATION'S CAPITAL AND NOW IN FLINT AND HEAVEN KNOWS IN THE STATE, I THINK HAS EVEN TO BE ADMITTED.

I WANT TO ALERT MY COLLEAGUES OF THE NATIONAL IMPLICATIONS OF THIS HEARING. BECAUSE IF A HIGH-PROFILE LEAD EPISODE IN THE NATION'S CAPITAL DIDN'T ALERT PEOPLE IN 2000, SURELY THIS IS THE TIME FOR EACH OF US TO INQUIRE OF THE APPROPRIATE AUTHORITIES IF THEY ARE ENGAGING IN SOME OF THE TESTS THAT WE HAVE JUST HEARD DESCRIBED HERE.

IN THE DISTRICT THERE WERE LATE-TERM MISCARRIAGES AND SPONTANEOUS ABORTIONS AFTER AN UNUSUALLY HIGH RATE OF LEAD WAS FOUND IN THE WATER BETWEEN 2000 AND 2003. WHEN A CORROSION CONTROL SUBSTANCE WAS ADDED TO THE WATER, MISCARRIAGES AND SPONTANEOUS ABORTIONS REVERTED TO THE NORMAL RATE.

OURS WAS SOMEWHAT DIFFERENT. WE'VE HEARD HERE ABOUT PRE-FLUSHING. MR. BEAUVAIS SAYS, OR AT LEAST I UNDERSTAND FROM THE TESTIMONY, THAT THERE IS A RULE THAT SAYS YOU CAN'T PRE-FLUSH. BUT, OF COURSE, THE EPA DOESN'T KNOW IF PEOPLE ARE PREFLUSHING AT ALL. AND THEY WERE PREFLUSHING. IN FLINT – AND JUST TO INDICATE WHAT PREFLUSHING MEANS – YOU'RE FLUSHING AWAY THE LEAD, THEN YOU TEST. WHY? THAT IS A DELIBERATE, CLOSE-TO-CRIMINAL ACT.

MR. BEAUVAIS, IS THERE MONITORING OF PRE-FLUSHING? JUST THAT ONE NOTION. I DON'T MEAN THAT YOU GO INTO EVERY JURISDICTION. I MEAN THE KIND OF SCIENTIFIC MONITORING THAT LET'S YOU KNOW WHETHER PRE-FLUSHING IS GOING ON BY THE EPA.

Joel Beauvais:

THE EPA TASK FORCE IN FLINT HAS PROVIDED CLEAR GUIDANCE TO THE MDEQ.

Eleanor Norton:

DO YOU MONITOR WHETHER OR NOT AS THIS MOMENT PREFLUSHING IS GOING ON IN JURISDICTIONS, FOR EXAMPLE, THAT MY COLLEAGUES REPRESENT?

Joel Beauvais:

PRESTAGNATION FLUSHING IS A CONCERN THAT DR. EDWARDS AND OTHERS HAVE BROUGHT TO OUR CONCERN. AND IT'S SOMETHING WE ARE LOOKING CLOSELY AT RIGHT NOW IN OUR OVERSIGHT ACTIVITES ACROSS THE COUNTRY.

Eleanor Norton:

SO THE ANSWER IS NO. SO WATCH OUT EVERYBODY. WHEN YOU ARE TOLD THERE IS NO LEAD IN YOUR WATER, THEY COULD BE PRE-FLUSHING, BECAUSE NOBODY IS LOOKING TO SEE WHETHER PRE-FLUSHING IS GOING ON.

MR.CREIGH, YOU DO CONCEDE FALLS AND YOU WEREN'T THERE AT THE TIME. BUT THEN YOU GO BACK TO THE LEAD AND COPPER RULE. AND YOUTALK ABOUT EPA AND ITS URGENCY. THE ONLY OFFICIAL THAT HAS BEEN CITED HERE FOR – FOR UNDERSTANNG THAT THERE WAS A PROBLEM WAS MR. DEL TORAL OF THE EPA. SO I CAN UNDERSTAND THAT THERE WAS NO CONSENSUS ON THE LEAD AND COPPER RULE.

BUT LET'S LOOK AT THE COMMON SENSE WAY THAT CORROSION IS CONTROLLED, I'LL TELL YOU NOT ONLY IN THE DISTRICT OF COLUMBIA BUT I'M SURE ALL OVER THE UNITED STATES. YOU ARE NOT ASSERTING, ARE YOU, MR. CREAGH, THAT YOU NEEDED TO SOMEHOW GET A CONSENSUS – IN YOUR TESTIMONY YOU USED THE WORD "CONSENSUS" ON THE LEAD AND COPPER RULE -- BEFORE DECIDING TO USE CORROSION CONTROL WHEN YOU CHANGE SOURCES OF WATER?

Keith Creagh:

I AM NOT.

Eleanor Norton:

COULD I ASK YOU THIS? WE KNOW THAT THIS IS A BILLION-DOLLAR PROBLEM IF YOU GO TO CHANGING EVERYBODY'S LEAD PIPES. IN THE DISTRICT WE HAD THIS TERRIBLE SITUATION WHERE PEOPLE ACTUALLY WENT TO THE TROUBLE OF CHANGING THE LEAD PIPES IN THEIR OWN HOME, AND IT MADE THE LEAD WORSE BECAUSE, UNLESS THE CITY DEALS WITH THE LEAD PIPES GOING FROM YOUR HOME, THEN NOT ONLY DOES THAT NOT CURE THE PROBLEM, IT MAKES THE PROBLEM WORSE. SO WATCH OUT FOR CHANGING THE LEAD PIPES.

ALL OVER THE UNITED STATES OF AMERICA, YOUR PIPES ARE FULL OF LEAD. NEITHER THE FEDERAL GOVERNMENT NOR YOUR STATE – THE FEDERAL GOVERNMENT SHOULD HAVE BEEN PRESSING THIS, SHOULD HAVE BEEN GIVING MONEY FOR THIS. YOU SHOULD HAVE BEEN ADDING MONEY OF YOUR OWN TO CHANGE PIPES OR TO USE CONTROL. THAT IS A PROBLEM IN OUR ANCIENT WATER SYSTEM.

SO I WANT TO KNOW HOW TO GET A QUICK FIX NOW. THESE PEOPLE ARE NOT GOING TO REMOVE THEMSELVES FROM FLINT. THEY CAN'T SELL THEIR HOMES NOW. NOBODY WANTS TO COME TO FLINT, AN ALREADY TROUBLED AREA. LET'S LOOK AT – MR. CREAGH, LET'S LOOK AT CORROSION CONTROL. THAT WAS THE ADDITION OF A SUBSTANCE. THAT'S HOW IT'S DONE IN THE UNITED STATES. THEY ARE NOT YANKING OUT EVERY PIPE. THEY ARE USING THE SUBSTANCE.

ARE YOU COMMITTED TO USING THIS SUBSTANCE? WHAT IS THE COST OF THIS SUBSTANCE? AND HOW EARLY CAN THIS CHEMICAL TO CONTROL THE LEAD, TO KEEP IT FROM LEECHING INTO THE WATER BE INSERTED INTO THE WATER SUPPLY? MAY I GET A DIRECT ANSWER TO THAT QUESTION?

Keith Creagh:

YES. THAT ACTUALLY WAS – THE ADDITIONAL PHOSPHATE WAS ADDED ON DECEMBER 9 TO INCREASE THE POTENTIAL TO PHOSPHATE THOSE PIPES. THAT'S IN PROGRESS AND BEING DONE.

Eleanor Norton:

IS THE WATER NOW SAFE TO DRINK?

Keith Creagh:

WE CANNOT GUARANTEE AT THIS POINT IN TIME THE WATER IS SAFE TO DRINK. SO IF YOU COULD, MR. CHAIRMAN, COULD I --

Jason Chaffetz:

SURE.

Keith Creagh:

--ELABORATE JUST A LITTLE BIT?

Jason Chaffetz:

THE GENTLEWOMAN'S TIME HAS EXPIRED, BUT PLEASE ANSWER THE QUESTION.

Keith Creagh:

YES. SO WE'VE MAPPED THE PARCELS IN FLINT THAT WE KNOW OF. THERE'S 56,000 PARCELS. WE'VE PUT THEM ON THE -- ON A GIS DATABASE, IF YOU WILL, TO DR. EDWARDS' POINT. THERE IS UNCERTAINTY AS TO WHERE THERE'S LEAD COPPER -- WHERE THERE'S LEAD SERVICE LINES. OUT OF 30,000 KNOWN, THERE IS PURPORTED TO BE 5200 OF THOSE.

SO WHAT WE'RE DOING IS WE'RE OVERLAYING THAT INFORMATION AND ALSO THE INFORMATION WHEN I WAS GOING DOOR-TO-DOOR KNOCKING ON DOORS AND TALKING TO INDIVIDUALS. THOSE THAT WOULD BE WILLING TO BE PART OF A SAMPLE FOR THEM PUTTING THREE-PERSON TEAMS IN THOSE HOMES OF THE PLUMBER, A -- SOMEONE WHO CAN ACTUALLY ADDRESS HOW DO YOU TAKE A SAMPLE SO YOU DON'T PREFLUSH, SO IT'S STAGNANT, SO IT'S A WIDE-MOUTH BOTTLE, SO THAT YOU PICK THEM UP ON A ROUTINE BASIS AND A RECORDER SO THAT WE CAN DO THAT. AND WE'RE WORKING WITH THE EPA TASK FORCE TO SEE WHAT TYPE OF TIME INTERVAL MAKES SENSE BEFORE YOU CAN MAKE THAT DECLARATIVE STATEMENT.

Jason Chaffetz:

THANK THE GENTLEMAN. WE KNOW RECOGNIZE THE GENTLEMAN FROM FLORIDA, MR. MICA, FOR FIVE MINUTES.

John Mica:

THANK YOU, MR. CHAIRMAN. AND IT'S GOOD TO FOLLOW THE GENTLELADY FROM THE DISTRICT, BECAUSE I WAS HERE IN '95 WHEN WE TOOK OVER THE DISTRICT, PUT IN A CONTROL BOARD. AT THAT TIME, IF YOU THINK FLINT IS BAD, THE DISTRICT, THEY HAD HUNDREDS OF BODIES OF INDIGENTS THAT WERE STACKED LIKE CORD THEY COULDN'T BURY. THE KIDS WERE GETTING FROM A VENDOR ONLY CHICKEN AND RICE THAT WERE IN THE DISTRICT'S HERE. THERE WERE 60,000 PEOPLE EMPLOYED BY THE DISTRICT. WE HAD A CRACK-SMOKING MAYOR. WE HAD ABOUT A HALF A BILLION DOLLAR – RUNNING ABOUT A HALF A BILLION DOLLAR DEFICIT. YOU DON'T HAVE THE FEDERAL GOVERNMENT IN FLINT TO TAKE THAT UP. SO FLINT ISN'T BEING PICKED ON.

I REMEMBER WHEN YOU HAD TO BOIL THE WATER. I REMEMBER WHEN THE GENTLELADY SAID THE WATER WAS NOT SAFE TO DRINK IN THIS BUILDING. THEY TAPED THE WATER FOUNTAINS UP. THEY TOLD PEOPLE TO BOIL THE WATER.

NOW, IN GOVERNMENT WE HAVE A FUNDAMENTAL RESPONSIBILITY. AND THAT IS, THIS GLASS OF WATER, THAT'S OUR RESPONSIBILITY TO MAKE SURE THAT WATER IS PURE AND DRINKABLE. JUST FOR MEMBERS INFORMATION, WE CALLED THE SUPERINTENDENT'S OFFICE TO SEE IF THIS IS SAFE. THEY WOULD NOT RELEASE TO ME, A MEMBER OF CONGRESS, THE TESTS HERE IN THE DISTRICT. THE COMMITTEE JUST ASKED THE SUPERINTENDENT TO GIVE US THE INFORMATION FROM THE LAST 15 OR 20 YEARS. BECAUSE I THINK WE HAVE A RIGHT TO KNOW IF I'S SAFE HERE IN THE NATION'S CAPITAL.

I'M TELLING YOU, YOU'RE NOT BEING PICKED ON ALONE. BUT WHEN YOU LOOK AT THIS -- AND THE DISTRICT WAS TAKEN OVER BY A CONTROL BOARD – THERE WASN'T EVEN A LOCAL VOTE -- REPRESENTATIVE KILDEE SAID THERE WAS NO LOCAL DECISION. YEAH. THERE WAS A 7-1 VOTE AS I UNDERSTAND TO LET THIS HAPPEN.

THERE'S REALLY NOTHING WRONG WITH THAT WATER FROM THE FLINT RIVER, WAS THERE, MR. EDWARDS, IF IT WAS PROPERLY TREATED?

Marc Edwards:

IF THE MINIMUM –

John Mica:

AND THE WATER TESTED WHEN IT CAME OUT OF THE PLANT WAS FINE. WHAT HAPPENED WAS THAT FOR – AND THE GENTLEMAN FROM MICHIGAN SAID, FOR LACK OF \$80 TO \$100 A DAY, THAT'S WHAT YOU SAID, WHICH IS ABOUT – LET ME DO THE MATH, IT'S ABOUT \$30,000 A YEAR – AND IT WAS \$15 MILLION WE HEARD CITED BEING CUT OR SOMETHING -- FOR THAT MUCH MONEY, WE POISONED THE KIDS IN FLINT, DIDN'T WE? ISN'T – THAT'S WHAT WE DID.

AND WE HAVE -- SHE WAS PROPERLY TERMED A CITIZEN OR HERO. SHE IS A CITIZEN HERO. SHE STEPPED UP, MS. WALTERS. THANK GOD THAT YOU STEPPED UP AND YOU – YOU PERSISTED. LOOK AT THE TIME FRAME THOUGH. THEY HAD THE OPPORTUNITY TO ACT, TO PUT THE PHOSPHATE IN TO CONTROL THE DEGRADATION OF THE PIPES. THAT WASN'T DONE. SHE ALERTED THEM. AND THAT WAS BACK IN – WHEN DID YOU DO THAT? IN – WHAT MONTH?.

Leeanne Walters:

THAT WAS IN MARCH OF 2015.

John Mica:

2015. AND IT WENT ON AND ON.

Leeanne Walters:

DO YOU KNOW WHY THE PHOSPHATES WERE NOT ADDED?

John Mica:

WHY?

Leeanne Walters:

BECAUSE THEY DID NOT HAVE THE EQUIPMENT AT THE TREATMENT PLANT TO ADD THE PHOSPHATES.

John Mica:

BUT, AGAIN, IT WAS – IT'S A SIMPLE SOLUTION THAT SHOULD'VE BEEN PUT IN PLACE. AND THE STATE OR THE FEDERAL GOVERNMENT – AND YOU GOT BLOWN OFF BY THE LOCALS, RIGHT?

Leeanne Walters:

YES, SIR.

John Mica:

YOU GOT BLOWN OFF BY THE STATE, RIGHT?

Leeanne Walters:

YES, SIR.

John Mica:

THEN YOU WENT TO THE FEDERAL GOVERNMENT, AND THEY FAILED YOU, RIGHT?

Leeanne Walters:

EVERYBODY BUT MR. DEL TORAL, SIR.

John Mica:

YES, EXACTLY. AND IT'S – THIS IS JUST UNACCEPTABLE. WE HAVE A RESPONSIBILITY THAT THESE KIDS – NOW, EVERYBODY HAS TALKED ABOUT BLAME AND ACCOUNTABILITY AND WE SHOULD HOLD THESE PEOPLE ACCOUNTABLE. NOW WE GOT THE KIDS WHO'VE DRUNK THIS WATER AND ARE BATHED IN THIS WATER. EVERY KID IN THAT – IN THAT COMMUNITY SHOULD BE TESTED.

AND THEN IF THERE'S RESIDUAL RESULTS, DON'T YOU THINK THAT WE -- THAT SOMEONE SHOULD BE RESPONSIBLE? IT SHOULD BE THE STATE GOVERNMENT, THE FEDERAL GOVERNMENT, THE LOCAL GOVERNMENT SHOULD BE RESPONSIBLE TO MAKE CERTAIN THOSE KIDS, NOW AND IN THE FUTURE, ARE – WELL, FIRST WE NEED TO TEST THEM. IS THAT UNDERWAY, MR. CREAGH?

Keith Creagh:

YES, SIR, THERE'S TESTING AVAILABLE.

John Mica:

OKAY. AND THEN WE SHOULD SET ASIDE A FUND OR WHATEVER, BECAUSE WE SHOULD MAKE CERTAIN THAT THESE KIDS ARE TAKEN CARE OF. AND THEN, MR. EDWARDS SAID, THIS IS GOING ON NOT JUST IN FLINT. IT'S GONE ON IN D.C. IT'S GONE ON IN DURHAM. WE HEARD TESTIMONY TODAY. AND IT NEEDS TO STOP AND WE NEED TO MAKE CERTAIN THE SYSTEM WORKS. RIGHT, MR. EDWARDS?

Marc Edwards:

THAT'S CORRECT.

John Mica:

RIGHT, MR. CREAGH?

Keith Creagh:

YES, SIR.

John Mica:

AND YOU'RE NEW ON THE BLOCK?

Joel Beauvais:

YES, SIR.

John Mica:

AND THANK YOU, CITIZEN. WE APPRECIATE WHAT YOU DID. THANK YOU.

Jason Chaffetz:

THANK YOU. (APPLAUSE) THE AUDIENCE IS REMINDED TO -- TO HOLD THEIR APPLAUSE, PLEASE. WE'LL NOW RECOGNIZE THE GENTLEMAN FROM VIRGINIA, MR. CONNOLLY, FOR FIVE MINUTES.

Gerry Connolly:

THANK YOU, MR. CHAIRMAN. WE OUGHT TO BE CLEAR ABOUT FLINT, ARGUABLY ONE OF THE WORST MUNICIPAL ENVIRONMENTAL TRAGEDIES IN THE MODERN ERA IN THE UNITED STATES, AND IT WAS MAN-MADE. AND IT IS THE CONSEQUENCE ACTUALLY OF IMPLEMENTING A POLITICAL PHILOSOPHY OF SOCIAL DARWINISM, OF SMALLER GOVERNMENT, OF RABID ANTI-REGULATION, OF ATTACK AFTER ATTACK AFTER ATTACK ON THE EPA BECAUSE OUR FINANCIERS DON'T LIKE IT. LET'S BE VERY CLEAR HOW FLINT HAPPENED. IT DID NOT HAPPEN BY ACCIDENT, AND IT WASN'T A 7-1 VOTE TO SWITCH THE SOURCE OF WATER. THAT WAS A VOTE TO SWITCH WATER AUTHORITIES. THEY DIDN'T VOTE ON GOING TO THE RIVER. AND THOSE WHO WANT TO ARGUE THAT THERE IS NOTHING WRONG WITH THE WATER, JUST ADD SOME PHOSPHATE TO IT, WELL, PLEASE, SEND A LITER OF THAT WATER TO EVERY ONE OF MY COLLEAGUES WHO WANT TO TAKE THAT POSITION AND WATCH THEM DRINK IT.

THIS IS THE CONSEQUENCE OF PUTTING IDEOLOGY AHEAD OF HUMAN BEINGS AND THEIR NEEDS AND THEIR WELFARE. THE DIFFERENCE IN POLITICAL PHILOSOPHY MATTERS. POLITICAL CHOICES HAVE CONSEQUENCES, AND FLINT IS THE MOST DRAMATIC IN OUR GENERATION. I DO J'ACCUSE. I DO LAY THIS AT THE DOORSTEP OF THOSE WHO SHARE THAT PHILOSOPHY. AND I WANT TO SEE THE GOVERNOR AT THIS TABLE. IF YOU'RE SO PASSIONATE AND SANCTIMONIOUS ABOUT HOLDING PEOPLE ACCOUNTABLE, AND GOD KNOWS WE'VE DONE THAT IN THE SEVEN YEARS I'VE BEEN ON THIS COMMITTEE, THEN LET'S HAVE GOVERNOR SNYDER AT THIS TABLE, EXPLAINING HIMSELF. MR. CREAGH, IN OCTOBER OF LAST YEAR, THE GOVERNOR APPOINTED A TASK FORCE, THE FLINT WATER ADVISORY TASK FORCE, AND THIS IS THEIR REPORT TO THE GOVERNOR. IS THAT CORRECT?

Keith Creagh:

THEY'VE ISSUED SOME INTERIM LETTERS TO THE GOVERNOR.

Gerry Connolly:

BUT IT'S THE GOVERNOR'S APPOINTED TASK FORCE. IS THAT CORRECT OR NOT?

Keith Creagh:

YES, SIR.

Gerry Connolly:

AND LET ME SEE. ON DECEMBER 29TH, THAT INTERIM LETTER YOU REFER SAYS, AND I QUOTE: WE BELIEVE PRIMARY RESPONSIBILITY FOR WHAT HAPPENED IN FLINT RESTS WITH YOUR DEPARTMENT, THE DEQ. ALTHOUGH MANY INDIVIDUALS AND ENTITIES AT STATE AND LOCAL LEVELS CONTRIBUTED TO CREATING AND PROLONGING THE PROBLEM, THE MICHINGAN DEPARTMENT OF ENVIRONMENTAL QUALITY IS THE GOVERNMENT AGENCY THAT HAS THE RESPONSIBILITY TO ENSURE SAFE DRINKING WATER IN MICHIGAN. IT FAILED IN THAT RESPONSIBILITY AND MUST BE HELD ACCOUNTABLE FOR THAT FAILURE. DID YOU READ -- ARE YOU AWARE THAT FINDING, THAT INTERIM FINDING?

Keith Creagh:

I'VE READ THE LETTER AND MET WITH THE COMMITTEE A COUPLE OF TIMES.

Gerry Connolly:

DO YOU TAKE ISSUE WITH IT?

Keith Creagh:

I DO NOT.

Gerry Connolly:

SO YOU AGREE?

Keith Creagh:

IN RETROSPECT, I AGREE.

Gerry Connolly:

OKAY. THEY THEN SAID -- THEY ACTUALLY CHARACTERIZED YOUR AGENCY'S RESPONSE, QUOTE, AN ABYSMAL PUBLIC RESPONSE TO THE CRISIS, UNQUOTE. DO YOU AGREE WITH THAT CHARACTERIZATION?

Keith Creagh:

IN RETROSPECT, I THINK THAT THE AUDITOR GENERAL AGREES WITH THAT ALSO THAT WE WERE MINIMALISTIC AND LEGALISTIC IN OUR BEHAVIOR.

Gerry Connolly:

MR. EDWARDS, IS THE PRIMARY RESPONSIBILITY EPA'S OR DEQ'S? HOW DOES IT WORK?

Marc Edwards:

WITHOUT QUESTION, THE PRIMARY RESPONSIBILITY IS THOSE PAID TO PROTECT MICHIGAN CITIZENS FROM LEAD AND WATER. THAT'S THEIR JOB, AND THAT LIES EXCLUSIVELY WITH THE MDEQ.

Gerry Connolly:

AND, PROFESSOR EDWARDS, JUST SO -- FOR THE RECORD, BECAUSE WE'RE SEEING -- WE'RE HEARING A LITTLE MUSHINESS ABOUT THAT, LET'S BLAME THE EPA. AND THE EPA HAS SOME CULPABILITY HERE. NO QUESTION. BUT IN TERMS OF WATER QUALITY, ISN'T THAT HOW IT WORKS? THE EPA RELIES ON STATE DEQ, CERTAINLY IN OUR STATE, VIRGINIA, TO CARRY OUT THE RESPONSIBILITIES OF OVERSIGHT OF WATER QUALITY PRIMARILY. IS THAT NOT THE CASE?

Marc Edwards:

THAT'S CORRECT.

Gerry Connolly:

AND IN THIS CASE, WERE THERE WARNING FLAGS AT ALL FOR MICHIGAN DEQ ABOUT SWITCHING THE SOURCE OF WATER IN ADVANCE -- BEFORE THEY DID IT?

Marc Edwards:

WELL, IF THEY WEREN'T BEFORE THEY DID IT, AS SOON AS THEY MADE THE SWITCH, THERE WAS WARNING SIGN AFTER WARNING SIGN.

Gerry Connolly:

AND WHAT DID THEY DO WITH THOSE WARNING SIGNS?

Marc Edwards:

THEY DENIED, DENIED, AND DENIED THAT THERE WAS A PROBLEM.

Gerry Connolly:

AND THAT PUT, MS. WALTERS, PEOPLE AT RISK. IS THAT NOT TRUE? I GIVE YOU THE LAST WORD ON HOW THIS HAPPENED.

Leeanne Walters:

YES. IT DID PUT US AT RISK. IT WASN'T MY JOB TO FIGURE OUT THAT THERE WAS NO CORROSION CONTROL IN THE WATER. THEY SHOULD HAVE KNOWN THAT FROM THE START.

Gerry Connolly:

YOU HAD A REASONABLE EXPECTATION, DID YOU NOT, THAT YOU COULD RELY ON THE GOVERNMENT TO PROTECT YOU AND YOUR FAMILY?

Leeanne Walters:

YES, I DID.

Gerry Connolly:

THANK YOU VERY MUCH. I YIELD BACK.

Jason Chaffetz:

NOW RECOGNIZE THE GENTLEMAN FROM ARIZONA, MR. GOSAR, FOR FIVE MINUTES.

Paul Gosar:

THANK YOU, MR. CHAIRMAN. MR. ADMINISTRATOR BEAUVAID, THANK YOU FOR APPEARING TODAY. WHEN DID THE EPA FIRST LEARN OF THE HIGH LEAD LEVELS IN FLINT'S WATER?

Joel Beauvais:

I THINK THERE WERE INDICATIONS IN THE SPRING OF 2015 WITH THE TESTING OF MS. WALTERS' HOUSE AND SOME NEIGHBORING HOUSES. THE VERY HIGH LEAD LEVELS WERE BEING FOUND THERE.

Paul Gosar:

NOW, I UNDERSTAND THE CONCEPT. YOU KNOW, I DEAL A LOT WITH WATER THAT EPA, THE ENVIRONMENTAL QUALITY. BUT IT'S SET UP AS A CHECKS AND BALANCES. WOULDNT YOU AGREE, MR. BEAUVAIS?

Joel Beauvais:

EPA HAS AN OVERSIGHT RESPONSIBILITY.

Paul Gosar:

THEY DO. WOULD YOU AGREE, MR. EDWARDS?

Marc Edwards:

YES, I DO.

Paul Gosar:

YEAH, SO IF SOMETHING FAILS, THERE IS ANOTHER LINE THAT SHOULD COME ABOUT. SO I'M GOING TO GO ALONG THIS LINE WITH THE EPA. WHEN DID EPA ADMINISTRATOR MCCARTHY FIRST VISIT FLINT ABOUT THIS CRISIS?

Joel Beauvais:

I BELIEVE THAT YESTERDAY WAS ADMINISTRATOR MCCARTHY'S FIRST VISIT TO FLINT.

Paul Gosar:

IT WASN'T UNTIL YESTERDAY THAT SHE VISITED FOR THE FIRST TIME, SO THE DAY BEFORE THIS HEARING. SO ADMINISTRATOR MCCARTHY KNEW ABOUT THIS CRISIS FOR EIGHT MONTHS BUT DIDN'T VISIT FLINT UNTIL THE DAY BEFORE A CONGRESSIONAL HEARING.

Joel Beauvais:

I DON'T BELIEVE THAT ADMINISTRATOR MCCARTHY KNEW ABOUT THE CRISIS FOR EIGHT MONTHS.

Paul Gosar:

REALLY? SOMETHING DYNAMIC AS THIS, AND YOU DIDN'T RELAY THAT UP THE CHAIN?

Joel Beauvais:

I CAME INTO THIS JOB IN NOVEMBER OF 2015 SO I DON'T HAVE PERSONAL KNOWLEDGE OF ALL THE COMMUNICATIONS THAT WERE DONE.

Paul Gosar:

WHAT'S TODAY?

Joel Beauvais:

TODAY IS FEBRUARY 3RD.

Paul Gosar:

IT'S FEBRUARY 2016, RIGHT? TO ME, WHEN YOU PRIORITIZE – AND BY THE WAY, I'M A

HEALTHCARE PROVIDER. I'M A DENTIST. YOU TRIAGE THINGS LIKE THIS. THIS IS SOMETHING THAT IS A DYNAMIC TRAGEDY, BECAUSE IT'S AN ONGOING PROBLEM. WOULDN'T YOU AGREE?

Joel Beauvais:

I AGREE.

Paul Gosar:

SO WOULDN'T YOU PUT THE HIGHEST PRIORITY ON THAT APPLICATION TO FIGURE OUT HOW -- WHAT WENT WRONG AND ACCEPT SOME OF THE BLAME AND TRY TO GO FORWARD? WOULD YOU NOT?

Joel Beauvais:

THIS ABSOLUTELY IS OUR HIGHEST PRIORITY. I --

Paul Gosar:

WELL, IT SURE DOESN'T SHOW IT TO ME. BECAUSE IF SHE KNEW IN NOVEMBER, IT'S FEBRUARY BEFORE SHE SHOWS UP IN FLINT?

Joel Beauvais:

THE EPA HAS BEEN INTENSIVELY (INAUDIBLE) --

Paul Gosar:

YEAH.

Joel Beauvais:

--IN THIS SITUATION WELL BEFORE --

Paul Gosar:

WELL, IT'S THE SAME OLD THING. YOU'VE GOT TO REMEMBER THAT THIS IS THE SAME EPA THAT

KNEW ABOUT WHAT WAS GOING TO HAPPEN IN A MINE BLOW-OUT IN COLORADO AND NOW HAS A LOT OF PEOPLE ALL THE WAY DOWN FROM COLORADO, UTAH, CALIFORNIA, AND ARIZONA ALL AT RISK BECAUSE OF SOME OF THEIRS ACTIONS. SO, YES, EVERYBODY DESIRES OR SHOULD TAKE SOME OF THE BLAME. BUT SOME OF THAT BLAME GOES TO THE EPA, AND HE GOES TO THE HEAD HONCHO. JUST LIKE, FOR EXAMPLE, IN MY OFFICE. IF SOMEBODY COMES INTO MY OFFICE AND SOMETHING GOES WRONG, I'M ACCOUNTABLE FOR THAT.

I FIND IT DESPICABLE THAT GINA MCCARTHY, ADMINISTRATOR, SHOWS UP IN FLINT YESTERDAY INSTEAD OF GOING THERE IMMEDIATELY, PARTICULARLY WHEN WE SEE THE OUTRAGE FROM THE OTHER SIDE AND FROM THE PEOPLE IN THIS AUDIENCE IN REGARDS TO CHILDREN AND THE LEAD POISONING THAT OCCURS. THAT'S JUST DESPICABLE. ADMINISTRATOR BEAUVAIS AND EPA EMPLOYEE, SUSAN HEDMAN, TRIED TO DISCUSS THE SERIOUSNESS OF THIS MEMO IN E-MAILS IN JULY 2015 BY SAYING IT WAS A DRAFT, STATING THE MEMO SHOULD HAVE NEVER BEEN RELEASED AND STATING THAT THE MEMO NEVER HAD FINAL APPROVAL FROM THE EPA HIERARCHY. HEDMAN HAS SINCE RESIGNED, CORRECT?

Joel Beauvais:

YES, DR. HEDMAN HAS RESIGNED.

Paul Gosar:

WHY DID SHE RESIGN?

Joel Beauvais:

MY UNDERSTANDING IS THAT SHE RESIGNED IN ORDER TO MAKE SURE THAT THE REGION AND EPA COULD BE FULLY FOCUSED ON OUR RESPONSE IN FLINT.

Paul Gosar:

WHY WASN'T SHE FIRED?

Joel Beauvais:

I CAN'T ANSWER THAT QUESTION. SHE STEPPED ASIDE IN ORDER TO MAKE SURE THAT WE COULD FOCUS ALL OF OUR ATTENTION --

Paul Gosar:

MAKE SURE THAT THE ADMINISTRATOR HAS THAT QUESTION, BECAUSE WE'RE GOING TO ASK THAT WHEN THE ADMINISTRATOR'S HERE. WHY WASN'T SHE FIRED? THE INITIAL MEMO WAS SENT JUNE 24TH. MS. HEDMAN PROMISED A FINAL MEMO. WAS A FINAL MEMO EVER RELEASED?

Joel Beauvais:

I BELIEVE THAT THE FINAL MEMO WAS RELEASED IN OCTOBER.

Paul Gosar:

NOVEMBER.

Joel Beauvais:

NOVEMBER.

Paul Gosar:

NOVEMBER. WAS IT A COMPREHENSIVE MEMO THAT DETAILS THE CHRONICNESS AND DYNAMIC ASPECT OF THIS TRAGEDY?

Joel Beauvais:

THIS PARTICULAR MEMO THAT MR. DEL TORAL DID WAS FOCUSED ON THE TESTING OF LEAD AT MRS. WALTERS' HOUSE AND THE NEIGHBORING HOMES.

Paul Gosar:

BUT THIS MEMO, I UNDERSTAND, IS NOT EVEN NEARLY THE COMPREHENSIVE ASPECT THAT – WOULD YOU CONSIDER IT A SHELL OF A RELEASE?

Joel Beauvais:

THE MEMO WAS FOCUSED ON THE SPECIFIC TESTING THAT WAS DONE AT MRS. WALTERS' HOUSE

AND THE NEIGHBORING HOMES AND WAS A COMPREHENSIVE LOOK AT THAT SITUATION. IT IS NOT THE ENTIRETY OF EPA'S REVIEW OF THE SITUATION.

Paul Gosar:

DIRECTOR CREAGH, I APPRECIATE YOUR TESTIMONY TODAY. AND YOU ARE ONE PERSON TODAY THAT HAS ACCEPTED SOME RESPONSIBILITY. AND YOUR GOVERNOR – GOVERNOR (INAUDIBLE) THROUGH THIS CRISIS, EVEN THOUGH THERE IS FAULT ALL THE WAY ACROSS. THAT IS COMMENDABLE. DO YOU BELIEVE THIS INCIDENT COULD HAVE OCCURRED -- WOULD HAVE OCCURRED HAD THE FLINT CITY COUNCIL NOT VOTED TO CHANGE ITS WATER SOURCE?

Keith Creagh:

I THINK THIS INCIDENT OCCURRED BECAUSE OF THE LACK OF ORTHOPHOSPHATE BEING ADDED.

Paul Gosar:

NO, BUT IF YOU NEVER MADE THE CHANGE, YOU WOULD HAVE NEVER HAD THIS CATASTROPHIC EVENT, RIGHT?

Keith Creagh:

THAT'S A TRUE STATEMENT.

Paul Gosar:

WHAT WOULD'VE HAPPENED IF THE CITY WOULD HAVE FOLLOWED THE DIRECTIONS OF ITS WATER UTILITY CONSULTANT?

Keith Creagh:

THERE WERE A COUPLE OF DIFFERENT CONSULTANTS, AND IT WOULD HAVE MINIMIZED THE PROBLEM.

Paul Gosar:

AND WHAT WOULD'VE HAPPENED IF THE CITY WOULD HAVE FOLLOWED THE CORROSIVE -- THE PROPER CORROSIVE TREATMENT?

Keith Creagh:

AS DR. EDWARDS STATED, WE WOULD NOT HAVE HAD THIS PROBLEM.

Paul Gosar:

SO A SERIES OF CHECKS AND BALANCES. EVERYBODY POINTING THE FINGER. NOBODY WANTING TO TAKE THE BLAME, EXCEPT FOR YOURSELF AND THE GOVERNOR. I FIND THAT VERY HUMBLINGLY BAD, THAT THE GOVERNMENT IS NOT BEING PART OF THE SOLUTION HERE. SO WITH THAT, I YIELD BACK.

Jason Chaffetz:

THANK THE GENTLMAN. NOW RECOGNIZE THE RANKING MEMBER, MR. CUMMINGS, FOR FIVE --

Elijah Cummings:

ME. CHAIRMAN, I WAS GOING TO LET MR. CARTWRIGHT GO, BUT, MR. CREAGH, I AM GETTING VERY CONCERNED ABOUT YOUR TESTIMONY. BECAUSE I WANT TO REMIND YOU THAT YOU ARE SWORN TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH. SO LET'S GO OVER WHAT YOU JUST SAID. AND I'VE TO GET IT RIGHT IN HERE, BECAUSE I'M KIND OF CONCERNED. BECAUSE I DON'T WANT THE PUBLIC TO NOT SEE THIS FOR THE ACCURATE TRUTH. MR. CREAGH, GOVERNOR SNYDER RECENTLY NAMED YOU AS THE NEW HEAD OF THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL.

PROBABLY LAST MONTH, YOUR BOSS, GOVERNOR SNYDER -- AND I'M HOPING HE'S WATCHING, BY THE WAY -- GAVE THIS 2016 STATE OF THE STATE ADDRESS. IN HIS SPEECH, GOVERNOR SNYDER SEEMED TO TAKE RESPONSIBILITY FOR THE FLINT CRISIS, STATING THAT, AND I QUOTE: THE BUCK STOPS HERE WITH ME. AND THAT, QUOTE: I TAKE FULL RESPONSIBILITY TO FIX THE PROBLEM SO THAT IT WILL NEVER HAPPEN AGAIN. HOWEVER, IN THE SAME BREATH GOVERNOR SNYDER ALSO TRIED TO BLAME THE CITY OF FLINT AS IT SOUNDS LIKE YOU ARE DOING RIGHT NOW. AND HE SAID THIS, AND I QUOTE: THIS CRISIS BEGAN IN THE SPRING OF 2013 WHEN THE FLINT CITY COUNCIL VOTED 7-1 TO BUY WATER FROM THE KAREGNONDI WATER AUTHORITY, END OF QUOTE. MR. CREAGH, DO YOU AGREE WITH GOVERNOR SNYDER'S STATEMENT?

Keith Creagh:

THE QUESTION THAT I RESPONDED TO, SIR, WAS IF THEY WOULD NEVER HAVE CHANGED THEIR WATER SOURCE WOULD THIS ISSUE OF HAPPENED. AND I BELIEVE THAT'S A TRUE STATEMENT BECAUSE THERE WERE ON DETROIT WATER AND SEWER DEPARTMENT WATER, WHICH WAS PHOSPHATED AND THEY HAD A 30-YEAR HISTORY. SO I APOLOGIZE IF I MISREPRESENTED --

Elijah Cummings:

I'M NOT FINISHED. JUST HOLD ON. I'M NOT FINISHED. WE RECEIVED -- WE REVIEWED THE RESOLUTION PASSED BY THE CITY COUNCIL AND THE MINUTES FROM THE MEETING. AT NO POINT DURING THE MEETING DID THE CITY COUNCIL VOTE TO ALLOW THE FLINT RIVER TO BE USED FOR DRINKING WATER. ISN'T THAT CORRECT, MR. CREAGH?

Keith Creagh:

I HAVEN'T REVIEWED THOSE PERSONALLY, BUT THAT'S MY UNDERSTANDING.

Elijah Cummings:

MR. CHAIRMAN, I WOULD LIKE TO INTRODUCE INTO THE RECORD A LETTER WE JUST RECEIVED YESTERDAY FROM SHELDON A. NEELEY, WHO SERVED ON THE CITY COUNCIL FROM 2005 TO 2014. HE WAS ACTUALLY THERE. HE WAS THERE, MR. CREAGH. ALL RIGHT? IN HIS LETTER, MR. NEELEY EXPLAINS THAT THE CITY COUNCIL DID NOT -- DO WE HAVE THE LETTER? WHERE'S THE LETTER? YOU GOT IT? WHERE'S THE LETTER. OH, THEY HAVE IT. IN HIS LETTER, MR. NEELEY EXPLAINS THAT THE CITY COUNCIL DID NOT MAKE THE DECISION TO USE THE FLINT RIVER BECAUSE, QUOTE: THE FLINT CITY COUNCIL HAD NO POWER TO ACTUALLY ENACT ANY LAWS FOR THE COMMUNITY. EVERYTHING WENT THROUGH THE EMERGENCY MANAGER. END OF QUOTE. WHO WAS APPOINTED BY THE GOVERNOR. HE ALSO SAYS THIS, AND I QUOTE -- OH, YEAH, WOULD YOU, PLEASE?

Jason Chaffetz:

WE'LL ENTER IN THE RECORD. WITHOUT OBJECTION, SO ORDERED.

Elijah Cummings:

YOU'RE MAKING ME NERVOUS. THIS IS WHAT HE SAID. IT WAS THE EMERGENCY MANAGER, ED KURTZ, WHO MADE THE DECISION TO USE THE FLINT RIVER AS A PRIMARY SOURCE OF DRINKING WATER FOR THE CITY OF FLINT. MR. CREAGH, ARE YOU AWARE OF MR. KURTZ'S ACTIONS?

Keith Creagh:

NO, SIR. I WAS NOT IN THE SEAT AT THE TIME.

Elijah Cummings:

AND, MR. CREAGH, SO MR. NEELEY ALSO WROTE THAT, QUOTE: GOVERNOR SNYDER'S ACCOUNT OF EVENTS LEADING TO THIS WATER CRISIS ARE COMPLETELY WRONG, END OF QUOTE. WHY WOULD GOVERNOR SNYDER TRY TO BLAME THE CITY COUNCIL FOR THIS DECISION WHEN IT WAS HIS OWN APPOINTEE WHO MADE IT AND YOU HAVE A CITY COUNCIL THAT HAS NO AUTHORITY? THERE'S SOMETHING WRONG WITH THAT. THAT'S WHY I INTERJECTED HERE, BECAUSE I WANT THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH. [APPLAUSE] NOW, LET ME ASK YOU – I'M NOT FINISHED. DO YOU HAVE ANY REASON TO BELIEVE THAT MR. NEELEY IS NOT TELLING THE TRUTH?

Keith Creagh:

I HAVE NO REASON TO BELIEVE --

Elijah Cummings:

NOW, MR. NEELEY'S LETTER IS SUPPORTED BY STATEMENTS FROM FLINT'S FORMER MAYOR, DAYNE WALLING. ON JANUARY 22ND, 2016, HE STATED, AND I QUOTE: AFTER CITY COUNCIL AND I EXPRESSED SUPPORT FOR A NEW WATER SUPPLY FROM LAKE HURON, THE EMERGENCY MANAGER, EDWARD KURTZ, WENT BEHIND CLOSED DOORS WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND DECIDED TO USE THE FLINT RIVER AS AN INTERIM SOURCE, MADE THE BUDGET CHANGES, AND PUT THAT IN PLACE. END OF QUOTE. WERE YOU AWARE OF MAYOR WALLING'S STATEMENT?

Keith Creagh:

I AM NOT.

Elijah Cummings:

ALL RIGHT. BASED ON THE EVIDENCE, IT SEEMS THAT GOVERNOR SNYDER WAS TRYING TO BLAME THE CITY OF FLINT FOR ACTIONS OF HIS OWN APPOINTEE. AND HE DID THIS IN HIS STATE OF THE STATE ADDRESS TO THE ENTIRE POPULATION OF FLINT. NOW, LET ME ASK YOU SOMETHING ELSE. ARE THE PEOPLE PAYING RIGHT NOW IN FLINT FOR WATER THEY CANNOT WASH IN AND CANNOT USE AND CANNOT DRINK? ARE THEY PAYING THEIR WATER BILLS? AND AS A PART OF THE RECOVERY, YOU SAID YOU WANT TO MAKE THEM WHOLE. IS THAT PART OF IT? WHY ARE THEY – WHY WOULD THEY PAYING FOR WATER THAT THEY CANNOT EVEN USE THAT IS POISONING THEM? THAT'S NOT AMERICAN. MR. CHAIRMAN SAID, THIS IS NOT A THIRD WORLD COUNTRY. ARE THEY PAYING THOSE BILLS? ARE YOU GOING TO RELIEVE THEM OF THAT?

Keith Creagh:

EVERYONE DESERVES SAFE DRINKING WATER, AND THAT'S THE EXPECTATION. AND YESTERDAY THE GOVERNOR INTRODUCED A SUPPLEMENTAL FOR \$30 MILLION TO HELP WITH THAT ISSUE. THE NUMBER ONE ISSUE, AS WE'VE SPOKEN WITH THE MAYOR, IS TO MAKE SURE THE UTILITY REMAINS SOLVENT. AND THE BILLING IS ACTUALLY MORE OF A CITY ISSUE, BUT WE UNDERSTAND AND RESPECT THAT. AND EVERYONE DESERVES WATER THAT IS SAFE.

Elijah Cummings:

MR. CHAIRMAN, AS I CLOSE, THESE ARE PEOPLE WHO ARE STRUGGLING. THEY'RE STRUGGLING. THEY'VE COME OVER HERE ALL THE WAY HERE FROM FLINT. I DON'T HOW THEY GOT HERE. I GUESS ON A BUS. BUT THE FACT THAT THEY'RE HERE. BUT YOU KNOW WHAT, MR. CREAGH AND MR. CHAIRMAN? THEY'RE ALSO AMERICANS. THEY'RE AMERICANS JUST LIKE YOU AND JUST LIKE YOUR CHILDREN. AND I DON'T – AND I WANT TO BE REAL, REAL, REAL CLEAR. AND THE CHAIRMAN WILL BEAR ME OUT ON THIS. I HAVE SAID I DON'T CARE WHETHER IT'S EPA OR WHETHER IT'S LOCAL, WHETHER IT'S STATE. I WANT EVERYBODY WHO WAS RESPONSIBLE FOR THIS FIASCO TO BE HELD ACCOUNTABLE. I'M NOT PROTECTING ANYBODY. BECAUSE THAT'S NOT OUR JOB. WE ARE THE LAST LINE OF DEFENSE. AND IF WE DON'T DO IT, NOBODY'S GOING TO DO IT. I YIELD BACK.

Jason Chaffetz:

THANK THE GENTLEMAN. NOW RECOGNIZE THE GENTLEMAN FROM NORTH CAROLINA, MR. MEADOWS, FOR FIVE MINUTES.

Mark Meadows:

THANK YOU, MR. CHAIRMAN. THANK YOU, MS. WALTERS, FOR YOUR TESTIMONY. TRULY, IT HAS MADE A PROFOUND DIFFERENCE IN SUCH A WAY -- I'M FROM NORTH CAROLINA, A LONG WAY AWAY FROM FLINT, MICHIGAN. BUT IN A WAY WE'RE CONNECTED. I GOT TEXTS THIS MORNING FROM PEOPLE WHO HAVE BEEN AFFECTED BY REGION 4, NOT REGION 5, BUT WITH WATER QUALITY ISSUES FOR YEARS AND THE EPA'S FAILURE TO ADDRESS THEM. NOW, THE TROUBLING THING FOR ME IS IS THAT WHAT I HEAR FROM OUR WATER QUALITY EPA OFFICIAL IS THAT THEY'RE GOING TO JUST LET THE OFFICE OF INSPECTOR GENERAL DO THEIR WORK. NOW, THE PROBLEM WITH THAT IS -- AND I HAVE A HIGH REGARD FOR THAT PARTICULAR INSPECTOR GENERAL. IN FACT, I CAN TELL YOU, MS. WALTERS, THAT THEY WILL CONTINUE TO LOOK AT IT IN A VERY DETAILED WAY. BUT IT WILL NOT BE ENOUGH. THERE IS MORE THAN ENOUGH BLAME TO GO AROUND. THE PROBLEM IS, THERE'S NOT ENOUGH ANSWERS TO BE SHARED. AND SO I'M GOING TO COME TO THE EPA AND ASK YOU, SINCE FOIA IS UNDER MY SUBCOMMITTEE, AND THE FOIA REQUEST ALLOWS THE PUBLIC TO LOOK AT DOCUMENTS OFTEN USED IN A REGULAR BASIS BY REPORTERS. AND I AM TROUBLED TO HEAR THAT THE FOIA REQUEST THAT DR. EDWARDS HAS MADE -- ACTUALLY, YOU HAVEN'T COMPLIED WITH THE LAW. WHAT DO YOU SAY TO THAT?

Joel Beauvais:

MY UNDERSTANDING IS THAT WE ARE ACTIVELY WORKING AND TO RESPOND --

Mark Meadows:

ACTIVE IS NOT ENOUGH. LET ME JUST TELL YOU. WE GOT FAMILIES THAT ARE SUFFERING, AND THERE IS A LAW THAT SAYS THAT YOU HAVE TO RESPOND WITHIN 21 DAYS. SO WHAT DO YOU SAY TO DR. EDWARDS, WHO HAS BEEN REQUESTING INFORMATION? BECAUSE AS I UNDERSTAND, DR. EDWARDS, AND IF YOU WILL HELP ME WITH THIS, THAT YOU'VE MADE REQUESTS BOTH OF THE STATE AND OF THE FEDS. WHO HAS BEEN MORE RESPONSIVE TO YOU, DR. EDWARDS?

Marc Edwards:

THE STATE OF MICHIGAN HAS BEEN VERY RESPONSIVE.

Mark Meadows:

SO HOW MANY DOCUMENTS OF WHAT YOU'VE REQUESTED FROM THE EPA HAVE YOU RECEIVED TODAY?

Marc Edwards:

I'D HAVE TO CHECK, BUT I STILL HAVE FOIA'S OUTSTANDING FROM 9 YEARS AGO IN WASHINGTON D.C. THAT I APPEALED IN 2005 AND (INAUDIBLE) FROM EPA JUST CONTACTED ME ONE MONTH AGO ABOUT SO --

Mark Meadows:

NINE YEARS.

Marc Edwards:

NINE YEARS.

Mark Meadows:

LET ME TELL YOU THE TROUBLE THAT I HAVE WITH THIS. WE HAVE A SOUTHERN IN WESTERN NORTH CAROLINA CALLED CTS. YOU'RE FAMILIAR WITH THAT I'M SURE, AREN'T YOU?

Joel Beauvais:

I HAVE HEARD ABOUT THE SITE. I DO NOT HAVE DIRECT PERSONAL KNOWLEDGE ABOUT IT.

Mark Meadows:

OKAY. I WOULD ASK SINCE YOU'RE NEW TO THE JOB THAT YOU GET SOME PERSONAL KNOWLEDGE.

Joel Beauvais:

YES, SIR.

Mark Meadows:

BECAUSE WE HAVE A REOCCURRING THEME HERE. WE HAVE UNBELIEVABLE REGULATIONS THAT COME DOWN AND THEN THE EPA DOES NOT ENFORCE THEIR OWN REGULATIONS. THERE'S A PROBLEM WITH THAT, DON'T YOU THINK?

Joel Beauvais:

IT'S IMPORTANT FOR EPA TO ENFORCE ITS REGULATIONS.

Mark Meadows:

CAN YOU -- CAN YOU SHARE WITH ME YOUR RATIONALE WHY IT WOULD TAKE NINE YEARS TO ANSWER A FOIA REQUEST FROM DR. EDWARDS?

Joel Beauvais:

I HAVE NO IDEA. I'M NOT FAMILIAR WITH THE SPECIFIC REQUEST.

Mark Meadows:

WHAT COMMITMENT DO WE HAVE FROM YOU TODAY TO GET THOSE FOIA RESPONSES ANSWERED AS IT RELATES TO THE FLINT, MICHIGAN ISSUE?

Joel Beauvais:

I WILL TAKE THAT BACK AND ENSURE THAT IT --

Mark Meadows:

YOU'RE GOING TO TAKE IT BACK. WHEN CAN THIS COMMITTEE AND WHEN CAN DR. EDWARDS EXPECT A RESPONSE? IS THE LAW CLEAR?

Joel Beauvais:

I BELIEVE THAT THE LAW IS CLEAR ON THE TIME FRAMES FOR RESPONSE. I WILL TAKE THAT BACK AND ENSURE THAT IT'S A HIGH PRIORITY.

Mark Meadows:

ALL RIGHT. SO OBVIOUSLY YOU PREPARED FOR THIS HEARING THIS MORNING. WHEN YOU WERE TALKING ABOUT THE INFORMATION THAT NEEDED TO BE SHARED WITH THE PEOPLE OF FLINT, WHAT WAS YOUR OWN INTERNAL GUIDANCE AMONG YOUR ATTORNEYS? A COUPLE I GUESS SITTING BEHIND YOU? WHAT DO THEY RECOMMEND THAT YOU SHARE? BECAUSE WHAT HAPPENS IS EVERYBODY GETS LAWYERED UP, AND THEN THEY DO NOTHING. AND I CAN TELL YOU FROM A BIPARTISAN STANDPOINT THIS REPUBLICAN FROM WESTERN NORTH CAROLINA IS GOING TO WORK FROM -- WITH DEMOCRATS FROM MICHIGAN TO MAKE SURE THAT NOT ONLY YOU'RE HELD ACCOUNTABLE BUT THE STATE IS HELD ACCOUNTABLE, AND ALL THOSE WHO HAVE BEEN INVOLVED IN THIS ARE HELD ACCOUNTABLE BECAUSE WE'VE GOT CHILDREN. AND IT COULD HAVE BEEN MY CHILDREN IN FLINT, MICHIGAN, AND I'M NOT GOING TO FORGET THAT. COULD HAVE BEEN YOUR CHILDREN. SO WHAT KIND OF COMMITMENT DO WE HAVE FROM YOU TO GET THE DOCUMENTS TO THIS COMMITTEE SO THAT WE CAN FIGURE OUT WHO'S TO BLAME?

Joel Beauvais:

MY UNDERSTANDING IS THAT THERE HAVE BEEN DISCUSSIONS BETWEEN THE COMMITTEE STAFF AND THE AGENCY AND THAT A COMMITMENT HAS BEEN MADE TO WORK EXPEDITIOUSLY TO GET UNREDACTED COPIES OF CERTAIN FOIA DOCUMENTS THAT WERE RELEASED AS WELL AS DOCUMENTS RELATED TO THE COMMITTEES --

Mark Meadows:

SO DO YOU THINK THAT 60 DAYS IS ENOUGH TIME?

Joel Beauvais:

MY UNDERSTANDING IS THAT ACTUALLY THE AGENCY HAS AGREED TO PROVIDE SOME DOCUMENTS THAT WE CAN PROVIDE BY THE END OF THIS WEEK.

Mark Meadows:

VERY GOOD. I YIELD BACK.

Jason Chaffetz:

THANK YOU TO THE GENTLEMAN. WE'LL NOW RECOGNIZE THE GENTLEMAN FROM PENNSYLVANIA, MR. CARTWRIGHT, FOR FIVE MINUTES.

Matt Cartwright:

THANK YOU, MR. CHAIRMAN. I WOULD LIKE TO ASSOCIATE MYSELF WITH THE REMARKS OF THE RANKING MEMBER, MR. CUMMINGS. AND NOT TO PUT TOO FINE A POINT ON IT. WE HAVE WHAT -- WHAT WE SEE HERE IS THE RESPONSIBLE, CULPABLE PARTY BEING CAUGHT RED-HANDED. SO RED-HANDED THAT HE HAD TO ADMIT HIS BLAME AND APOLOGIZE TO THE NATION AND TO FLINT, THIS GOVERNOR OF MICHIGAN AND HIS EMERGENCY MANAGER HAND-PICKED TO SAVE MONEY. AND KEEPING WITH HIS PHILOSOPHY OF GOVERNMENT, TO SAVE MONEY ON INFRASTRUCTURE AT THE EXPENSE OF PUBLIC SAFETY, HE GOT CAUGHT RED-HANDED POISONING CHILDREN IN FLINT AND THE RESIDENTS OF FLINT. THERE'S NO TWO WAYS ABOUT IT. THAT'S THE HEADLINE HERE. BUT, YOU KNOW, CRIMINALS, WHEN THEY GET CAUGHT RED-HANDED, YOU KNOW WHAT THEY START TO DO RIGHT AWAY? THEY START TO TRY TO SPREAD THE BLAME. OTHERS, THERE'S PLENTY OF BLAME TO GO AROUND, I HEARD. THERE'S PLENTY OF BLAME TO GO AROUND.

SO LET'S JUST PUT ASIDE THE FACT THAT THE GOVERNOR OF MICHIGAN GOT CAUGHT RED-HANDED POISONING HIS CITIZENS. LET'S FORGET ABOUT THAT. LET'S ALSO TRY TO BLAME THE MICHIGAN -- THE FLINT LOCAL OFFICIALS. YOU KNOW, REPRESENTATIVE KILDEE FROM FLINT GOT UP HERE AND HE TESTIFIED AND HE MADE A VERY PRESCIENT POINT THAT THERE'S -- IT'S AN ATTEMPT TO CREATE AN EQUIVALENCY OF BLAME. THAT'S WHAT I SAY. THEY'RE SPREADING THE BLAME OUT. AND ANYTIME SOMEBODY SAYS SOMETHING ABOUT A 7-1 VOTE IN FLINT, THAT'S -- THAT IS EXACTLY WHAT DAN KILDEE'S TALKING ABOUT, IS PEOPLE TRYING TO PUT THE BLAME ON THE LOCAL OFFICIALS IN FLINT, BLAME THAT HAS NO PLACE IN LOCAL OFFICIALS IN FLINT. THIS IS THE GOVERNOR OF MICHIGAN AT FAULT, HIS EMERGENCY MANAGERS. AND I WAS SADDENED TO HEAR MY COLLEAGUE FROM FLORIDA SAY OUT LOUD, TALK ABOUT THE 7-1 VOTE. THEY VOTED 7-1 NOT TO SWITCH TO FLINT RIVER WATER. THEY VOTED 7-1 ON SOMETHING COMPLETELY DIFFERENT. SO THAT'S RIDICULOUS, AND IT IS A REPREHENSIBLE ATTEMPT TO ACHIEVE WHAT DAN KILDEE CALLS THE EQUIVALENCY OF BLAME AND SOMETHING THAT CRIMINAL DEFENDANTS ALWAYS DO WHEN THEY GET CAUGHT RED-HANDED.

MR. CREAGH, I WANT TO TALK ABOUT WHAT THE STATE DID. IT MADE A DECISION NOT TO USE THE FLINT RIVER, AND THEN IT REVERSED THAT DECISION. AM I CORRECT IN THAT?

Keith Creagh:

I WASN'T PARTY TO THE DECISION TO SAY --

Mark Meadows:

YOU WEREN'T THERE. OKAY. ACCORDING TO PRESS REPORTS, ONE OF GOVERNOR SNYDER'S EMERGENCY MANAGERS FOR FLINT, MR. JERRY AMBROSE -- IS HE HERE TODAY? CAN ANYBODY TELL ME WHY JERRY AMBROSE IS NOT HERE TODAY? CAN ANYBODY TELL ME WHY THE GOVERNOR OF MICHIGAN IS NOT HERE TODAY? BECAUSE HE'S HIDING. THAT'S WHAT'S HAPPENING. AMBROSE TESTIFIED IN A SWORN DEPOSITION THAT IN 2012, THE GOVERNOR'S PREVIOUS EMERGENCY MANAGER IN FLINT, ED KURTZ, HAD REJECTED A PREVIOUS PROPOSAL TO USE FLINT RIVER WATER AS THE PRIMARY SOURCE OF DRINKING WATER. ARE YOU AWARE OF THAT DECISION, MR. CREAGH?

Keith Creagh:

I AM NOT.

Mark Meadows:

WELL, LET ME READ IT TO YOU. IT SAID THIS, AND I QUOTE: IT WAS A COLLECTIVE DECISION OF THE EMERGENCY MANAGEMENT TEAM, BASED ON CONVERSATIONS WITH THE DEQ, THAT INDICATED THEY WOULD NOT BE SUPPORTIVE OF THE USE OF FLINT RIVER ON A LONG-TERM BASIS AS A PRIMARY SOURCE OF MR. WATER. MR. CREAGH, WHEN MR. AMBROSE WAS ASKED WHY YOUR DEPARTMENT MADE THAT RECOMMENDATION, HE REPLIED, AND I QUOTE: YOU'LL HAVE TO ASK THEM. SO I'M ASKING YOU, AS THE HEAD OF MDEQ, WHY DID YOUR DEPARTMENT PREVIOUSLY OPPOSE THE USE OF FLINT -- USE OF FLINT RIVER WATER AS A PRIMARY SOURCE BACK IN 2012?

Keith Creagh:

I DON'T HAVE KNOWLEDGE AS TO THAT CONVERSATION, NOR DECISION.

Mark Meadows:

YOU DON'T KNOW. YOUR PREDECESSOR WAS DAN WYANT. AND THAT'S WHY WE'VE CALLED FOR

HIS DEPOSITION, MR. CHAIRMAN, AND I PRESS THAT REQUEST. I'M TRYING TO FIGURE OUT WHAT HAPPENED BETWEEN 2012 WHEN YOUR DEPARTMENT, MR. CREAGH, OPPOSED USING THE FLINT RIVER, AND 2014, WHEN YOU REVERSED COURSE AND SIGNED OFF ON PERMITS TO ALLOW IT. AND YOU CAN'T EXPLAIN THAT TO US BECAUSE YOU WEREN'T THERE AT THE TIME, RIGHT?

Keith Creagh:

THAT'S CORRECT.

Mark Meadows:

OKAY. WE'RE HAVING A HEARING HERE IN WASHINGTON, D.C., WITH WITNESSES WHO DO NOT HAVE PERSONAL KNOWLEDGE OF THE SUBJECT. HOW CRAZY IS THAT? HOW INTERESTED ARE WE REALLY IN GETTING TO THE FACTS WHEN THEY BRING HERE WITNESSES WHO DON'T KNOW WHAT WENT ON? MR. CREAGH, IN A PRESS RELEASE DATED APRIL 25, 2014, MICHAEL PRESBY OF YOUR DEPARTMENT STATED: THE QUALITY OF THE WATER BEING PUT OUT MEETS ALL OF OUR DRINKING WATER STANDARDS AND FLINT WATER IS SAFE TO DRINK. HE SAID THAT. YOU KNOW THAT, RIGHT?

Keith Creagh:

CORRECT.

Mark Meadows:

IT WAS A LIE, WASN'T IT?

Keith Creagh:

MR. PRESBY WAS -- HIS COMMENT WAS IN RELATIONSHIP TO THE WATER LEAVING THE PLANT, MAKING SURE IT MET SAFE DRINKING WATER STANDARDS, AND THAT'S WHAT HE BASED THAT COMMENT ON.

Mark Meadows:

MR. CHAIRMAN, I'M OUT OF TIME. I HOPE YOU'LL DESIGNATE A MINORITY DAY OF HEARINGS AS SOON AS POSSIBLE SO THAT WE COULD HAVE WITNESSES WHO ACTUALLY KNOW WHAT THE FACTS WERE AT THE TIME. AND I YIELD BACK.

Jason Chaffetz:

GENTLEMAN FROM GEORGIA, MR. HICE, IS NOW RECOGNIZED FOR FIVE MINUTES.

Jody Hice:

THANK YOU, MR. CHAIRMAN. MR. BEAUVAIS, I WANT TO BEGIN WITH YOU. THE LEAD AND COPPER RULE MAY NOT NEARLY BE AS PROTECTED AS PREVIOUSLY CONSIDERED. THE SAFE DRINKING WATER ACT REQUIRES THAT THE LEAD AND COPPER RULE BE UPDATED EVERY SIX YEARS. ARE YOU AWARE OF THAT?

Joel Beauvais:

THERE IS A PROVISION IN THE SAFE DRINKING WATER ACT REQUIRING A REVIEW OF THE REGULATIONS –

Jody Hice:

WHEN WAS THE LAST TIME THAT IT WAS UPDATED?

Joel Beauvais:

2007 IS THE LAST TIME THAT THE RULE WAS UPDATED.

Jody Hice:

WHY IS THE EPA SO FAR BEHIND?

Joel Beauvais:

WE'VE BEEN WORKING ACTIVELY. WE WANTED TO GET ADVICE FROM OUR NATIONAL DRINKING WATER ADVISORY COUNCIL WITH REGARD TO THE REVISIONS THAT WILL BE PROPOSED, AND WE ALSO RECEIVED ADVICE FROM A NUMBER OF OTHER STAKEHOLDERS.

Jody Hice:

HOW MANY YEARS DOES IT TAKE TO GET THE INFORMATION IN ORDER TO ABIDE BY WHAT YOU ARE REQUIRED TO DO?

Joel Beauvais:

THIS IS A HIGH PRIORITY FOR US, AND IT'S ESSENTIAL THAT WE MOVE FORWARD WITH REVISIONS TO THE RULE.

Jody Hice:

IS IT A HIGH PRIORITY FOR ALL -- I DON'T KNOW, MR. CHAIRMAN, THAT THERE'S BEEN MORE OF A CATASTROPHE IN GOVERNMENT HANDLING OF AN ISSUE SINCE HURRICANE KATRINA. THIS IS ABSOLUTELY A TRAIN WRECK IN EVERY WAY, AND THE EPA IS SO FAR BEHIND NOT DOING THE JOB. WHEN WILL THE UPDATED VERSION BE READY?

Joel Beauvais:

THE CURRENT SCHEDULE FOR PROPOSING REVISIONS TO THE RULE HAD A PROPOSAL COMING IN 2017. IT'S IMPORTANT THAT WE TAKE ACTIONS, EVEN IN ADVANCE OF COMPLETING ANY REVISIONS TO THE RULE, TO REVIEW HOW THE CURRENT RULE IS BEING IMPLEMENTED. DR. EDWARDS AND OTHERS HAVE RAISED A NUMBER OF IMPORTANT ISSUES WITH REGARD TO THE IMPLEMENTATION OF THE CURRENT RULE, AND SO WE'RE ACTIVELY GOING TO BE WORKING –

Jody Hice:

MY QUESTION IS WHEN WILL IT BE READY?

Joel Beauvais:

MY EXPECTATION AT THIS POINT IN TIME IS THAT IT WOULD BE PROPOSED IN 2017.

Jody Hice:

DO WE HAVE YOUR COMMITMENT THAT IT WILL BE EARLY 2017?

Joel Beauvais:

I CERTAINLY WOULD HOPE THAT THE AGENCY WOULD –

Jody Hice:

YOU REALIZE THAT'S YET ANOTHER YEAR.

Joel Beauvais:

I DO.

Jody Hice:

TO GET DONE SOMETHING THAT SHOULD HAVE BEEN DONE, WHAT, FOUR YEARS AGO NOW. DO WE HAVE YOUR COMMITMENT THAT IT WILL BE DONE IN EARLY '17?

Joel Beauvais:

I CAN COMMIT THAT OUR WORK ON THE LEAD AND COPPER RULE REVISIONS WILL BE ONE OF THE HIGHEST PRIORITIES IN MY OFFICE AS WELL AS WORK TO ADDRESS IMPLEMENTATION OF THE CURRENT RULE.

Jody Hice:

WHEN MR. DEL TORAL PRODUCED HIS MEMO FINDING THE HIGH LEVELS OF LEAD IN THE DRINKING WATER IN JUNE, WHERE DID THAT MEMO GO?

Joel Beauvais:

MY UNDERSTANDING IS THAT MR. DEL TORAL GAVE THE MEMO DIRECTLY TO MS. WALTERS, WHOSE HOME WAS THE SUBJECT OF THE TESTING. MY UNDERSTANDING IS THAT THAT WAS THEN PROVIDED TO A REPORTER AND THAT IT WENT OUT INTO THE PUBLIC.

Jody Hice:

WELL, AT SOME POINT MR. DEL TORAL WAS ON LEAVE OF ABSENCE. WHO WORKED ON THIS ISSUE IN HIS ABSENCE?

Joel Beauvais:

I'M NOT AWARE THAT HE WAS PLACED ON LEAVE OF ABSENCE.

Jody Hice:

OKAY. MR. EDWARDS, LET ME GO TO YOU. DO YOU BELIEVE IN ANY WAY THAT THE EPA'S MANAGEMENT OF THIS WHOLE THING HINDERED ITS EMPLOYEES FROM HAVING THE ABILITY TO DO THEIR JOB IN FLINT?

Marc Edwards:

ABSOLUTELY.

Jody Hice:

ABSOLUTELY. OKAY. DO YOU BELIEVE THAT THE EPA'S MANAGEMENT MADE THE LEAD CRISIS IN FLINT WORSE?

Marc Edwards:

ABSOLUTELY.

Jody Hice:

ABSOLUTELY. WHO AT THE EPA DO YOU FIND FAULT?

Marc Edwards:

SUSAN HEDMAN.

Jody Hice:

PARDON ME?

Marc Edwards:

MS. SUSAN HEDMAN, WHO HAD THE MEMO BURIED, COVERED UP, AND STOOD SILENT AS MR. DEL TORAL WAS PUBLICLY DISCREDITED FOR HIS WORK. WHEN SHE WAS QUESTIONED BY POLITICIANS FROM ALL PARTIES THROUGH AS LATE AS SEPTEMBER OF THIS YEAR, SHE DISCOUNTED THAT THERE WAS ANYTHING OF CONCERN IN FLINT OCCURRING AT ALL, AND THAT INCLUDES MAYOR WALLING, PEOPLE FROM THE STATE GOVERNMENT, AS WELL AS DEMOCRATIC CONGRESSIONAL STAFF.

Jody Hice:

OKAY. MR. CHAIRMAN, HAS THE LETTER FROM JOHN O'GRADY, EPA UNION REPRESENTATIVE, YET BEEN ENTERED INTO THE RECORD?

Jason Chaffetz:

SORRY. WHICH LETTER?

Jody Hice:

FROM JOHN O'GRADY.

Jason Chaffetz:

IF IT HASN'T, WE WILL ENTER IT WITHOUT OBJECTION. SO ORDERED.

Jody Hice:

OKAY. THANK YOU, MR. CHAIRMAN. LET ME GO BACK, IF I CAN, MR. BEAUVAIS, TO YOU. ARE YOU AWARE OF ANY OTHER SITUATIONS IN REGION 5 WHERE THERE ARE -- WHERE THERE MAY BE THE POTENTIAL OF CONTAMINATED WATER?

Joel Beauvais:

I'M AWARE OF A RECENT SITUATION WITH REGARD TO SEBRING, OHIO, WHERE THERE HAS BEEN A CONCERN WITH HIGH LEAD LEVELS IN THE DRINKING WATER SYSTEM, OF WHICH EPA WAS MADE AWARE JUST WITHIN THE LAST WEEK AND MY UNDERSTANDING IS THAT ACTION IS BEING TAKEN WITH REGARD TO THAT SITUATION. I BELIEVE THAT EPA STAFF HAVE BEEN ON THE GROUND ACTUALLY AS OF YESTERDAY IN SEBRING, LOOKING AT THAT SITUATION.

Jody Hice:

WHAT ABOUT OTHER REGIONS THROUGHOUT THE COUNTRY?

Joel Beauvais:

THERE ARE DRINKING WATER ISSUES ACROSS THE COUNTRY THAT WE ARE MONITORING ACTIVELY AND WORKING WITH OUR STATE PARTNERS TO ADDRESS.

Jody Hice:

MR. CHAIRMAN, MY TIME IS EXPIRED. I THANK YOU. I YIELD BACK.

Jason Chaffetz:

THANK THE GENTLEMAN. NOW RECOGNIZE THE GENTLEWOMAN FROM ILLINOIS, MS. KELLY, FOR FIVE MINUTES.

Robin Kelly:

THANK YOU MR. CHAIR, AND I WANT TO THANK YOU AND RANKING MEMBER CUMMINGS FOR HAVING THIS HEARING. I ALSO WANT TO THANK REP. KILDEE AND REP. LAWRENCE FOR THEIR LEADERSHIP ON THIS ISSUE. I ALSO ASSOCIATE MYSELF WITH THE REMARKS FROM REP. LAWRENCE AND RANKING MEMBER CUMMINGS. WE NEED TO GET THE FOLKS HERE WHO CAN ANSWER THE QUESTIONS OF WHY THIS HAPPENED. AND I HOPE WHEN WE HAVE ANOTHER

HEARING THAT MR. DEL TORAL WILL BE HERE AS WELL AS THE GOVERNOR AND OTHER PEOPLE WE DEEM NECESSARY. I WANT TO THANK THE RESIDENTS OF FLINT FOR BEING HERE. AND, MS. WALTERS, THANK YOU SO MUCH FOR ALL OF YOUR EFFORTS AND FOR YOUR TESTIMONY. ON NOVEMBER 20TH, 2015, THE EPA'S FLINT DRINKING WATER TASK FORCE COMMENTED ON FLINT'S RESIDENTIAL DRINKING WATER LEAD AND COPPER SAMPLING INSTRUCTIONS. THE TASK FORCE MADE SEVERAL RECOMMENDATIONS, INCLUDING REMOVING PREFLUSHING FROM THE SAMPLE COLLECTION PROCESS. THE TASK FORCE CONCLUDED, AND I QUOTE: THESE CHANGES SHOULD BE MADE TO ALL OF THE SAMPLING RECOMMENDATIONS OR INSTRUCTIONS FROM MDEQ TO ALL SYSTEMS, NOT JUST FLINT. MR. CREAGH, DO YOU AGREE THAT THESE CHANGES SHOULD BE MADE STATEWIDE?

Keith Creagh:

I AGREE AND THOSE CHANGES HAVE BEEN MADE.

Robin Kelly:

THEY HAVE BEEN MADE?

Keith Creagh:

YES.

Robin Kelly:

SO OKAY. SO THEY'RE ACROSS MICHIGAN. DR. EDWARDS, DO YOU FEEL THAT THESE RECOMMENDATIONS BY THE EPA TASK FORCE SHOULD APPLY ACROSS THE NATION?

Marc Edwards:

YES, ABSOLUTELY.

Robin Kelly:

AND WOULD YOU INCLUDE ANYTHING ELSE IN THE RECOMMENDATIONS?

Marc Edwards:

NO. WELL, OBVIOUSLY THE UTILITY SHOULD BE FOLLOWING THE PROTOCOL FOR IDENTIFYING THE HIGH-RISK SAMPLING POOL ALL ACROSS THE UNITED STATES. THEY ARE SUPPOSED TO BE SAMPLING FROM THE HOMES THAT ARE HIGHEST RISK FOR LEAD AND WATER, AND THERE IS VERY REAL REASON TO BELIEVE THAT'S NOT OCCURRING. THE D WHOLE EFFECTIVENESS OF THE RULE IS BASED ON THAT FIRST STEP AS WELL.

Robin Kelly:

MR. BEAUVAIS, WHAT ARE THE BARRIERS TO EPA APPLYING THESE RECOMMENDATIONS ACROSS THE COUNTRY?

Joel Beauvais:

MY UNDERSTANDING IS THAT WE CAN MOVE FORWARD WITH MAKING THESE RECOMMENDATIONS ACROSS THE COUNTRY, AND WE'RE ACTIVELY WORKING ON THAT. IN TERMS OF REGULATORY REQUIREMENTS, THOSE ISSUES WILL HAVE TO BE TAKEN UP IN THE REVISIONS TO THE RULE.

Robin Kelly:

OKAY. I THINK THAT THIS CHANGE SHOULD BE PURSUED IF IT MEANS THAT WE WILL GET A MORE ACCURATE PICTURE OF LEAD CONTAMINATION IN OUR DRINKING WATER ACROSS THE NATION AND STOP FUTURE LEAD WATER CRISES FROM HAPPENING. WE MUST STOP THESE PROBLEMS AT THE MOST BASIC LEVEL OF DETECTION AND THAT ENSURING THAT WE ARE GETTING ACCURATE INFORMATION. WE ALSO MUST STOP PLAYING WITH PEOPLE'S LIVES AND PRACTICING GOVERNMENT ON THE CHEAP AS WELL AS SYSTEMIC ENVIRONMENTAL DISCRIMINATION. I YIELD THE REST OF MY TIME TO REPRESENTATIVE LAWRENCE.

Brenda Lawrence:

THANK YOU. I WANT TO JUST EMPHASIZE SOMETHING, AND WE CAN'T SAY THIS ENOUGH. WHEN WE SAY THERE WERE POINTING FINGERS, THERE IS THE FEDERAL GOVERNMENT EPA AND THERE IS THE STATE GOVERNMENT. BECAUSE UNDER THE EMERGENCY MANAGER ACT IN MICHIGAN, THE LOCAL GOVERNMENT, THE CITY OF FLINT, HAS NO GOVERNMENT AUTHORITY. SO THIS -- THE DECISIONS THAT WERE MADE AND THE ACTIONS THAT WERE TAKEN, WE CAN LOOK AT THE STATE LEVEL AND WE CAN LOOK AT THE FEDERAL LEVEL. I WANT TO BE CLEAR ABOUT THAT. AND ALL OF US WHO LIVE IN MICHIGAN CLEARLY UNDERSTANDS THE EMERGENCY

MANAGER ACT. IT COMES IN AND IT DISSOLVES HOME RULE. AND THE EMERGENCY MANAGER REPORTS ONLY -- ONLY -- TO THE STATE GOVERNMENT, AND THAT'S OUR GOVERNOR. I ALSO WANT TO SAY WHEN WE WERE SAYING THAT THE EPA HAD NOT SHOWED UP UNTIL JUST LAST WEEK WHEN THE NEW SECRETARY SHOWED UP, I WANT TO ENTER THIS INTO THE RECORD. JANUARY THE 21ST, THERE WAS A UNITED STATES EPA OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE LETTER SUBMITTED TO THE CITY, SAYING THAT AS A RESULT, THE EPA'S ISSUING AN SDWA EMERGENCY ORDER TO MAKE SURE THAT THE NECESSARY ACTIONS TO PROTECT PUBLIC HEALTH HAPPEN IMMEDIATELY.

IN ADDITION TO THAT, BECAUSE OF THE FAILURE OF THE STATE, THE STATE NO LONGER HAS THE RESPONSIBILITY OF TESTING THE WATER IN FLINT. JUST THIS LAST WEEK, IT WAS TAKEN OVER -- THIS WEEK, IT WAS TAKEN OVER BY EPA BECAUSE OF THE FAILURE OF THE STATE TO COMPLY WITH THIS ORDER, AND SO IT MAY HAVE COME LATE. BUT TO SAY NOTHING HAD HAPPENED FROM THE EPA TO THAT POINT, AND AGAIN THERE WAS DOCUMENTED A FAILURE FOR, ON THE STATE'S PART, TO ACTUALLY COLLECT AND TEST THE WATER. SO WE HAVE, AGAIN, THE STATE AND THE FEDERAL GOVERNMENT, IF WE'RE TALKING ABOUT POINTING FINGERS -- THAT'S NOT WHY I'M HERE. I'M NOT POINTING FINGERS. I WANT THE TRUTH AND I WANT THIS CORRECTED. THANK YOU. I YIELD BACK.

Jason Chaffetz:

AS TO THE DOCUMENT, WE'LL ENTER THAT INTO THE RECORD UNLESS THERE IS AN OBJECTION. WITHOUT OBJECTION, SO ORDERED. I NOW RECOGNIZE THE GENTLEMAN FROM OKLAHOMA, MR. RUSSELL, FOR FIVE MINUTES.

Steve Russell:

THANK YOU, MR. CHAIRMAN. DR. EDWARDS, MS. WALTERS, THANK YOU FOR YOUR COURAGE IN THIS ISSUE AND FOR EXPOSING FOR THE NATION WHEN THINGS FAIL. MR. BEAUVAIS, WHAT IS THE FUNDAMENTAL CORE MISSION OF THE EPA?

Joel Beauvais:

PROTECTION OF PUBLIC HEALTH AND THE ENVIRONMENT.

Steve Russell:

I SEE. AND YOU STATED THAT THE LEAD COPPER RULE WAS UPDATED IN 2007, YET FROM OUR FACTS WE SEE THAT THE LEAD COPPER RULE HAS NOT BEEN FINALIZED IN ANY LONG-TERM UPDATE IN 25 YEARS. WHY IS THAT?

Joel Beauvais:

THERE HAVE BEEN EFFORTS TO UPDATE THE RULE PERIODICALLY OVER TIME. IT WAS UPDATED MOST RECENTLY IN 2007. THE LONG-TERM REVISIONS TO THE RULE ARE WHAT WE'RE WORKING ON RIGHT NOW.

Steve Russell:

WHAT WE'RE WORKING ON. SO FOR 25 YEARS, WE'VE BEEN WORKING ON IT. IN THE LAST DECADE, THE EPA ISSUED ABOUT A THOUSAND RULES A YEAR, AND YET THE LEAD COPPER RULE HAS NOT BEEN FINALIZED IN 25. WHEN DO YOU EXPECT THAT THAT WILL BE DONE?

Joel Beauvais:

AS I SAID BEFORE, MY EXPECTATION IS THAT WE'LL PROPOSE THE RULE IN 2017.

Steve Russell:

WELL, ACCORDING TO EPA'S AGENDA THAT WAS RELEASED LAST FALL, IT STATED THAT THE AGENCY HOPES TO FINALIZE THE RULE IN 2018. SO ONCE AGAIN, WE SEE A MOVING TARGET. WE'VE GOT IT. WE'LL TAKE IT BACK. WE'LL GET BACK TO YOU. WE'RE WORKING ON IT. THAT'S NOT THE CORE MISSION OF PROTECTING THE HEALTH OF PEOPLE WHERE THEY LIVE, WHERE THEY WORK, AND WHERE THEY RECREATE. IN FACT, WE'VE SEEN IN CASES IN FLINT THAT GENERAL MOTORS DETERMINED THAT THE WATER WAS SO SUBSTANDARD THAT THEY SHUT IT DOWN. THEY SAID WE'RE NOT GOING TO USE THAT WATER. IT WAS UNFIT FOR A WORK ENVIRONMENT. AND YET WE'VE SEEN PROCEDURES THAT HAVE MOVED ON THAT MADE THE COMMUNITY EVEN MORE AT RISK OVER TIME. DR. EDWARDS, DO YOU BELIEVE THAT THE EPA IS VIOLATING THE LAW AND ITS STATUTE TO A REQUIREMENT?

Marc Edwards:

YES, I DO. I DON'T THINK THEY'RE FOLLOWING OR ENFORCING THE LAW.

Steve Russell:

WHAT DO YOU BELIEVE HAS CREATED THIS SHIFT AWAY FROM THE EPA'S CORE MISSION?

Marc Edwards:

WELL, THEY HAVE A VERY COZY RELATIONSHIP WITH WATER UTILITIES. IT'S A GOOD EXAMPLE OF REGULATORY CAPTURE, I THINK. THEY'RE NOT LISTENING TO VOICES OF PEOPLE WHO HAVE BEEN HARMED BY THIS REGULATION IN WASHINGTON, D.C., DURHAM, AND FLINT. AND THAT'S WHAT HAPPENS WHEN YOU LISTEN TO ONE GROUP AND IGNORE THE PEOPLE WHO ARE BETRAYED BY THIS RULE.

Steve Russell:

25 YEARS LEAD COPPER RULE, IT'S BEEN A PROBLEM. COMMUNITIES DON'T REALLY HAVE CERTAINTY, AND THEY DON'T HAVE FINALIZATION, SO NOW A PATCHWORK OF REQUIREMENTS EXISTS NATIONWIDE. HOW DO WE FIX IT?

Marc Edwards:

WELL, FOR STARTERS, YOU COULD ENFORCE THE EXISTING LAW.

Steve Russell:

IMAGINE THAT.

Marc Edwards:

THE EXISTING LAW WOULD HAVE STOPPED FLINT. IT WOULD HAVE STOPPED WASHINGTON, D.C. IF IT WASN'T FOR ALL THESE EXTRA INSTRUCTIONS THAT ARE BEING ADDED TO THE RULE, ALLOWING PEOPLE TO THROW OUT SAMPLES FOR EIGHT DIFFERENT REASONS, NONE OF THESE THINGS WOULD HAVE HAPPENED. SO ALL I WANT IS FOR THEM TO ENFORCE THE EXISTING LAW. THAT'S ALL I'VE BEEN REQUESTING, AND MY COLLEAGUES THAT HAVE BEEN WORKING ON THIS FOR THE LAST TEN YEARS IN WASHINGTON, D.C.

Steve Russell:

MR. BEAUVAIS, WE'VE SEEN THAT THERE'S BEEN A STATUTE TO A REQUIREMENT TO DO UPDATES AND MANDATES AND YET, YOU KNOW, BY YOUR TESTIMONY WE SEE DATES ALL AROUND THAT REALLY DON'T SYNC WITH PREVIOUS STATEMENTS FROM THE EPA AS FAR AS, YOU KNOW, WHEN THIS LEAD COPPER RULE BE MANDATED. WE'VE HEARD TESTIMONY THAT NOT ONLY IS CONVINCING BUT IT'S CONDEMNING TO THE PRIORITIES OF THE EPA. WHAT'S YOUR ANSWER TO THIS?

Joel Beauvais:

I WANT TO EMPHASIZE THAT IT'S EPA'S POSITION AND IT HAS BEEN EPA'S POSITION THROUGHOUT THIS SITUATION THAT THE WATER SYSTEM IN FLINT WAS REQUIRED TO APPLY CORROSION CONTROL UPON MAKING THE SWITCH TO FLINT RIVER WATER. THAT IS A CONCLUSION AND A VIEW THAT MDEQ RESISTED THROUGHOUT THIS PROCESS, AND, IF THAT RULE HAD BEEN OBSERVED HERE AND CORROSION CONTROL HAD BEEN APPLIED, THIS SITUATION WOULD NOT HAVE OCCURRED.

Steve Russell:

AND YET WE HAVE A TRAIL OF E-MAILS, MR. BEAUVAIS, WHERE YOUR OWN AGENCY AND REGION 5 TRIED TO BELITTLE, OBSTRUCT, AND PRETTY MUCH ELIMINATE THE VOICES FROM THE COMMUNITY, AND YET NOW YOU'RE GOING TO SHIFT THAT TO THE MICHIGAN DEQ? IS THAT WHAT I'M HEARING YOU SAY?

Joel Beauvais:

CERTAINLY WHEN WE LOOK BACK ON THIS SITUATION, KNOWING WHAT WE KNOW NOW, EVERYONE SHOULD HAVE DONE EVERYTHING HUMANLY POSSIBLE TO AVOID THIS SITUATION. AT EPA, WE NEED TO GO BACK AND LOOK AND UNDERSTAND WHAT HAPPENED AND MAKE SURE THAT IT NEVER HAPPENS AGAIN. BUT I DO THINK IT'S IMPORTANT TO REMEMBER HOW WE GOT IN THIS SITUATION.

Steve Russell:

1991, 2004, 2007. WHAT'S IT GOING TO BE AGAIN? HOW MANY MORE MS. WALTERS ARE WE GOING TO HAVE TO HEAR? WHICH CITY IS NEXT? GET THE RULE FINALIZED. YOU OWE IT TO THE AMERICAN PEOPLE. WE HAVE CERTAIN EXPECTATIONS. AND WHILE WE ALL HAVE DIFFERENT OPINIONS ABOUT THE THOUSANDS OF RULES THAT GET PASSED HERE IN THE LAST DECADE, I

THINK THIS ONE WITH LEAD COPPER AND DRINKING WATER IS PRETTY IMPORTANT. WITH THAT, MR. CHAIRMAN, I'LL YIELD BACK MY TIME.

Jason Chaffetz:

THANK THE GENTLEMAN. WE'LL NOW RECOGNIZE THE GENTLEMAN FROM CALIFORNIA, MR. LIEU, FOR FIVE MINUTES.

Ted Lieu:

THANK YOU, MR. CHAIR. LET'S CALL WHAT HAPPENED IN FLINT WHAT IT IS: A CRIME OF EPIC PROPORTIONS. WE HAD TENS OF THOUSANDS OF WOMEN, MEN, AND CHILDREN POISONED BY LEAD WHEN IT LEACHED FROM THE LEAD METAL PIPES. THOSE MOST RESPONSIBLE KNOW WHO THEY ARE. THEY SHOULD RESIGN, AND SOME OF THEM SHOULD BE PROSECUTED. I WOULD LIKE TO FOCUS TODAY MY COMMENTS AND QUESTIONS ON HOW DO WE MAKE THIS RIGHT FOR THE RESIDENTS OF FLINT. I BELIEVE WE HELP MAKE IT RIGHT BY GIVING THEM A PERMANENT SOLUTION. THAT MEANS REPLACING THEIR LEAD PIPES. SO I WANT TO ENTER, FIRST OF ALL, INTO THE RECORD, MR. CHAIR, AN ARTICLE FROM "SALON" DATED MONDAY, JANUARY 5TH, BY ANTOINETTE OROSSI [PHONETIC] ABOUT FLINT.

Jason Chaffetz:

WITHOUT OBJECTION, SO ORDERED. AND I WOULD REMIND THE AUDIENCE THAT NO APPLAUSE OR BOOING OR ANY REACTION FROM THE AUDIENCE WOULD BE APPROPRIATE FOR THIS HEARING. THANK YOU.

Ted Lieu:

MR. CREAGH, I'M GOING TO READ A FEW SENTENCES FROM THIS ARTICLE. IT SAYS: THE SAFE DRINKING WATER ACT REQUIRED THE EPA TO SET STANDARDS FOR THE CONCENTRATION OF LEAD IN PUBLIC PIPES WITH A PUSH FOR LEAD-FREE. THIS STIRRED THE COUNTRY ON A ROAD TOWARDS REPLACING OLD WATER PIPES WITH PVC, ALSO KNOWN AS PLASTIC PIPES, AS AN ECOFRIENDLY ALTERNATIVE. HOWEVER, MANY POOR MUNICIPALITIES INSTEAD TURNED TO ANTICORROSIVE AGENTS AS A CHEAPER AND FASTER SOLUTION. HAD FLINT HAD PLASTIC PIPES, WE WOULDN'T BE SITTING HERE TODAY, CORRECT?

Keith Creagh:

THAT'S CORRECT.

Ted Lieu:

AND EVEN WITH ANTICORROSION AGENTS, OVER TIME THE METAL PIPES STILL CORRODE. ISN'T THAT CORRECT?

Keith Creagh:

YES, SIR. COULD I AMEND MY EARLIER ANSWER? EVEN WITH PLASTIC PIPES, YOU WOULD STILL HAVE TO LOOK AT THE FIXTURES WITHIN THE VARIOUS FACILITIES, AND SO I JUST WANTED TO PUT A LITTLE SHARPER POINT ON THAT.

Ted Lieu:

THANK YOU.

Keith Creagh:

THANK YOU.

Ted Lieu:

AND WE HAVE OVER 850 WATER MAIN BREAKS A DAY IN AMERICA CAUSED BY CORROSION, EVEN WITH ANTICORROSION AGENTS IN THE WATER. ISN'T THAT ROUGHLY CORRECT, MR. CREAGH?

Keith Creagh:

I DO NOT KNOW THAT NUMBER.

Ted Lieu:

WE HAVE A LOT OF WATER MAIN BREAKS, CORRECT?

Keith Creagh:

THAT'S A TRUE STATEMENT.

Ted Lieu:

ALL RIGHT. SO I WANT TO ENTER NOW INTO THE RECORD AN ARTICLE THAT SAYS: FLINT WATER CRISIS, MAYOR SAYS LEAD PIPES HAVE GOT TO GO. NBC NEWS. COULD I ENTER THAT INTO THE RECORD, MR. CHAIR?

Jason Chaffetz:

WITHOUT OBJECTION, SO ORDERED.

Ted Lieu:

WOULD YOU AGREE, MR. CREAGH, WITH FLINT MAYOR KAREN WEAVER THAT THERE NEEDS TO BE THE RAPID REMOVAL OF LEAD PIPES NOW AND TO BE REPLACED WITH A NONLEAD ALTERNATIVE, INSTEAD OF THE BAND-AID SOLUTION OF JUST ANTICORROSIVE AGENTS OR SIMPLY RECOATING THESE LEAD PIPES?

Keith Creagh:

I THINK IT'S A COMPLICATED ISSUE, AS CONGRESSWOMAN NORTON HAD POINTED OUT, THAT PARTIAL REPLACEMENT MAY CAUSE ADDITIONAL PROBLEMS. AND SO THAT'S THE REASON WE'RE WORKING WITH THE EXPERTS TO MAKE SURE THAT WHATEVER HAPPENS DOES NOT --

Ted Lieu:

WHAT ABOUT FULL REPLACEMENT WITH PLASTIC PIPES OR OTHER NONLEAD PIPES?

Keith Creagh:

THAT CERTAINLY WOULD BE ONE SOLUTION.

Ted Lieu:

OKAY. UNDER NOW -- ASK YOU ANOTHER QUESTION. ARE YOU AWARE THAT MANY NEWER WEALTHIER CITIES IN AMERICA AND CANADA HAVE SWITCHED TO PLASTIC PIPES AS AN ALTERNATIVE TO LEAD PIPES?

Keith Creagh:

I THINK THERE'S A PROHIBITION THAT WAS IN THE BUILDING CODES TO PROHIBIT THE CONTINUED USE OF LEAD PIPES.

Ted Lieu:

OKAY. SO LET ME SWITCH TO MR. BEAUVAIS, FEDERAL EPA. I WOULD LIKE TO ENTER INTO THE RECORD, MR. CHAIR, A REPORT FROM THE NATURAL RESOURCES DEFENSE COUNCIL. IT SAYS: STUDY FINDS SAFETY DRINKING WATER IN THE U.S. CITIES AT RISK. NRDC REPORTS ON DRINKING WATER SYSTEMS IN 19 CITIES AND FINDS THAT POLLUTION, OLD PIPES, AND OUTDATED TREATMENT THREATEN TAP WATER QUALITY.

Jason Chaffetz:

WITHOUT OBJECTION, SO ORDERED.

Ted Lieu:

MR. BEAUVAIS, WE HAVE A NATIONAL PROBLEM, DON'T WE, OF LEAD PIPES ALL AROUND AMERICA THAT LEACH LEAD INTO THE WATER SYSTEM, EVEN WITH ANTICORROSIVE AGENTS? CORRECT?

Joel Beauvais:

THERE ARE MILLIONS OF LEAD SERVICE LINES ACROSS THE COUNTRY AND THOUSANDS OF SYSTEMS, AND THIS IS A CHALLENGE FOR US NATIONWIDE.

Ted Lieu:

AND WE HAVE HUNDREDS OF WATER MAIN BREAKS BECAUSE THOSE PIPES ARE BEING CORRODED, CORRECT?

Joel Beauvais:

YES, WE HAVE SIGNIFICANT WATER MAIN BREAKS.

Ted Lieu:

AND THERE ARE NONLEAD ALTERNATIVES, SUCH AS PLASTIC PIPING OR OTHER PIPES, THAT WOULD NOT LEACH LEAD INTO THE WATER SUPPLY, CORRECT?

Joel Beauvais:

IN LIEU OF LEAD SERVICE LINES, YES.

Ted Lieu:

IS THERE AN EPA RULE ON PLASTIC PIPES?

Joel Beauvais:

I'M NOT AWARE OF A SPECIFIC RULE ON PLASTIC PIPES.

Ted Lieu:

AND THERE IS AN EPA RULE ON LEAD AND COPPER BECAUSE THOSE ARE TOXIC, CORRECT?

Joel Beauvais:

THAT'S CORRECT.

Ted Lieu:

IS THERE ANY REASON THE EPA DOESN'T LOOK AT HAVING MUNICIPALITIES SWITCH TO PLASTIC PIPES OR OTHER NONLEAD ALTERNATIVES?

Joel Beauvais:

THIS IS -- THERE ACTUALLY ARE LEAD SERVICE LINE REPLACEMENT REQUIREMENTS THAT CAN BE TRIGGERED UNDER THE LEAD AND COPPER RULE THAT EXISTS TODAY, WHEN CERTAIN ACTION LEVELS ARE EXCEEDED. THIS WILL BE A MAJOR SUBJECT OF ENGAGEMENT AND ANALYSIS IN THE LEAD AND COPPER RULE REVISIONS. WE HAVE ADVICE FROM THE NATIONAL DRINKING WATER ADVISORY COUNCIL AND FROM OTHER STAKEHOLDERS ON THESE ISSUES. IT'S

IMPORTANT TO REMEMBER THAT, EVEN AS WE LOOK AT ISSUES OF FULL LEAD SERVICE LINE REPLACEMENTS, I BELIEVE DR. EDWARDS AND OTHERS HAD ADVISED THAT, IF THAT'S GOING TO BE DONE, IT HAS TO BE DONE CORRECTLY IN ORDER NOT TO ACTUALLY CREATE BIGGER PROBLEMS.

Ted Lieu:

THANK YOU. I'M GOING TO MAKE A REQUEST OF THE CHAIR AND I'M GOING TO YIELD BACK. IF YOU HAVE ANOTHER HEARING, I DO ASK THAT PERHAPS WE HAVE A WITNESS WHO CAN TALK ABOUT HOW WE SOLVE THIS ON AN ONGOING BASIS.

Jason Chaffetz:

THANK THE GENTLEMAN. WE NOW RECOGNIZE THE GENTLEMAN FROM SOUTH CAROLINA, MR. MULVANEY, FOR FIVE MINUTES.

Mick Mulvaney:

I THANK THE CHAIRMAN, AND I THOUGHT SOMETHING THAT MRS. ELEANOR HOLMES NORTON MENTIONED EARLIER WAS VERY INSIGHTFUL, WHICH IS, I THINK, THE PURPOSE HERE IS REALLY TO SORT OF TREAT THIS AS A PROBLEM-SOLVING EXERCISE VERSUS A BLAME GAME. THERE WILL BE PLENTY OF TIME FOR THAT AND ALSO OTHER PEOPLE INVOLVED WITH THAT. SOME OF YOU ARE VERY NEW TO THIS PROCESS. I WANT TO GO BACK AND LOOK AT THE TIMELINE FOR A LITTLE BIT. HELP ME UNDERSTAND THIS. MR. BEAUVAIS, YOU SAID THE EPA LEARNED ABOUT THIS IN THE SPRING OF 2015. BY THE WAY, DO YOU HAVE A MONTH ON THAT, JUST FOR FILLING IN THE TIMELINE?

Joel Beauvais:

I APOLOGIZE, MR. CONGRESSMAN. MY UNDERSTANDING IS THAT EPA FIRST LEARNED THAT THE CITY WAS NOT APPLYING CORROSION CONTROL TO ITS SYSTEM IN LATE APRIL OF 2015.

Mick Mulvaney:

APRIL 2015. NOW, WHEN DID FLINT MOVE THE WATER SUPPLY TO THE FLINT RIVER, MR. CREAGH?

Keith Creagh:

I BELIEVE THAT WAS MOVED IN APRIL OF 2014.

Mick Mulvaney:

OKAY.

Keith Creagh:

BUT I'LL CHECK THAT WITH A TIMELINE HERE FOR ACCURACY, SIR.

Mick Mulvaney:

DOES THAT GENERALLY COMPORT WITH EVERYBODY'S UNDERSTANDING?

Keith Creagh:

YES, SIR.

Mick Mulvaney:

AND IS IT GENERALLY EVERYBODY'S UNDERSTANDING THAT THEY DID NOT USE THE PHOSPHATE OR OTHER SIMILAR TREATMENT FROM THE VERY BEGINNING? DR. EDWARDS, LET ME ASK YOU THE QUESTION. IF I START PULLING WATER OUT OF THE FLINT RIVER AND I PUT IT THROUGH THESE PARTICULAR PIPES, HOW LONG WILL IT TAKE BEFORE THE WATER HAS AN IMPACT ON THE QUALITY OF THE DRINKING WATER THAT PEOPLE ARE DRINKING? IS IT IMMEDIATE? DOES IT TAKE A COUPLE MONTHS FOR IT TO BREAK DOWN THE LINING IN THE PIPES? HOW LONG DOES THAT TAKE?

Marc Edwards:

IT TAKES A PERIOD OF WEEKS TO ABOUT A MONTH, AND THAT'S WHEN THE FIRST CONSUMER COMPLAINTS STARTED ARISING ABOUT RED WATER, WHICH IS IRON RUST FALLING INTO THE WATER.

Mick Mulvaney:

SO GIVE OR TAKE NOW WE'RE AT MAY OF 2014, WE'RE STILL 11 MONTHS FROM THE EPA KNOWING ABOUT IT, BUT HERE WE ARE MAY OF 2014. MR. CREAGH, I THINK YOU SAID THAT IT WAS THE CITY'S RESPONSIBILITY TO CERTIFY THAT THE STANDARDS HAD BEEN MET. HOW OFTEN ARE THEY SUPPOSED TO DO THAT?

Keith Creagh:

I THINK IT'S ON AN ANNUAL BASIS. I BELIEVE IT'S ON AN ANNUAL BASIS.

Mick Mulvaney:

ANNUAL BASIS. OKAY. SO WHEN WAS THE MOST RELEVANT CERTIFICATION IN THAT 2014-2015 TIME LINE?

Keith Creagh:

SO I'LL SHARPEN MY ANSWER. I BELIEVE THAT THEY SEND IN MONTHLY RESULTS, BUT I THINK THAT THERE IS AN ANNUAL REVIEW.

Mick Mulvaney:

ALL RIGHT. SO LET'S FOCUS ON THE MONTHLY RESULTS FIRST. THEY'RE SENDING RESULTS TO YOU FOLKS EVERY MONTH ON THE QUALITY OF THE WATER IN FLINT, RIGHT?

Keith Creagh:

WELL, I'M OUTSIDE MY LANE OF EXPERTISE ON THE PARTICULARS OF THE REPORTING ASPECT, SO I CAN -- REALLY CAN'T SPEAK TO THAT DIRECTLY.

Mick Mulvaney:

OKAY. DR. EDWARDS IS NODDING HIS HEAD, SO CLEARLY SOMEBODY -- WAS THE CITY DOING THAT? YOU SEE WHAT I'M TRYING TO GET TO.

Marc Edwards:

THERE IS A MONTHLY REPORT ON DISTRIBUTION SYSTEM MONITORING.

Mick Mulvaney:

DID THE MONTHLY REPORT THAT THE CITY OF FLINT WAS DELIVERING BEGINNING IN APRIL OF 2014 SHOW THAT THE WATER QUALITY IN FLINT WAS A PROBLEM?

Keith Creagh:

IT'S MY UNDERSTANDING IT DIDN'T, THAT IT MET THE SAFE DRINKING WATER ACT QUALITY PARAMETERS.

Mick Mulvaney:

OKAY. WHEN -- DID THE CITY EVER SEND A REPORT, THE MONTHLY REPORT, THAT SAID THE WATER DIDN'T MEET THE STANDARDS EVER?

Keith Creagh:

NO, IT'S A DIFFERENT QUESTION. AND, OF COURSE, YOU ONLY ANSWER IT QUESTION ANSWER, BUT LET ME JUST HELP YOU WITH THAT, SIR.

Mick Mulvaney:

SURE.

Keith Creagh:

SO THE WATER QUALITY PARAMETERS THAT ARE REQUIRED UNDER THE SAVE DRINKING WATER ACT DON'T NECESSARILY ASK FOR LEAD TO BE TESTED AT THAT POINT IN TIME.

Mick Mulvaney:

OKAY. WOW. IS THAT TRUE THAT THE CLEAN -- THAT THE EPA DOESN'T REQUIRE THEM TO SEND INFORMATION ON LEAD?

Joel Beauvais:

I BELIEVE THAT YOU MAY BE TALKING ABOUT TWO DIFFERENT THINGS, MR. CONGRESSMAN.

Mick Mulvaney:

POSSIBLE. I DON'T KNOW ANYTHING ABOUT THIS.

Joel Beauvais:

THERE'S WATER QUALITY PARAMETER MONITORING, AS I UNDERSTAND IT, AT THE DRINKING WATER COMPLIANCE WITH THE LEAD AND COPPER RULE IS ACTUALLY MONITORED AND TESTED THROUGH SAMPLES THAT ARE TAKEN IN THE DISTRIBUTION SYSTEM BECAUSE LEAD LEACHES INTO THE WATER FROM THE LEAD SERVICE LINES AND SO FORTH. AND SO THOSE SAMPLES ARE NOT TAKEN AT THE WATER TREATMENT PLANT. I WANT TO ADD, HOWEVER, THAT IN 2014 THE FLINT SYSTEM ACTUALLY HAD MULTIPLE VIOLATIONS OF SAFE DRINKING WATER ACT STANDARDS, INCLUDING THE TOTAL COLIFORM RULE AND THE DISINFECTION BYPRODUCTS RULE.

Mick Mulvaney:

THIS IS UNFORTUNATE WE ONLY HAVE FIVE MINUTES. WE CAN'T DO A PROPER DEPOSITION IN FIVE MINUTES, ESPECIALLY FOUR WITNESSES. SO I APOLOGIZE. I'M NOT -- I'VE GOT A LOT MORE QUESTIONS THAN MY TIME LINE. LET ME SKIP AHEAD TO ANOTHER QUESTION, WHICH IS MR. PALMER JUST SHOWED ME SOMETHING THAT SAYS THAT MY STATE DOES NOT REPORT TO THE CDC ON LEAD AND WATER. DO THEY REPORT TO THE EPA, MR. BEAUVAIS, FROM SOUTH CAROLINA?

Joel Beauvais:

WITH REGARD TO LEAD AND WATER, THE SOUTH CAROLINA STATE GOVERNMENT WOULD BE THE PRIMACY AGENCY IN SOUTH CAROLINA.

Mick Mulvaney:

BUT DO THEY TELL YOU?

Joel Beauvais:

THOSE RESULTS ARE REPORTED UP THROUGH THE EPA'S DATA SYSTEM --

Mick Mulvaney:

SO WHILE SOUTH CAROLINA MIGHT NOT TELL CDC, THE CENTERS FOR DISEASE CONTROL, THEY MAY TELL THE EPA ABOUT THE QUALITY OF THE WATER, INCLUDING LEAD PRESENCE IN MY WATER, IN SOUTH CAROLINA.

Joel Beauvais:

I WOULD EXPECT SO, YES.

Mick Mulvaney:

AND DID MICHIGAN DO THE SAME THING?

Joel Beauvais:

ULTIMATELY, YES.

Mick Mulvaney:

OKAY. AGAIN I -- MY TIME IS UP AND I APOLOGIZE. THAT WASN'T VERY FRUITFUL BUT WOULD LIKE TO CONTINUE THIS ANOTHER TIME IF WE CAN. THANK YOU, MR. CHAIRMAN.

Jason Chaffetz:

THANK THE GENTLEMAN. WE'LL NOW RECOGNIZE THE GENTLEWOMAN FROM NEW JERSEY, MS. WATSON-COLEMAN, FOR FIVE MINUTES.

Bonnie Watson Coleman:

THANK YOU, MR. CHAIRMAN. I'VE LISTENED TO THIS ENTIRE PANEL DISCUSSION AND I HAVE TO TELL YOU, MY QUESTIONS ARE GOING TO BE DIRECTED FIRST TO MR. CREAGH AND THEN I HAVE A QUESTION FOR MR. BEAUVAIS. IT IS CLEAR TO ME THAT THE RESPONSIBILITY DOESN'T LIE WITH THE LOCAL OFFICIALS, BECAUSE THE LOCAL OFFICIALS WERE AS MUCH VICTIMS AS THE UNELECTED LOCAL RESIDENTS. BUT YOU, MR. CREAGH, AS THE DIRECTOR OF THE DEPARTMENT

OF ENVIRONMENTAL QUALITY, WHATEVER IT'S CALLED IN MICHIGAN, YOU AT THAT LEVEL, YOU ARE PRIMARILY RESPONSIBLE, YOU AND THE GOVERNOR OF THE STATE OF NEW JERSEY -- THE STATE OF MICHIGAN -- I'VE GOT THAT PROBLEM IN NEW JERSEY, JUST TO BE CLEAR. BUT THE GOVERNOR PLACING THOSE INDIVIDUALS IN THAT RESPONSIBILITY OVER THE CITY OF FLINT, MICHIGAN, AND THEN TAKING ALL AUTHORITY AWAY FROM THE ELECTED OFFICIALS IN THE CITY OF MICHIGAN, YOU HAVE PRIMARY RESPONSIBILITY HERE. AND YOUR APOLOGY AFTER THE FACT RINGS HOLLOW. SO I HAVE A COUPLE OF QUESTIONS.

MR. CREAGH, YOUR BOSS, GOVERNOR SNYDER, APPOINTED EMERGENCY MANAGERS FOR THE CITY OF FLINT FROM 2011 THROUGH 2015. BASED ON THE LAW, GOVERNOR SNYDER CHAMPIONED IN 2011 HIS EMERGENCY MANAGERS TOOK OVER ALL THE POWERS EXERCISED BY FLINT CITY COUNCIL AND THE MAYOR. IF HIS EMERGENCY MANAGER IS SOMETHING THE ELECTED REPRESENTATIVES OF FLINT DIDN'T LIKE, THERE WAS NOTHING THAT THEY COULD DO ABOUT IT. ON MARCH 23RD, 2015, THE CITY COUNCIL ATTEMPTED TO REVERSE THE DECISION TO USE FLINT RIVER WATER. THEY ADOPTED A RESOLUTION BY A VOTE OF 7-1, AND I QUOTE: TO RETURN TO THE DETROIT WATER AND SEWERAGE DEPARTMENT FOR THE PURCHASE OF WATER FOR ITS CITIZENS. MR. CREAGH, ARE YOU AWARE OF THAT RESOLUTION AND THAT VOTE?

Keith Creagh:

I HAVE NOT SEEN THAT RESOLUTION.

Bonnie Watson Coleman:

THE PROBLEM IS IS THAT FLINT WAS STILL UNDER THE CONTROL OF THE EMERGENCY MANAGER, GERALD AMBROSE IN THIS CASE. THE NEXT DAY ON MARCH 24TH, 2015, MR. AMBROSE OVERRULED THE CITY COUNCIL'S VOTE. LET ME READ TO YOU WHAT HE SAID, AND I QUOTE: FLINT WATER TODAY IS SAFE BY ALL EPA AND MDEQ STANDARDS, AND THE CITY IS WORKING DAILY TO IMPROVE ITS QUALITY. WATER FROM DETROIT IS NO SAFER THAN WATER FROM FLINT. ARE YOU AWARE OF THAT STATEMENT?

Keith Creagh:

I AM NOT.

Bonnie Watson Coleman:

MR. AMBROSE CALLED THE EFFORT BY THE CITY COUNCIL TO STOP USING FLINT RIVER WATER, AND I QUOTE: INCOMPREHENSIBLE. MR. CREAGH, DO YOU AGREE THAT MR. AMBROSE'S ACTIONS WAS AN ABSOLUTELY HORRIBLE DECISION FOR THE PEOPLE OF FLINT?

Keith Creagh:

I CANNOT ADDRESS MR. AMBROSE' ACTIONS. I CAN SAY THAT THE PLANT IN FLINT HAD BEEN USED HISTORICALLY AS A BACKUP WATER SUPPLY, UTILIZING THE FLINT RIVER, HAD PASSED ITS PERFORMANCE STANDARDS, HAD BEEN -- HAD BEEN TESTED ON A QUARTERLY BASIS.

Bonnie Watson Coleman:

THAT'S VERY INTERESTING, MR. CREAGH, THAT I'M SITTING HERE LOOKING AT WATER BEING HELD UP IN BABY BOTTLES AND WATER BOTTLES THAT LOOKS LIKE LEMONADE AND ICED TEA AND NOT CLEAR WATER. MR. CREAGH, IF MR. AMBROSE LET THE CITY COUNCIL'S DECISION TO STAND, THE ACTUAL AMOUNT OF LEAD EXPOSURE IN FLINT WOULD HAVE BEEN REDUCED. IS THAT NOT SO? CAN YOU SAY YES OR NO TO THAT?

Keith Creagh:

I'M SORRY. WOULD YOU REPEAT THAT ONE TIME?

Bonnie Watson Coleman:

IF HE HAD LET THE CITY COUNCIL'S RESOLUTION TO RETURN TO THE DETROIT WATER SYSTEM AS A SOURCE OF WATER, WOULD THE ACTUAL AMOUNT OF LEAD EXPOSURE IN FLINT -- WOULD IT HAVE BEEN REDUCED? YES --

Keith Creagh:

I BELIEVE THAT'S A TRUE STATEMENT.

Bonnie Watson Coleman:

MRS. WALTERS, THIS DECISION BY THE GOVERNOR'S EMERGENCY MANAGER FOR MR. AMBROSE CAME AFTER THE STATE WAS TOLD ABOUT THE EXTREMELY HIGH LEVELS OF LEAD IN YOUR HOUSE IN FEBRUARY, RIGHT?

Leeanne Walters:

CORRECT. FEBRUARY 25TH AND MARCH 17TH.

Bonnie Watson Coleman:

AND I'M SO VERY SORRY FOR YOU AND THE RESIDENTS AND THE CHILDREN OF THE CITY OF FLINT. IT SEEMS TO ME THAT THE DECISION BY THE GOVERNOR'S EMERGENCY MANAGER WAS ONE OF THE WORST ACTIONS IN THIS ENTIRE DEBACLE. MR. CREAGH, HOW LONG HAVE YOU BEEN INVOLVED IN STATE GOVERNMENT AT THE DIRECTOR LEVEL IN OTHER DEPARTMENTS?

Keith Creagh:

I WAS THE DIRECTOR OF THE MICHIGAN DEPARTMENT OF AGRICULTURE FROM JANUARY OF 2010 THROUGH JULY OF 2011, AND DIRECTOR OF THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES FROM THAT TIME UNTIL JANUARY 4TH.

Bonnie Watson Coleman:

DO YOU CONSIDER YOURSELF A MEMBER OF GOVERNOR SNYDER'S TEAM?

Keith Creagh:

I'M A MEMBER OF GOVERNOR SNYDER'S CABINET.

Bonnie Watson Coleman:

DO YOU KNOW WHO OWNS THE KAREGNONDI WATER AUTHORITY, AND DO YOU KNOW IF THERE IS ANY RELATIONSHIP BETWEEN ANY OF THE PRINCIPALS OF THAT AUTHORITY TO THE GOVERNOR, TO HIS CAMPAIGNS, OR TO THE PARTY THAT IS REPRESENTED BY THE GOVERNOR IN THE STATE OF MICHIGAN?

Keith Creagh:

I HAVE NO SUCH KNOWLEDGE OF THAT.

Bonnie Watson Coleman:

FINALLY, MR. BEAUVAIS, WHAT IS IT -- WHAT IS THE MOST THAT YOU COULD HAVE DONE AS A DEPARTMENT OF THE EPA TO CORRECT THIS PROBLEM HAD YOU RESPONDED IN A TIMELY AND SUFFICIENT MANNER? WHAT IS THE EXTENT OF YOUR AUTHORITY? WHAT COULD YOU HAVE DONE?

Joel Beauvais:

CONGRESSWOMAN, THAT'S AN EXCELLENT QUESTION, AND I THINK THAT'S EXACTLY WHAT WE NEED TO TAKE A LOOK AT RIGHT NOW. WE -- THE EPA NEEDS TO LOOK AT -- THE EPA WAS WORKING WITH MDEQ TO TRY TO GET IT TO DO THE RIGHT THING, BUT THE QUESTIONS THAT WE NEED TO ASK ARE: AT WHAT POINT IN TIME SHOULD THE EPA EITHER HAVE FORCED MDEQ TO DO THE RIGHT THING OR PROVIDED THE PUBLIC DIRECTLY WITH INFORMATION?

Bonnie Watson Coleman:

THAT IS MY QUESTION. MR. CHAIRMAN, IF I JUST MIGHT EXPLORE THIS ONE SECOND?

Jason Chaffetz:

ONE MORE, YES.

Bonnie Watson Coleman:

WHAT DO YOU MEAN THAT WHEN YOU SAID SHOULD EPA HAVE FORCED THE SITUATION? WHAT COULD EPA DO WITHIN ITS AUTHORITY THAT COULD HAVE FORCED THE SITUATION?

Joel Beauvais:

I DON'T WANT TO SPECULATE WITH REGARD TO THE SPECIFIC FACTS AND SPECIFIC TIME LINES. I DO RECOGNIZE THAT EPA HAS EMERGENCY RESPONSE AUTHORITY UNDER THE SAFE DRINKING WATER ACT.

Bonnie Watson Coleman:

FOR THE RECORD, I WANT IT NOTED THAT YOU DIDN'T ANSWER MY QUESTION. THANK YOU. THANK YOU, MR. CHAIRMAN.

Jason Chaffetz:

DULY NOTED. WE'LL NOW RECOGNIZE THE GENTLEMAN FROM ALABAMA, MR. PALMER, FOR FIVE MINUTES.

Gary Palmer:

THANK YOU, MR. CHAIRMAN. MR. BEAUVAIS, IN DECEMBER OF 2000, THE EPA PUT OUT THIS REPORT ON AMERICA'S CHILDREN AND THE ENVIRONMENT AND ON PAGE 41 SAYS: THERE IS NO DEMONSTRATED SAFE CONCENTRATION OF LEAD IN THE BLOOD. NO DEMONSTRATED CONCENTRATION. NONE. IS THAT STILL THE EPA'S OPINION?

Joel Beauvais:

THERE IS NO SAFE LEVEL OF LEAD EXPOSURE.

Gary Palmer:

ALL RIGHT. FOLLOWING UP ON QUESTION THAT'S BEEN ASKED BY SEVERAL MEMBERS ABOUT THE LEAD AND COPPER RULE. THE LAST TIME IT WAS UPDATED WAS 2007. PRIOR TO THAT WAS 1991. THE SAFE DRINKING WATER ACT REQUIRES THAT THE LEAD COPPER RULE BE UPDATED AT LEAST EVERY SIX YEARS. CAN YOU EXPLAIN TO ME WHY WE'RE -- WE'RE DELAYING THIS OUT TO 2017, POSSIBLY 2018?

Joel Beauvais:

THE CURRENT PROCESSES INVOLVE SOLICITING ADVICE AND INPUT FROM OUR NATIONAL DRINKING WATER ADVISORY COUNCIL, WHICH INCLUDES REPRESENTATIVES --

Gary Palmer:

MR. BEAUVAIS, YOU HAD -- AN EPA OFFICIAL PUT OUT A REPORT ABOUT WHAT WAS GOING ON IN FLINT, MICHIGAN. YOU DIDN'T NEED TO SOLICIT ANYTHING ELSE. YOU COULD HAVE ACTED. YOU'VE GOT A ROOMFUL OF PEOPLE HERE NOW WHO HAVE BEEN IMPACTED BECAUSE OF IT. SO WHAT ARE YOU WAITING ON?

Joel Beauvais:

WE ARE NOT WAITING. AND I WANT TO EMPHASIZE THAT THE REVISIONS TO THE RULE, WHILE VERY IMPORTANT, ARE NOT THE PRIMARY ISSUE WITH REGARD TO THE FLINT SITUATION.

Gary Palmer:

I UNDERSTAND THAT. BUT I'M JUST -- LOOK, THERE IS A -- FOLLOWING UP ON MR. MULVANEY'S QUESTION ABOUT REPORTING TO THE CDC, THERE'S A REPORT 2014 OF THE COUNTIES THAT HAVE ELEVATED LEAD LEVELS. OF THE TOP TEN, NUMBER ONE AND NUMBER THREE ARE IN ALABAMA. I DON'T KNOW OF ANYTHING THE EPA HAS DONE ON THAT. DOES THE EPA GET THE DATA FROM THE CDC AND ACT ON IT?

Joel Beauvais:

I WOULD EXPECT THAT THE EPA HAS ACCESS TO THE DATA FROM CDC.

Gary Palmer:

I DIDN'T ASK YOU THAT. I'M SURE YOU'VE GOT ACCESS TO THE DATA. DID YOU ACT ON IT? BECAUSE THESE AREN'T THE ONLY KIDS IN HERE IMPACTED BY THE LEAD LEVELS. SO DID YOU ACT ON IT?

Joel Beauvais:

ABSOLUTELY. BLOOD LEAD LEVELS ARE AFFECTED BY MULTIPLE SOURCES OF LEAD, INCLUDING LEAD IN PAINT AND LEAD IN SOIL, AND THE EPA HAS PROGRAMS, ALONG WITH OUR STATE PARTNERS, THAT ADDRESS ALL THESE ISSUES. LEAD AND DRINKING WATER ALSO IS --

Gary Palmer:

LET ME -- LET ME DIRECT SOMETHING TO MR. EDWARDS. MR. EDWARDS, IT APPEARS TO ME THAT THE IRONY OF THIS IS THE EPA WANTS TO REGULATE EVERYTHING -- YOU KNOW, THEY WANT TO REGULATE DITCH WATER AND PUDDLES IN BACKYARDS. YET IN GEORGIA THEY HAD A TOXIC SPILL THEY INITIALLY DENIED RESPONSIBILITY FOR. YOU HAD ANOTHER EPA WHISTLEBLOWER, DAVE LEWIS, ONE OF YOUR TOP SCIENTISTS, WHO REVEALED THAT THE EPA WAS INVOLVED IN THIS, RELEASED AN ENORMOUS AMOUNT OF TOXIC MATERIAL INTO THE GROUND WATER, INTO THE CREEK, INCLUDING LEAD, AND EPA TRIED TO COVER THAT UP. WHAT

DO YOU KNOW ABOUT THAT, DR. EDWARDS?

Marc Edwards:

NOTHING. I KNOW DAVID LEWIS AND I RESPECT HIM, BUT I DON'T KNOW THE SPECIFICS OF THAT CASE.

Gary Palmer:

WELL, THE SPECIFICS OF THE CASE IS THAT THE EPA VIOLATED THEIR OWN RULE ON RELEASING LEAD INTO GROUNDWATER, AND THIS -- THIS BLOWS MY MIND. YOU'VE GOT PEOPLE WHOSE LIVES ARE GOING TO BE -- I MEAN, YOUNG KIDS WHOSE LIVES ARE GOING TO BE AFFECTED INTO ADULTHOOD BECAUSE OF THIS. IT'S NOT JUST THE FLINT PROBLEM. THIS IS ACROSS THE BOARD. I THINK -- I CAN'T REMEMBER WHO IT WAS THAT MADE THIS POINT, BUT THE EPA HAS FAILED IN ITS RESPONSIBILITY. IT'S LOST CREDIBILITY, AND THIS PROBLEM, I THINK, IT'S BEYOND -- I MEAN, IT'S NOT JUST THE EPA. THERE'S MALFEASANCE OF THE EPA. I THINK THERE IS PROBLEMS AT THE STATE LEVEL, AT THE LOCAL LEVEL, AND MY -- AS IT'S BEEN POINTED OUT, AS MR. MULVANEY POINTED OUT, I'M NOT SO MUCH INTERESTED IN THE BLAME AS -- AND YOU HAVE TO FIGURE OUT WHERE THE PROBLEM IS BEFORE YOU CAN FIX IT. BUT MY INTEREST IS, IS IN FIXING THE PROBLEM, MAKE SURE THAT WE DON'T EVER HAVE TO HAVE ANOTHER GROUP OF PEOPLE COME IN HERE WITH THEIR CHILDREN, IN FRONT OF THIS COMMITTEE OR ANY OTHER CONGRESSIONAL COMMITTEE TO TRY TO GET THE GOVERNMENT TO DO WHAT IT'S SUPPOSED TO DO. MR. CHAIRMAN, I YIELD BACK THE BALANCE OF MY TIME.

Jason Chaffetz:

THANK THE GENTLEMAN. WE'LL NOW RECOGNIZE THE GENTLEWOMAN FROM THE VIRGIN ISLANDS, MS. PLASKETT, FOR FIVE MINUTES.

Stacey Plaskett:

THANK YOU, MR. CHAIRMAN. THANK YOU, MR. RANKING MEMBER FOR THE OPPORTUNITY TO SPEAK WITH THESE WITNESSES TODAY. I FIRST WANT TO LET THE PEOPLE OF FLINT, MICHIGAN, KNOW THAT YOU HAVE MY AND MY CONSTITUENTS' HEARTFELT CONDOLENCES ON WHAT'S HAPPENED AND THE DEVASTATION THAT'S GOING TO OCCUR TO YOU ALL IN THE DAYS AND THE YEARS MOVING FORWARD. A FEW DAYS AGO THE "BOSTON GLOBE" RAN AN ARTICLE THAT ADVOCATES THAT FLINT AND ITS TAINTED WATER, IT EPITOMIZED THE WORST KIND OF

ENVIRONMENTAL RACISM AT THE HANDS OF GOVERNMENT AGENCIES. THAT CONCLUSION MAY BE TRUE, BUT WHAT HAS HAPPENED IN FLINT IS REALLY JUST SYMPTOMATIC OF WHAT IS HAPPENING IN ECONOMICALLY DISADVANTAGED NEIGHBORHOODS ALL ACROSS AMERICA, REGARDLESS OF THE RACE OF THE INHABITANTS. IT CONTINUES TO HAPPEN BECAUSE AMERICA TOLERATES ENVIRONMENTAL HAZARDS AND POLLUTING OF THE POOR AND PEOPLE OF COLOR EVERY DAY. THE LEAD AND OTHER CONTAMINANTS IN FLINT WATER IS JUST ONE KIND OF ENVIRONMENTAL HAZARD. FOR MANY OTHER ECONOMICALLY CHALLENGED COMMUNITIES, TOXIC CHEMICALS ARE STORED IN NEARBY FACILITIES OR USED ABUNDANTLY IN MANUFACTURING PLANTS.

EVERYONE APPEARS TO BE SHOCKED AND SURPRISED BY WHAT HAS HAPPENED IN FLINT, MICHIGAN. UNFORTUNATELY, IT'S REALLY UNFORTUNATE THAT I'M NOT SHOCKED AT ALL. I'M NOT SHOCKED BECAUSE THIS IS PAR FOR THE COURSE. THIS IS BUSINESS AS USUAL IN AMERICA. IT'S UNFORTUNATE AND A TRAVESTY THAT WE HAVE CRISIS LIKE THESE OCCURRING AROUND THE COUNTRY EVERY DAY, WHETHER IT'S TOXIC DRINKING WATER, TOXIC LAND, SUBHUMAN TENEMENTS, CRUMBLING SCHOOLS. FOR THE MOST PART, THE COMMON DENOMINATOR IS COMMUNITIES THAT ARE MAJORITY MINORITY, LOW-INCOME, SOCIOECONOMICALLY CHALLENGED AREAS. THAT'S THE COMMON FACTOR IN MOST OF THOSE PLACES WHERE WE FIND THAT. THAT'S THE COMMON DENOMINATOR IN FLINT, ALONG WITH OTHER PLACES. ELEANOR HOLMES NORTON TALKED ABOUT IT IN D.C. CERTAIN AMERICANS DON'T COUNT FOR MUCH.

GOVERNORS, FEDERAL AGENCIES, STATE EMERGENCY MANAGERS WANT TO WAG THEIR FINGERS AT TOWNS FOR TELLING THEM THAT THEY DON'T MANAGE THEIR MONEY PROPERLY AND BRING OVERSEERS OVER THEM, WHO DON'T WANT TO EXPEND THE MONEY IN THE RIGHT MANNER TO SUPPORT THOSE AREAS. UNFORTUNATELY, THIS CONGRESS IS THE SAME. WE CREATE SELECT COMMITTEES AND DRAG ALL KINDS OF IMPORTANT PEOPLE TO TESTIFY OVER ISSUES THAT THEY THINK ARE IMPORTANT, THAT THEY THINK ARE IMPORTANT. NOT TO DISPARAGE OR MAKE LIGHT OF THE GRAVITY OF THE INCIDENT, BUT THIS CONGRESS CREATED THE BENGHAZI COMMITTEE OVER THE DEATH OF FOUR AMERICANS. THAT COMMITTEE HAS SPENT NEARLY \$6 MILLION TO INVESTIGATE THAT, BUT WE CAN'T GET THE GOVERNOR OF MICHIGAN AT THIS HEARING TO GIVE RESPONSES FOR ACTIONS THAT ARE GOING TO AFFECT 9,000 CHILDREN. THAT'S A SHAME, AND THAT'S BUSINESS AS USUAL.

BUT I WANT TO TALK ABOUT THE MONEY THAT WAS SPENT AND WHERE THAT MONEY WAS SPENT. MR. CREAGH, THERE ARE MANY PEOPLE IN THE MICHIGAN STATE GOVERNMENT THAT COULD HAVE STOPPED THIS TRAGEDY FROM OCCURRING, AND, DESPITE THE FACT THAT THEY

OVERSAW AND CONTRIBUTED TO THIS TRAGEDY, GOVERNOR SNYDER CONTINUES TO PLACE THEM IN POSITIONS OF INCREASING RESPONSIBILITY. LET'S TAKE THE EMERGENCY MANAGER FOR A QUESTION -- AS AN EXAMPLE. MR. CREAGH, DID YOU KNOW THAT MR. EARLEY WAS PAID \$180,000 FOR DOING HIS JOB AS THE EMERGENCY MANAGER?

Keith Creagh:

I DO NOT.

Stacey Plaskett:

I HAVE AN ARTICLE HERE IN A DETROIT MAGAZINE, DETROIT NEWSPAPER THAT TALKS ABOUT THAT. DURING MR. EARLEY'S TENURE, TENS OF THOUSANDS OF MEN, WOMEN, AND CHILDREN WERE EXPOSED TO EXTREMELY UNHEALTHY LEVELS OF LEAD. YET GOVERNOR SNYDER THEN REWARDED HIM, THAT SAME MR. EARLEY, WITH A NEW POSITION OF THE EMERGENCY MANAGER OF DETROIT PUBLIC SCHOOL SYSTEM. MR. CREAGH, DID YOU KNOW THAT MR. EARLEY RECEIVED A SALARY ON THAT JOB AND WHAT THAT SALARY WAS?

Keith Creagh:

I'M NOT AWARE OF MR. EARLEY'S SALARY.

Stacey Plaskett:

DID YOU KNOW THAT HE RECEIVED A SALARY OF \$221,000, RECEIVED A PROMOTION AND A \$41,000 RAISE FOR THAT POSITION? MR. CREAGH, DO YOU THINK THAT GOVERNOR SNYDER WAS EXERCISING GOOD JUDGMENT IN PROMOTING MR. EARLEY AFTER THE JOB HE DID IN FLINT'S WATER CRISIS?

Keith Creagh:

MR. EARLY'S SALARY IS BETWEEN THE GOVERNOR AND HIMSELF.

Stacey Plaskett:

I DIDN'T ASK YOU ABOUT HIS SALARY. I ASKED YOU WHETHER IT WAS GOOD JUDGMENT IN PROMOTING HIM TO THAT POSITION.

Keith Creagh:

I'M NOT IN A POSITION TO REFER TO THE GOVERNOR'S JUDGMENT.

Stacey Plaskett:

AND I THINK -- AND I THINK MAYBE OTHERS HERE WOULD BELIEVE THAT, BASED ON HIS ABYSMAL PERFORMANCE IN FLINT, DO YOU THINK HE DESERVES TO BE APPOINTED TO ANOTHER JOB THAT INVOLVES TAKING CARE OF THE HEALTH AND SAFETY OF THOUSANDS OF CHILDREN? SO, MS. WALTERS, ARE YOU AWARE THAT MR. EARLEY'S SALARY WAS PAID FOR BY FLINT THE TOWN, NOT THE STATE OF MICHIGAN?

Leeanne Walters:

NO, I WAS NOT.

Stacey Plaskett:

THAT IT'S YOUR TAX DOLLARS THAT WERE PAYING FOR HIM TO DO THE JOB THAT HE DID ON THOSE CHILDREN? SO GOVERNOR SNYDER, FOR REASONS ONLY HE KNOWS, REWARDED MR. EARLEY FOR THE JOB HE DID IN FLINT WITH ANOTHER JOB THAT PAID HIM 221,000. MR. CHAIRMAN, I WANT TO THANK YOU FOR YOUR ATTEMPT TO SUBPOENA MR. EARLEY TO APPEAR HERE TODAY, AND I'M GOING TO ASK YOU TO CONTINUE YOUR ATTEMPT TO ENFORCE THAT SUBPOENA AND THAT MR. EARLEY, ALONG WITH THE GOVERNOR, WILL APPEAR IN FRONT OF THIS COMMITTEE AT ANOTHER HEARING IN SHORT ORDER. THANK YOU FOR THE TIME.

Jason Chaffetz:

THANK YOU. NOW RECOGNIZE MYSELF FOR FIVE MINUTES. IN CONGRESS WE HAVE OBVIOUSLY CHIEF JURISDICTION ON THE FEDERAL GOVERNMENT, THE EPA. WE HAVE A MORE LIMITED ROLE BY THE VERY NATURE OF TAX DOLLARS AND ACCOUNTABILITY AT THE STATE LEVEL. THERE'S STILL A ROLE, BUT NEVERTHELESS IT'S STILL LESS. OUR FOCUS MANY TIMES ON THE FEDERAL COMPONENT IS ONE PRIMARILY OF JURISDICTION, DOLLARS, POWER OF THE PURSE. THAT'S WHY I FEEL SO ADAMANTLY ABOUT IT. IT IS NOT TO EXCUSE WHAT HAPPENED AT THE CITY OR AT THE STATE LEVEL, BUT THE REMEDY ON HOW TO DEAL WITH THIS OFTEN IS AT THE CITY, COUNTY, OR STATE LEVEL. AND WE WILL STILL LOOK AT THOSE THINGS. AND CLEARLY, THERE

IS NO DOUBT IN ANYBODY'S MIND THAT THERE WERE DRAMATIC FAILURES AT THE CITY LEVEL, AT THE STATE LEVEL, AND THERE IS A COMPLETE CASE TO BE MADE ABOUT THE NEED TO LOOK AT WHAT HAPPENED BETWEEN THAT STATE EMERGENCY MANAGER, THE GOVERNOR'S OFFICE, THE MICHIGAN ENVIRONMENTAL QUALITY. I UNDERSTAND THAT.

BUT A LOT OF OUR FOCUS WILL NATURALLY BE UPON THE EPA BECAUSE OF THE NATURE OF IT BEING A FEDERAL ENTITY AND THIS BEING THE UNITED STATES CONGRESS. WITH THAT SAID, WE'VE HAD SOMETHING FESTERING AT THE EPA FOR A LONG PERIOD OF TIME. AND OFTEN WHERE THERE IS SMOKE, THERE'S A BIGGER FIRE. REMEMBER, IT WAS GINA MCCARTHY, THE EPA NOW ADMINISTRATOR, WHO WAS OVERSEEING A GUY NAMED JOHN BEALE, WHO WAS DEALING WITH AIR QUALITY. IT'S ONE OF THE FEW TIMES THE ADMINISTRATION ACTUALLY PROSECUTED, AND HE HAD TO SERVE TIME IN JAIL FOR FRAUD. SHE GOT A PROMOTION. NOW SHE'S IN CHARGE OF THE EPA.

HERE IS MY QUESTION, MR. BEAUVAIS, AND THIS IS MY FRUSTRATION. YOU SAID THAT IT'S A HIGH PRIORITY. BUT WHAT EVIDENCE DO YOU SUPPORT TO US OR CAN YOU GIVE TO US THAT THIS IS A HIGH PRIORITY FOR THE EPA? IN JULY OF LAST YEAR, WE HIGHLIGHTED THE PROBLEMS IN REGION 5. WE TALKED ABOUT SUSAN HEDMAN. WE TALKED ABOUT THE SEXUAL MISCONDUCT. WE HAD THREE PEOPLE WHO STEPPED UP AND SAID WE'VE GOT A PROBLEM HERE. WAS ANYTHING DONE ABOUT THAT, THAT YOU'RE AWARE OF?

Joel Beauvais:

I'M NOT PRIVY TO PERSONNEL DISCUSSIONS AND MATTERS --

Jason Chaffetz:

NOTHING. SHE JUST RETIRED, NO CONSEQUENCE, ON MONDAY. AND SO MY POINT IS, WHEN WE HAVE THESE DISCUSSIONS AND HEARING AND YOU GOT THREE WHISTLEBLOWERS, GOOD, HARD, DECENT, WORKING PATRIOTIC PEOPLE SAYING WE GOT A PROBLEM HERE, YOU HAVE SEXUAL MISCONDUCT, YOU HAVE RETALIATION. GUESS WHAT? IT BLEEDS OVER. AND SO THEN YOU HAVE A GOOD PERSON LIKE MR. DEL TORAL WHO STEPS UP. WHAT'S THE LESSON THAT IS LEARNED?

Joel Beauvais:

I ACTUALLY THINK THAT MR. DEL TORAL IS REPRESENTATIVE OF THE VAST MAJORITY OF EPA

EMPLOYEES WHO ARE INCREDIBLY DEDICATED.

Jason Chaffetz:

BUT YOU'RE HERE TESTIFYING THAT IT'S A HIGH PRIORITY. HE BRINGS THAT UP. HE WENT TO HER HOUSE IN FEBRUARY, CORRECT? AND IT ISN'T UNTIL JANUARY OF THE FOLLOWING YEAR -- IT TOOK A YEAR FROM THE TIME HE FIRST SHOWED UP AT MS. WALTERS' HOME UNTIL THE EPA ACTUALLY ISSUED A DIRECTIVE, CORRECT?

Joel Beauvais:

EPA WAS WORKING WITH MDEQ TO TRY TO GET THEM TO DO THE RIGHT THING. ULTIMATELY --

Jason Chaffetz:

THEY WERE SUPPRESSING THOSE REPORTS. THEY WERE TELLING -- THEY WERE PRELIMINARY. MR. EDWARDS, WHAT DID YOU SEE AS YOU LOOKED AS THOSE DOCUMENTS? WERE THEY TRYING TO DO THAT, OR WERE THEY TRYING TO SUPPRESS THE EVIDENCE?

Marc Edwards:

EPA WAS AIDING, ABETTING, AND EMBOLDENING MDEQ'S COVERUP OF THIS PROBLEM.

Jason Chaffetz:

HOW DO YOU RESPOND TO THAT?

Joel Beauvais:

I THINK THE SPECIFIC FACTS OF THOSE MATTERS OUGHT TO BE LOOKED AT BY THE --

Jason Chaffetz:

WE'RE LOOKING AT THEM RIGHT HERE TODAY. YOU'RE IN CHARGE OF WATER QUALITY. HE'S TELLING YOU THAT THEY AIDED AND ABETTED THE MAKING SURE THAT THAT INFORMATION DIDN'T GET OUT. WHY?

Joel Beauvais:

MY UNDERSTANDING IS THAT THEY WERE WORKING WITH MDEQ TO TRY TO GET ACTION TAKEN ON THE ISSUE, BUT --

Jason Chaffetz:

THAT'S NOT THE -- THAT'S NOT WHAT THE EVIDENCE SHOWS. THEY KEPT SAYING THAT THEY WERE PRELIMINARY, YOU SHOULDN'T RELY ON THAT DATA, DON'T LOOK AT THAT DATA. IS THAT CORRECT, MR. EDWARDS?

Marc Edwards:

THAT'S ABSOLUTELY CORRECT.

Jason Chaffetz:

WHAT'S YOUR RESPONSE TO THAT?

Joel Beauvais:

I CAN'T SPEAK TO THE SPECIFIC STATEMENTS THAT WERE MADE IN THOSE COMMUNICATIONS. MY UNDERSTANDING IS THAT EPA WAS WORKING CLOSELY WITH MDEQ TO TRY TO GET THEM TO DO THE RIGHT THING, THAT IN JULY THEY AGREED THAT CORROSION CONTROL NEEDED TO BE APPLIED, THAT IN AUGUST THEY SENT A LETTER TO THE CITY, SAYING THAT CORROSION CONTROL SHOULD BE APPLIED AND THE CITY ANNOUNCED IN SEPTEMBER CORROSION CONTROL WOULD BE APPLIED.

Jason Chaffetz:

LET'S TALK ABOUT THE RIGHT THING TO DO. WHAT'S THE NUMBER ONE THING YOU DO? IF YOU'RE TRYING TO WARN THE CITIZENS, LET THE CITIZENS KNOW, WHAT'S THE NUMBER ONE THING YOU SHOULD LET THEM KNOW?

Joel Beauvais:

I THINK THAT THAT'S EXACTLY THE RIGHT QUESTION TO ASK.

Jason Chaffetz:

I'M ASKING YOU THE QUESTION, AND I'M GLAD YOU AGREE IT'S THE EXACT RIGHT QUESTION. YOU'RE FROM THE EPA. YOU'RE IN CHARGE OF WATER QUALITY. I WANT TO KNOW WHAT THE ANSWER IS.

Joel Beauvais:

IT'S IMPORTANT FOR EPA TO GO BACK AND UNDERSTAND ALL THE --

Jason Chaffetz:

NO, IT'S NOT. NO, IT'S NOT. IT'S IMPORTANT FOR THE EPA TO TELL THE PUBLIC THAT THEY'RE POISONING THEIR KIDS IF THEY DRINK THE WATER.

Joel Beauvais:

I ABSOLUTELY AGREE --

Jason Chaffetz:

THEN WHY DIDN'T THEY DO IT? THEY SAT ON THAT FOR ALMOST A YEAR.

Joel Beauvais:

ADMINISTRATOR MCCARTHY ISSUED AN ELEVATION POLICY THIS JANUARY, EMPHASIZING --

Jason Chaffetz:

THIS JANUARY. THEY HAD IT FOR NEARLY A YEAR. THE EPA ADMINISTRATOR WENT TO FLINT YESTERDAY. THEY -- THE EPA FIRST WENT TO HER HOME IN FEBRUARY OF LAST YEAR. WHY DID IT TAKE A YEAR?

Joel Beauvais:

I CAN'T ANSWER THAT QUESTION. ALL I CAN SAY IS THAT THEY WERE WORKING WITH --

Jason Chaffetz:

THEN WHY DON'T WE FIRE THE WHOLE LOT OF THEM? WHY GOOD IS THE EPA IF THEY'RE NOT GOING TO DO THAT? IF YOU'RE NOT GOING TO TELL THE CITIZENS -- MY DAUGHTER, OKAY, SHE'S GETTING MARRIED. I'LL GET EMOTIONAL ABOUT THAT. SHE'S MOVING TO MICHIGAN. ARE YOU TELLING ME THAT THE EPA, KNOWING THAT THEY'RE PUTTING LEAD IN -- THERE'S LEAD IN THE WATER, THAT THEY'RE NOT GOING TO TELL THOSE KIDS? BECAUSE THAT'S EXACTLY WHAT HAPPENED. THEY KNEW THAT. MR. DEL TORAL KNEW THAT, DIDN'T HE? WHEN DID HE KNOW THAT?

Joel Beauvais:

MR. DEL TORAL DID TESTING ON MS. WALTERS' WATER IN EARLY 2015 AND KNEW THAT THE LEAD LEVELS WERE INCREDIBLY HIGH IN HER WATER.

Jason Chaffetz:

WHEN WAS THAT?

Joel Beauvais:

I BELIEVE THAT IT WAS IN FEBRUARY 2015.

Jason Chaffetz:

YES. WHY WASN'T THAT MADE PUBLIC?

Joel Beauvais:

I DON'T KNOW THE ANSWER TO THAT QUESTION. I THINK THAT THEY -- THAT THE --

Jason Chaffetz:

YOU CAN'T COME TO A HEARING BEFORE CONGRESS AND BE IN CHARGE OF WATER QUALITY FOR THE EPA AND NOT KNOW THE ANSWER TO THAT QUESTION. YOU CAN'T. YOU CAN'T -- YOU'VE GOT TO KNOW WHY THAT IS. AND DON'T TELL ME THAT SOME INSPECTOR

GENERAL IS GOING TO COME LOOK AT THAT. THAT AIN'T GOOD ENOUGH. WE KEEP HEARING THAT. THAT AIN'T GOOD ENOUGH. THE CRYING SHAME HERE IS, WHEN THEY KNEW THERE WAS A PROBLEM, THEY SHOULD HAVE TOLD THE PUBLIC. THEY SHOULD HAVE TOLD DEQ. THEY SHOULD HAVE TOLD THE EXPERTS, AND THEY SHOULD HAVE BEEN OUT THERE TO WARN PEOPLE LIKE MS. WALTERS. GENERAL MOTORS KNEW ABOUT THIS AND STOPPED USING THE WATER, FOR GOODNESS' SAKE. BUT YOU KNOW WHAT? THE FAMILIES DON'T HAVE THE RESOURCES THAT GENERAL MOTORS DOES. MR. EDWARDS, WHEN DO YOU THINK THEY KNEW AND WHEN SHOULD THEY HAVE ACTUALLY MADE THAT PUBLIC?

Marc Edwards:

I THINK THEY SHOULD HAVE MADE IT PUBLIC AS SOON AS MS. WALTERS FIGURED OUT THAT HER CHILD WAS LEAD-POISONED AND THEY WERE NOT FOLLOWING THE FEDERAL LAW. BUT EVEN IF YOU EXCUSE THAT, WHEN MR. DEL TORAL PUT HIS PROFESSIONAL CAREER ON THE LINE TO HAVE THAT MEMO WRITTEN AND GAVE IT TO LEEANNE, WHEN THEY STARTED COVERING UP AT THAT POINT, I REALLY PERSONALLY BELIEVE IT WAS CRIMINAL.

Jason Chaffetz:

AND THAT'S WHY WE WILL CONTINUE TO INVESTIGATE THIS. ONE OTHER THING, AND I APPRECIATE THE GENEROSITY OF THE TIME. WHY HAS THE EPA FAILED TO FULFILL THE FOIA REQUEST? THIS COMMITTEE HAS JURISDICTION ON FOIA. WE'VE DONE A REFORM PACKAGE THAT MR. CUMMINGS WAS VERY INVOLVED WITH. WHEN MR. EDWARDS -- HE WORKS FOR -- HE WORKS FOR -- FOR HIS LIFE ON STUDYING WATER. WE NEED GOOD PEOPLE LIKE MR. EDWARDS TO BE ABLE TO ACCESS THE DATA AND THE INFORMATION AT THE EPA. WHY CAN'T WE FULFILL THESE FOIA REQUESTS? BECAUSE YOU'RE SUPPOSED TO DO IT IN 21 DAYS, AS MR. MEADOWS POINTED OUT, AND IT'S BEEN NINE YEARS. WHEN IS HE GOING TO GET THAT INFORMATION?

Joel Beauvais:

I DON'T KNOW THE SPECIFICS WITH REGARD TO THE FOIA REQUEST, BUT, AS I SAID BEFORE, I WILL TAKE THIS BACK AND ENSURE THAT IT'S A HIGH PRIORITY.

Jason Chaffetz:

I THINK THAT'S A FAIR ANSWER FOR THIS QUESTION. I APPRECIATE THE EPA RESPONDING TO US IN THAT REGARD IN A TIMELY MANNER, BUT WE HAVE TO KNOW THE ANSWER TO THAT

QUESTION. YOU CAN'T PLAY HIDE THE DOCUMENTS. HERE, I'VE GONE WAY PAST MY TIME. WE HAVE OTHER MEMBERS THAT NEED TO ASK QUESTIONS, SO LET ME YIELD BACK AND NOW GO TO MR. CLAY FOR FIVE MINUTES.

William Clay:

THANK YOU, MR. CHAIRMAN. IF GOVERNOR SNYDER WAS HERE, I'D SURE LIKE TO ASK HIM IF THE WATER WAS TOXIC IN GROSSE POINTE INSTEAD OF FLINT, WOULD YOU HAVE DENIED IT FOR A YEAR? AND WOULD YOU HAVE STOOD BY AND STONEWALLED WHILE THOSE CHILDREN WERE POISONED WITH NEUROTOXINS? MR. CHAIRMAN, WE NEED TO USE THAT SAME PASSION THAT WE JUST HEARD FROM YOU TO GET GOVERNOR SNYDER HERE AND GET HIM ON THE RECORD SO THAT WE ALL KNOW WHAT WAS GOING THROUGH HIS ADMINISTRATION AND THROUGH HIS MIND TO ALLOW THIS TO CONTINUE. THIS IS A PATTERN. THIS IS A PATTERN IN MICHIGAN. AND AS MS. PLASKETT SAID, IT'S A PATTERN ALL OVER THIS COUNTRY. HOW COMMUNITIES OF COLOR AS WELL AS LOW- AND MODERATE-INCOME COMMUNITIES ARE VICTIMS OF ENVIRONMENTAL INJUSTICE. YOU KNOW, AND I REPRESENT ST. LOUIS, SO THERE ARE AMPLE EXAMPLES OF HOW THIS ENVIRONMENTAL RACISM PLAYS OUT, HOW WE HAD A FACILITY NEXT TO A BOYS AND GIRLS CLUB, WHERE A THOUSAND KIDS WERE EXPOSED DAILY TO PCBs LEFT BY MANUFACTURING PLANTS, TO LEAD, AND OVEREXPOSURE TO OTHER TOXINS. LET ME ASK, MRS. WALTERS, I AM -- I'M SO SORRY THAT YOU AND YOUR FAMILY, LIKE SO MANY OF YOUR NEIGHBORS, ARE LIVING THROUGH THIS MANMADE NIGHTMARE. AS A FATHER, I CAN WELL REMEMBER THE FEAR AND ANGER I FELT WHEN MY OWN DAUGHTER TESTED POSITIVE FOR LEAD AT A VERY YOUNG AGE. AND THAT WAS A LONG TIME AGO, AND SHE IS DOING FINE TODAY. BUT I WANT TO ASK YOU FIRST, HOW ARE YOUR CHILDREN?

Leeanne Walters:

MY CHILDREN ARE DEALING WITH HEALTH ISSUES. THE ONE WITH THE LEAD POISONING HAS A COMPROMISED IMMUNE SYSTEM, AND HE'S ONLY GAINED 3 1/2 POUNDS IN THE LAST YEAR.

William Clay:

SO YOU BELIEVE THEY HAVE SUFFERED SERIOUS IMPAIRMENT?

Leeanne Walters:

YES, SIR. HE'S STILL DEALING WITH THE ANEMIA, AND HE DEVELOPED SPEECH ISSUES.

William Clay:

LET ME ASK YOU, AND I'M GOING TO ASK -- THIS IS FOR THE ENTIRE PANEL. HOW DO WE REPAIR THE DAMAGE THAT HAS BEEN CAUSED BY THE GROSS NEGLIGENCE OF THE STATE OF MICHIGAN IN PROTECTING ITS CITIZENS? HOW DO WE REPAIR THE DAMAGE TO YOUR CHILDREN, TO YOUR NEIGHBORS, AND EVEN POSSIBLY TO YOU? HOW DO WE DO THAT, MS. WALTERS? LET'S START HERE. I WANT TO GO DOWN THE TABLE.

Leeanne Walters:

FIRST WE TAKE RESPONSIBILITY FOR WHAT'S HAPPENED. THEN WE CHANGE THE LAWS AND QUIT TALKING ABOUT THE NDWAC. THE NDWAC IS NOT THERE TO REPRESENT THE PEOPLE THAT THE EPA IS GETTING THEIR GUIDANCE FROM. THEY'RE THERE TO REPRESENT UTILITIES AND PROTECT UTILITIES. LET'S GET THAT ON THE RECORD RIGHT NOW. THERE IS ONLY ONE PERSON THAT'S BEEN ON THE NDWAC, FIGHTING AGAINST WHAT'S BEING REPRESENTED THERE. AND THAT'S WHY I KEEP SAYING IF WHAT THE NDWAC IS SUGGESTING IS ADOPTED BY THE EPA, IT WILL -- WHAT HAPPENED IN FLINT WILL HAPPEN THROUGHOUT THE UNITED STATES. THERE'S A VERY BIG POSSIBILITY.

SECOND OF ALL, WE NEED TO MAKE SURE THAT THE CHILDREN AND ALL THE PEOPLE IN FLINT ARE TAKEN CARE OF HEALTHWISE. I KNOW MY CHILDREN ARE GOING TO NEED HELP WITH THAT. I KNOW OTHER CHILDREN IN THE CITY ARE GOING TO NEED HELP WITH THAT AND NOT JUST CHILDREN UNDER THE AGE OF SIX. I KNOW OF A 15-YEAR-OLD WHO HAS SEVERE LIVER ISSUES NOW, WHO HAS LEAD POISONING. A 44-YEAR-OLD MAN WHO HAD AN EYE STROKE BECAUSE OF PROBLEMS WITH HIS BLOOD PRESSURE WITH HIS LEAD POISONING. SO DOING RIGHT FOR THE PEOPLE IS GOING TO BE MAKING SURE WE'RE TAKEN CARE OF AND MAKING SURE WE GET CLEAN WATER, GET THE PIPES REPLACED ONCE WE HAVE THE SCIENCE BEHIND IT TO SEE EXACTLY WHAT WE NEED TO DO TO GET THE REPLACEMENT DONE.

William Clay:

THANK YOU FOR THAT RESPONSE. MR. EDWARDS, HOW DO WE REPAIR THE DAMAGE, THE PHYSICAL AND THE MENTAL HEALTH EFFECTS, OF WHAT HAS OCCURRED?

Marc Edwards:

WELL, THE FACT OF THE MATTER IS THAT THE DAMAGE FROM LEAD IS IRREVERSIBLE. THAT'S WHY WE HAVE TO WORK ON PRIMARY PREVENTION AND MAKE SURE NOTHING LIKE THIS EVER HAPPENS. THAT'S WHY WE HAVE THESE LAWS. BUT YOU CAN TAKE STEPS TO AMELIORATE THE HARM, AND THESE ARE BEING PROPOSED BY DR. MONA HANNA-ATTISHA AND HURLEY AND THE LOCAL MEDICAL COMMUNITY, AND WE SUPPORT THOSE RECOMMENDATIONS WHOLEHEARTEDLY. IN TERMS OF THE TRAUMA OF THE CITIZENS OF FLINT, THAT'S GOING TO TAKE A LOT LONGER TO REPAIR, BECAUSE THEY HAVE BEEN FUNDAMENTALLY BETRAYED BY THE VERY AGENCIES WHO HAVE BEEN PAID TO PROTECT THEM. AND WE NEED TO GET TRUSTWORTHY PEOPLE AT THESE AGENCIES, DOING THEIR JOB, BEFORE WE CAN EVEN TALK ABOUT RESTORING TRUST OF THE PEOPLE OF FLINT.

William Clay:

THANK YOU. MR. CREAGH, ANYTHING TO ADD ON HOW WE HELP THE PEOPLE OF FLINT?

Keith Creagh:

BOTH THE INDIVIDUALS TO MY LEFT SAID IT WELL. WE HAVE TO ACCEPT RESPONSIBILITY. WE HAVE TO CHANGE SO IT NEVER HAPPENS AGAIN. WE HAVE TO WORK WITH THE COMMUNITY, BECAUSE THIS IS A CRISIS. IT'S A TRAGEDY IN FLINT, AND, AS YOU SAID VERY ELOQUENTLY, IF IT'S YOUR CHILD OR MY GRANDCHILD, IT'S NOT ACCEPTABLE.

William Clay:

IT'S NOT ACCEPTABLE. MR. BEAUVAIS.

Joel Beauvais:

I AGREE THAT IT'S CRITICAL THAT WE, FIRST OF ALL, DO EVERYTHING THAT WE CAN TO HELP THE CITIZENS OF FLINT, BOTH TO GET THE DRINKING WATER SYSTEM BACK ONLINE AND ALSO TO HELP ENSURE THAT RESOURCES GET TO THE COMMUNITY TO MEET THE RECOMMENDATIONS OF DR. MONA HANNA-ATTISHA AND OTHERS, WITH REGARD TO THE KIDS AND THE FOLKS IN THAT COMMUNITY. GOING FORWARD, WE ALSO NEED TO WORK ON THE ISSUES THAT WE'VE DISCUSSED WITH REGARD TO STRENGTHENING THE RULES AND STRENGTHENING IMPLEMENTATION OF THE RULES, AND WE'LL BE LISTENING TO ALL STAKEHOLDERS AS WE WORK ON THAT PROCESS.

William Clay:

AND I KNOW MY TIME IS UP, MADAM CHAIR, BUT THIS SHOULD NEVER HAPPEN AGAIN IN THIS COUNTRY. ALL OF -- THIS WAS ALL ABOUT THE SAKE OF AUSTERITY AND SAVING A FEW DOLLARS, AND THIS IS TRAGIC. I YIELD BACK.

Madam Chair:

I THANK THE GENTLEMAN AND RECOGNIZE THE GENTLEMAN FROM WISCONSIN, MR. GROTHMAN, FOR FIVE MINUTES.

Glenn Grothman:

THANK YOU. MR. BEAUVAIS, THIS IS FOR YOU. MR. DEL TORAL -- WE'VE HAD PREVIOUS HEARINGS SHOWING WE HAVE BIG PROBLEMS WITH THIS AGENCY. APPARENTLY A LOT OF TIME SERVERS, NOT ONLY WITH THE PUBLIC BUT WITH, YOU KNOW, THEIR FELLOW EMPLOYEES, HAVE DISPLAYED A TREMENDOUS LACK OF CARING AND COMPASSION FOR PEOPLE. MR. DEL TORAL WAS RINGING THE ALARM HERE OVER A YEAR AGO. HE WAS SENDING OUT E-MAILS. COULD YOU LET US KNOW HOW MANY OTHER EMPLOYEES IN THE EPA YOU THINK MR. DEL TORAL HAD ALERTED THAT THE CHILDREN OF FLINT FOR BEING POISONED?

Joel Beauvais:

I DON'T HAVE PRECISE INFORMATION ON THE NUMBER OF EMPLOYEES THAT WERE PRIVY TO THE INFORMATION.

Glenn Grothman:

HE WAS SENDING OUT E-MAILS, WASN'T HE, TO PEOPLE?

Joel Beauvais:

MY UNDERSTANDING IS YES. I DON'T WANT TO GIVE INACCURATE INFORMATION WITH REGARD TO HOW BROAD THAT CIRCLE WAS.

Glenn Grothman:

DOZENS? 30? 50?

Joel Beauvais:

I DON'T KNOW THE ANSWER TO THAT.

Glenn Grothman:

OKAY. WELL, WHY DON'T WE SEE IF WE CAN GET THAT ANSWER EVENTUALLY. I'D LIKE TO KNOW HOW MANY EMPLOYEES IN THE EPA KNEW THAT THE CHILDREN IN FLINT WERE BEING POISONED AND DIDN'T CARE. NEXT QUESTION FOR MS. WALTERS, LIKE THE OTHER CONGRESSMAN, I'D LIKE TO THANK YOU FOR ALL YOU'VE DONE. CAN I ASK YOUR EDUCATIONAL BACKGROUND? DO YOU HAVE ANY SPECIAL TRAINING THAT ALLOWED YOU TO EXPOSE THIS THING THAT NONE OF THE BATTALIONS AT EPA CAN GET AROUND EXPOSING?

Leeanne Walters:

I HAVE MY DEGREE AS A MEDICAL ASSISTANT, AND I JUST DECIDED TO START RESEARCHING AND EDUCATING MYSELF ABOUT WATER AND TRIED TO FIGURE OUT WHAT WAS GOING ON AFTER I WAS PUBLICLY HUMILIATED BY THE STATE, BY MIKE PRESBY AT THE MDEQ AND JERRY AMBROSE IN A PUBLIC MEETING WITH THE CITIZENS.

Glenn Grothman:

IT SHOWS ONE MORE TIME, I THINK A LOT OF HEART IS MORE IMPORTANT THAN HAVING A LOT OF WORTHLESS COLLEGE DEGREES, SO THANK YOU VERY MUCH FOR WHAT YOU HAVE DONE. NEXT QUESTION FOR -- I GUESS I'LL ASK -- WELL, MAYBE MR. EDWARDS WOULD KNOW THE ANSWER TO THIS. I WANT TO FIND OUT EXACTLY PHYSICALLY HOW MANY PEOPLE IN EACH OF THE THREE RELEVANT AGENCIES, AND WE'VE GOT THE CITY OF FLINT, WE HAVE THE STATE OF MICHIGAN, THE EPA, PHYSICALLY WHEN THESE RESULTS -- PRESUMABLY THEY TEST THE WATER IN FLINT REGULARLY, RIGHT?

Marc Edwards:

RIGHT.

Glenn Grothman:

AND HOW OFTEN DO THEY TEST IT? ONCE A WEEK? ONCE A MONTH?

Marc Edwards:

ONCE EVERY SIX MONTHS.

Glenn Grothman:

OKAY. AND WHEN WAS THE FIRST TIME THAT BAD TESTS WERE AVAILABLE?

Marc Edwards:

WELL, VERY CLEARLY IN EARLY 2015, IN MY OPINION, THEY ACTUALLY FAILED THE LEAD AND COPPER RULE, BUT THEY TOOK STEPS TO COVER UP THE HIGH LEAD. ONE OF THE IRONIES OF THIS IS AS NATIONAL GUARD PEOPLE WALKED THE STREETS OF FLINT AND DISTRIBUTED BOTTLE WATER, THERE'S NEVER BEEN AN ADMISSION THAT FLINT FAILED THE LEAD AND COPPER RULE. SO IF YOU LOOK AT WHAT MDEQ DID AND THE FACT THEY DIDN'T SAMPLE THE HIGH-RISK HOMES AND THEY INVALIDATED SAMPLES AND -- IT JUST SHOWS WHAT A JOKE THIS REGULATION IS.

Glenn Grothman:

OKAY. AND AT THAT TIME, IS IT -- WHO WOULD HAVE KNOWN THE PROBLEM? WOULD THE CITY MANAGER HAVE KNOWN? WOULD -- MICHIGAN ENVIRONMENTAL QUALITY CERTAINLY KNEW. EPA KNEW. DID THEY ALL KNOW BY THAT TIME?

Marc Edwards:

THERE WAS CERTAINLY MANY EMPLOYEES AT EPA AND MDEQ WHO KNEW THAT THEY WERE NOT FOLLOWING THE FEDERAL CORROSION CONTROL LAW. THAT SHOULD BE ENOUGH, ONE WOULD THINK. YOU WOULDN'T THINK YOU WOULD HAVE TO WAIT AROUND FOR LEAD IN WATER TO SPIKE AND LEAD IN CHILDREN'S BLOOD TO SPIKE BEFORE ANYTHING IS DONE.

Glenn Grothman:

OKAY. SO THEY SHOULD HAVE BEEN RINGING THE ALARM OVER A YEAR AGO. THEY ALL KNEW AND THEY ALL JUST -- IT'S NOT IN MY CITY SO WHAT DO I CARE KIND OF --

Marc Edwards:

YOU WOULD HAVE TO ASK THEM. I DON'T KNOW.

Glenn Grothman:

OKAY. THAT'S IT. I'LL YIELD THE REST OF MY TIME.

Jason Chaffetz: FEMALE CHAIR SPEAKING.

THE GENTLEMAN YIELDS BACK. THE CHAIR RECOGNIZES THE WOMAN FROM NEW MEXICO, MS. LUJAN GRISHAM.

Michelle Grisham:

THANK YOU, MADAM CHAIR. AND CLEAR TO ME, IN ADDITION TO THE REALLY DISTURBING NATURE OF THE ISSUES THAT WE'RE TRYING TO IDENTIFY WHAT WE COULD DO TO PREVENT THEM CLEARLY IN THE FUTURE, I THINK THERE'S PLENTY OF BLAME TO GO AROUND EVERYWHERE BECAUSE THE WHOLE ASPECT HERE IS TO HAVE AS MANY EYES ON THESE SORTS OF SITUATIONS AS POSSIBLE. BUT I'M GOING TO ACTUALLY GO BACK AND FOCUS ON THE STATE. I WAS THE FORMER SECRETARY OF HEALTH IN NEW MEXICO, AND WE ACTUALLY HAD AN ARSENIC PROBLEM IN WATER IN A NORTHERN COUNTY. AND THE SECOND WE KNOW THERE ARE ELEVATED LEVELS, WHETHER THAT'S THE ENVIRONMENT DEPARTMENT'S CORE JOB OR THAT IS THE LOCAL, THE MUNICIPALITY GOVERNMENT'S JOB, WE PROVIDE THAT INFORMATION AND THAT DATA AND SET UP A PUBLIC HEALTH PROTOCOL AND MAKE SURE ALL OF OUR OTHER PARTNERS ARE CLEARLY DOING THEIR JOBS. BECAUSE AT THE END OF THE DAY, EVERYBODY IN GOVERNMENT'S CORE JOB IS THE PUBLIC HEALTH AND SAFETY OF THE CITIZENS THAT YOU REPRESENT AND ARE, FRANKLY, SWORN TO PROTECT.

SO I WANT TO TALK A LITTLE BIT ABOUT THE PEDIATRICIAN WHO WAS SEEING ELEVATED LEVELS OF LEAD, DR. MONA HANNA-ATTISHA, WHO I THINK OTHER FOLKS IDENTIFIED AS THE FLINT PEDIATRICIAN WHO REALLY DEMONSTRATED, BY VIRTUE OF THE PATIENT DATA THAT SHE HAD, THAT WE WERE SEEING PEDIATRIC YOUTH BEING POISONED THROUGHOUT THE CITY, AND THAT TRYING TO GET DATA TO IDENTIFY THE SOURCE, MAKE SURE THAT YOU CAN THEN CORRELATE THAT DATA SO YOU'VE GOT A PLAN OF ACTION THAT THEN PROTECTS EVERYBODY ELSE. THAT'S EXACTLY WHAT YOU NEED TO DO. AND MY UNDERSTANDING IS, IS THAT THIS PEDIATRICIAN

WENT TO THE DEPARTMENT OF HEALTH AND WANTED THEIR DATA ABOUT WHAT WAS GOING ON. AND, IN FACT, I HAVE HERE, MADAM CHAIR, E-MAILS FROM THE DEPARTMENT OF HEALTH THAT I WANT TO PROVIDE AND ASK FOR CONSENT TO HAVE THEM AS PART OF THE RECORD. WHERE THE E-MAIL COMMUNICATIONS FROM THE GOVERNOR'S OFFICE TO THE DEPARTMENT OF HEALTH DOCS AND PUBLIC HEALTH EMPLOYEES IS NOT TO SHARE ANY DATA UNTIL THEY HAVE A PRESS CONFERENCE, WHICH LOOKS TO ME, BY VIRTUE OF THE INFORMATION I HAVE IN FRONT OF ME, THEY'RE MAKING POLITICAL DECISIONS BEFORE THEY MAKE APPROPRIATE DECISIONS FOR THE PUBLIC HEALTH OF THE COMMUNITY. HOW MANY MORE KIDS WERE DRINKING WATER DURING THE TIME THEY PREPPED FOR A PRESS CONFERENCE? HOW MANY MORE PEDIATRICIANS WERE WITHOUT ENOUGH SUFFICIENT INFORMATION?

I WANT TO JUST ALSO TELL YOU THAT THE GOVERNOR'S COMMUNICATION PLAN, THIS IS WHAT IT STATES SPECIFICALLY, THE DATA NOT BE SHARED UNTIL THE PRESS CONFERENCE STARTS AT 1:30. NOW, THE CO-WORKERS ARE RESPONDED THAT THEY'LL WAIT AND THAT EVERYONE WAS WAITING FOR PERMISSION TO PROVIDE, TO GIVE THE DATA. SO, MR. CREAGH, CAN YOU EXPLAIN TO ME WHY THE GOVERNOR'S OFFICE IS INSTRUCTING THEIR INDEPENDENT MEDICAL PERSONNEL AND PUBLIC HEALTH PERSONNEL TO REFRAIN FROM GIVING DATA TO A LICENSED PEDIATRICIAN WHO WAS WORKING TO PROVIDE CARE TO PATIENTS IN HER COMMUNITY, RELAYED TO HER PRESS CONFERENCE, PLEASE?

Keith Creagh:

I CAN'T SPEAK FOR THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. I CAN SAY THAT DR. MONA HANNA-ATTISHA DID GREAT WORK AND ZEROED IN ON SOME AREAS, AND THAT THAT DROVE THE DECISION-MAKING AND IDENTIFIED THE PROBLEM, AND WE APPRECIATE THAT.

Michelle Grisham:

WELL, ISN'T IT TRUE THAT IN ALL OF THE STATES' DEPARTMENT OF HEALTHS YOU GOT A TEAM OF EPIDEMIOLOGISTS WHOSE JOB IT IS WHEN ANYONE IDENTIFIES ANY ISSUES OF THIS NATURE THAT IT'S MORE LIKE A S.W.A.T. TEAM, THEY'RE IN THOSE COMMUNITIES, THEY'RE IDENTIFYING THE SOURCE, THEY'RE WORKING TOGETHER. WE HELP FUND THOSE INITIATIVES IN ALL OF THE STATES, AND YET WE HAVE A POLITICAL COMMUNICATION THAT YOU ARE NEW, YOU CAN'T REALLY STATE. BUT ISN'T IT TRUE THAT THAT'S TYPICALLY THE JOB OF THOSE DEPARTMENTS OF HEALTH, TO ACTUALLY NOT JUST PROVIDE THE DATA, BUT THEN ENGAGE DIRECTLY TO ADDRESS THE PROBLEM? WHY WEREN'T THEY ENGAGED? WHY DIDN'T THE GOVERNOR'S

OFFICE IMMEDIATELY DEMAND THAT THE EPIDEMIOLOGY TEAM AND YOUR PUBLIC HEALTH, YOUR CHIEF MEDICAL OFFICER, BE ON SITE? THAT WOULD BE AGAINST, AS I UNDERSTAND IT, THAT PROTOCOL FOR ALL STATES.

Keith Creagh:

SO MICHIGAN HAS VERY SIMILAR PROTOCOLS TO THE STATE THAT YOU WERE AT WHERE THERE'S EPIDEMIOLOGISTS AND HEALTH CARE PROFESSIONALS THAT RESPOND TO THOSE TYPES OF PUBLIC HEALTH EMERGENCIES.

Michelle Grisham:

SO HOW DO YOU REBUT THAT THIS WAS PURPOSEFUL, THEN, IN NATURE, GIVEN THAT THOSE PROTOCOLS THAT YOU'RE FAMILIAR WITH AS SOMEONE NEW AND I'M FAMILIAR WITH, WITHOUT BEING A PUBLIC HEALTH DOC OR AN EPIDEMIOLOGIST, THAT THAT'S EXACTLY WHY WE HAVE THOSE RESOURCES IN PLACE, SO THAT, A, WE HOPE TO PREVENT THESE SITUATIONS, BUT, BY GOD, WHEN WE KNOW ABOUT THEM, WE IMMEDIATELY ENGAGE TO PREVENT ANY OTHER HARM OR DAMAGE?

Madam Chair:

THE GENTLEWOMAN'S TIME HAS EXPIRED. THE E-MAILS WILL BE ADMITTED. WITHOUT OBJECTION, SO ORDERED.

Michelle Grisham:

I YIELD BACK.

Madam Chair:

THE CHAIR WILL NOW RECOGNIZE HERSELF FOR FIVE MINUTES. MY QUESTIONS ARE FOR MS. WALTERS AND MR. EDWARDS. MR. EDWARDS, YOUR QUESTIONS WILL COME LAST AND WILL BE VERY OPEN-ENDED. MS. WALTERS, I WANT TO TALK TO YOU ABOUT MR. DEL TORAL. WHEN DID YOU MEET HIM FIRST?

Leeanne Walters:

THE FIRST TIME I MET HIM IN PERSON WAS IN APRIL OF 2015.

Madam Chair:

AND COULD YOU TELL ME WHAT HAPPENED AT THAT MEETING?

Leeanne Walters:

WE -- HE HAD COME INTO MY HOME, BECAUSE HE WAS BEING TOLD THAT MY PLUMBING WAS THE PROBLEM, MY INTERNAL PLUMBING. SO HE CAME TO VERIFY THAT ALL OF MY PLUMBING WAS PLASTIC AND TO CHECK OUT THE HOME, CHECK OUT THE AREA, TAKE PICTURES, AND SPOKE WITH US ABOUT WHAT WAS GOING ON.

Madam Chair:

WHAT HAPPENED TO HIM AND THE INFORMATION HE DERIVED FROM THAT DISCUSSION THEREAFTER?

Leeanne Walters:

IT WENT ON FOR HIM TO COME BACK OUT ON ANOTHER DATE TO DO SAMPLING IN MAY OF 2015, AT OTHER PEOPLE'S HOMES, MY NEIGHBORS' HOMES AS WELL, AND FROM THERE BECAME THE REPORT THAT CAME OUT IN JUNE.

Madam Chair:

AND AFTER THE REPORT WAS HIS VIEW OF THE SITUATION CREDITED AND WAS ACTION TAKEN?

Leeanne Walters:

EVERYTHING THAT WAS IN THAT REPORT WAS EVERYTHING THAT I HAD TOLD HIM THAT HAD BEEN GOING ON PLUS HIS FINDINGS WITH HIS OWN TESTING WITH HIM BEING AN EXPERT IN HIS FIELD. SO WHEN HE CALLED ME AND ASKED ME IF HE COULD USE MY INFORMATION FOR THIS REPORT, I SAID YES, AND I ASKED FOR A COPY. WHEN I SAW IT IN BLACK AND WHITE, THERE'S A DIFFERENCE LIVING IT AND SEEING IT IN BLACK AND WHITE. THAT IS WHY IT WAS GIVEN TO THE ACLU AND MADE PUBLIC, BECAUSE PEOPLE

DID HAVE A RIGHT TO KNOW. FROM THAT POINT, HE WAS THEN NO LONGER ALLOWED TO HAVE ASSOCIATION WITH ME OR ANYBODY ELSE IN FLINT.

Madam Chair:

NOT ALLOWED BY WHO?

Leeanne Walters:

BY THE EPA.

Madam Chair:

WHAT HAPPENED TO HIM AFTER HE WAS NOT ALLOWED TO HAVE ASSOCIATION WITH YOU, OR DO YOU KNOW?

Leeanne Walters:

I DON'T KNOW. YOU HAVE TO ASK MR. DEL TORAL. I JUST KNOW THAT -- WHAT I'VE BEEN TOLD.

Madam Chair:

MR. EDWARDS, WHEN, HOW, AND -- WHEN AND HOW DID YOU GAIN ACCESS TO THAT INFORMATION?

Marc Edwards:

I FIRST KNEW ABOUT THIS WHEN MR. DEL TORAL TOLD ME THAT THERE WAS A PROBLEM IN FLINT. THAT TURNED OUT TO BE THE UNDERSTATEMENT OF THE YEAR. BUT HE ALERTED ME TO MS. WALTERS AND HER FAMILY'S HEALTH ISSUES AND ASKED ME TO SAMPLE WITH LEEANN, AND SO I DID. AND I PROVIDED MY DATA TO HIS REPORT AS WELL, BECAUSE I THOUGHT IT WOULD BE BEST IF EPA HANDLED THIS. HE WAS OBVIOUSLY THE FOREMOST EXPERT ON THE LEAD AND COPPER RULE IN THE UNITED STATES, AND ONE WOULD ASSUME, WHEN HE WRITES A MEMO SAYING THAT FLINT IS BREAKING FEDERAL LAW, THAT THERE IS A PUBLIC HEALTH THREAT, THAT THERE'S HAZARDOUS WASTE LEVELS OF LEAD COMING OUT OF MS. WALTERS' HOME, AND

THERE'S A LEAD-POISONED CHILD, THAT SOMETHING WOULD BE DONE ABOUT IT. SO I GAVE HIM MY DATA. AND WHEN I SAW THE REPORT, I ASSUMED THAT THE APPROPRIATE AUTHORITIES WOULD ACT TO PROTECT FLINT'S POPULATION.

Madam Chair:

WHEN THEY DIDN'T ACT, WHAT DID YOU DO?

Marc Edwards:

I DIDN'T KNOW WHAT HAPPENED FOR QUITE SOME TIME UNTIL MDEQ BRAGGED TO MS. WALTERS AND LAUGHED AT HER, AND SHE REPORTED BACK TO ME THAT, QUOTE/UNQUOTE, MR. DEL TORAL HAD BEEN HANDLED. AND IT WAS VERY CLEAR THAT AN AGREEMENT HAD BEEN REACHED OF SOME SORT BETWEEN EPA AND MDEQ THAT WOULD LET MDEQ HAVE THEIR WAY WITH FLINT'S CHILDREN.

Madam Chair:

HAVE THEIR WAY IN WHAT WAY?

Marc Edwards:

THAT THEY WERE NOT GOING TO INSTALL CORROSION CONTROL. THEY HAD NO INTENTION TO DO IT. THERE'S MANY E-MAILS THAT SHOW THAT THEY WERE WAITING UNTIL THIS NEW PIPELINE CAME ON NEXT YEAR, AND THEY THOUGHT IT WAS A WASTE OF TIME TO DO ANYTHING TO TREAT THE WATER. WHEN WE GOT INVOLVED IN AUGUST, AS A MATTER OF FACT, AN MDEQ E-MAIL SAID SHOULDN'T SOMEONE TELL THOSE FOLKS FROM VIRGINIA TECH WE'RE SWITCHING TO THE PIPELINE NEXT YEAR SO THEY DON'T BOTHER WASTING THEIR TIME ON THIS ISSUE?

Madam Chair:

I FOUND -- I FIND THIS SO ASTOUNDING, BUT UNFORTUNATELY NOT UNIQUE. AND THIS HAS BEEN REFERRED TO AS A RACIAL ISSUE. I CAN TELL YOU IN MY OWN STATE, THERE WAS AN ADMINISTRATIVE ORDER ON CONSENT FOR 17 YEARS IN THE REFINERY THAT I LIVE RIGHT NEXT TO, TO PUT IN A SLURRY WALL TO PROTECT THE WATER THAT OUR CATTLE WERE DRINKING. AND FOR 17 YEARS, THAT REFINERY DIDN'T TURN A

SHOVEL, AND NEITHER THE STATE NOR THE EPA MADE THEM. THIS IS NOT UNIQUE. THIS IS A SITUATION THAT OCCURS TIME AND AGAIN. AND I WOULD IMPLORE AGENCIES: LISTEN TO PEOPLE. DON'T JUST LISTEN TO COMPANIES. MY TIME IS EXPIRED, AND THE GENTLELADY FROM TEXAS, MS. SHEILA JACKSON-LEE, IS -- RECOGNIZED FOR FIVE MINUTES.

Sheila Lee:

LET ME THANK THE CHAIR AND THE RANKING MEMBER FOR AGAIN UPHOLDING THEIR AUTHORITY AND UPHOLDING, IF YOU WILL, THE AUTHORITY OF THE UNITED STATES CONGRESS, MR. CHAFFETZ AND MR. CUMMINGS, FOR THEIR BIPARTISIAN APPROACH TO THIS. ONE CANNOT HELP -- I SIT ON THE HOUSE JUDICIARY COMMITTEE -- BUT BE NOTHING BUT ANGRY, AS A MOTHER AND AS AN AMERICA. AND I WANT TO SAY TO THIS MOTHER THAT IS HERE, WE'VE ALREADY CALLED A HERO OF WHICH YOU WOULD WISH NOT TO BE, BECAUSE YOU HAVE A CHILD THAT HAS BEEN IMPACTED. AS I SIT HERE TODAY, THE MEMORIES OF A JIM JONES, WHO GAVE A POISON CONCOCTION TO CHILDREN, CAUSES ME TO SAY THAT THERE IS A JIM JONES IN MICHIGAN, WHO GAVE A POISON CONCOCTION TO CHILDREN AND THEIR FAMILIES. IF ANY OF US SHOULD DEMAND ACCOUNTABILITY, WE SHOULD. I WANT TO ASK MR. EDWARDS BEFORE I PURSUE A QUESTIONING OF MR. CREAGH. MR. EDWARDS, YOU HAVE GIVEN A RECOUNTING OF JUST NOT PUTTING PHOSPHATE IN WATER. AND I KNOW THAT YOU ARE NOT A JUDGE OR A JURY, AND I KNOW YOU'RE A MAN THAT BELIEVES IN THE CONSTITUTION. BUT IF YOU HAD TO REFLECT, WOULD YOU SAY THAT THERE WERE CRIMINAL ACTIVITIES OR RESULTS OF THIS INACTION?

Marc Edwards:

IF IT'S NOT CRIMINAL, I DON'T KNOW WHAT IS.

Sheila Lee:

I JOIN YOU IN THAT QUESTIONING, AND I HAVE ASKED THE DEPARTMENT OF JUSTICE TO INVESTIGATE INDIVIDUALS THAT MAY BE ENGAGED CRIMINALLY TO HOLD THEM CRIMINALLY RESPONSIBLE FOR THE ACTIONS IN FLINT, MICHIGAN. LET ME RAISE A QUESTION -- WERE YOU TRYING TO FINISH YOUR SENTENCE, MR. EDWARDS? BECAUSE I HAVE YOUR WHOLE SERIES HERE. MR. CREAGH, IN YOUR STATEMENT, YOU CLAIM, AND I QUOTE: REGARDLESS OF THE TESTING SCHEDULE ALLOWED BY THE EPA RULE,

IN HINDSIGHT, WHEN THE LEAD LEVELS BEGAN TO RISE, CORROSION TREATMENT SHOULD HAVE BEEN REQUIRED FROM THE MDEQ. I END YOUR QUOTE. HOWEVER, RATHER THAN TAKING FULL RESPONSIBILITY FOR THIS DECISION, YOU THEN CRITICIZE THE EPA FOR FAILING TO PROVIDE A LEGAL INTERPRETATION OF THE LEAD AND COPPER RULE UNTIL NOVEMBER 2015. YOU SAID: MY OBSERVATION IS THAT THE EPA DID NOT DISPLAY THE SENSE OF URGENCY THAT THE SITUATION DEMANDED. THIS IS UNDERSCORED BY CONVERSATIONS STARTED IN FEBRUARY 2015 REGARDING IMPLEMENTATION OF THE FEDERAL LEAD AND COPPER RULE.

BETWEEN FEBRUARY AND THE END OF SEPTEMBER 2015, THERE WERE MULTIPLE E-MAIL EXCHANGES AND CONFERENCE CALLS BETWEEN THE MDEQ AND EPA. YET WHEN THE PARTIES WERE UNABLE TO COME TO A CONSENSUS ON ITS IMPLEMENTATION IN JULY 2015, THE EPA FAILED TO PROVIDE THE LEGAL OPINION BY THE MDEQ UNTIL NOVEMBER 25th. AS I PRESENT THIS QUESTION, LET ME AGAIN THANK THE CHAIRMAN AND RANKING MEMBER. LET ME THANK FORMER MAYOR LAWRENCE FOR HER LEADERSHIP AND LET ME SAY TO THE NEWLY ELECTED MAYOR, MAYOR WEAVER, MET ME APPLAUD YOU FOR YOU ARE NOT -- THIS WAS NOT ON YOUR WATCH AND NOT ON YOUR CLOCK, BUT I'M COMMITTED, AS WE ALL ARE, TO YOU THAT THE FIX WILL COME ON YOUR WATCH.

MR. CREAM, ARE YOU TELLING THIS COMMITTEE THAT THE REASON THAT THE MDEQ FAILED TO REQUIRE CORROSION CONTROL TREATMENTS IN FLINT WATER WAS BECAUSE EPA DID NOT GIVE YOU A LEGAL INTERPRETATION STATING YOU HAD TO DO THAT? WHERE WAS YOUR OWN MORAL AND FIDUCIARY RESPONSIBILITY?

Keith Cream:

I'M NOT STATING THAT.

Sheila Lee:

WHAT ARE YOU STATING, SIR?

Keith Cream:

I'M NOT STATING THAT THE ONLY REASON WHY THERE WAS NOT CORROSION CONTROL WAS BECAUSE OF LACK OF A LEGAL OPINION FROM EPA.

Sheila Lee:

ALL RIGHT, SIR.

Keith Creagh:

MY TESTIMONY SAID THAT WE SHOULD HAVE AT THE LATEST, ONCE THE FIRST ROUND OF SIX-MONTH TAPPING -- TESTING CAME, WE SHOULD HAVE TAKEN SOME ACTION.

Sheila Lee:

SO YOU ARE NOT TAKING THE POSITION THAT YOU COULD NOT ACT AS AN INDEPENDENT STATE, AS THE 10TH AMENDMENT SAYS WHAT IS NOT LEFT TO THE FEDERAL GOVERNMENT CAN BE LEFT TO THE STATE AND THE SAFETY AND SECURITY AND YOUR MICHIGANDERS I WOULD ASSUME THAT YOU WOULD BE CONCERNED ABOUT. IS THAT CORRECT?

Keith Creagh:

WE ARE CONCERNED ABOUT MICHIGANDERS.

Sheila Lee:

AND IN THAT SENSE, THERE WAS A MALFEASANCE OR LET ME JUST SAY THAT THERE WAS AN INACTION IN NOT DOING WHAT WAS SUPPOSED TO BE DONE. IS THAT CORRECT, SIR?

Keith Creagh:

IN HINDSIGHT, I THINK WE ALL SHARE IN THE RESPONSIBILITY FOR A CRISIS IN FLINT WATER.

Sheila Lee:

WELL, LET ME SAY THAT THOSE WERE CLOSEST TO IT. BUT LET ME JUST SAY THIS. THE STRANGE BELIEF, IS YOUR TESTIMONY AGAIN THAT THE AGING LEAD SERVICE LINES AND ALL THAT NEEDED TO BE DONE WAS AT THE FEET OF THE FEDERAL GOVERNMENT?

SO I JUST WANT TO HEAR YOU AGAIN. IT WAS NOT IN TOTALITY AT THE FEET OF SOMEONE OTHER THAN THE AUTHORITIES IN MICHIGAN, IN THIS INSTANCE, THE STATE?

Keith Creagh:

I BELIEVE WE ALL SHARE RESPONSIBILITY IN THIS CRISIS.

Sheila Lee:

WELL, LET ME SAY THIS. YOU'RE NOW IN THE MIDST OF THE FEDERAL GOVERNMENT. WE'RE ALL SAYING WE WANT TO HELP. LET ME ASK THIS QUESTION, AND LET ME THANK MSNBC RACHEL MADDOW, WHO TOOK HER SHOW TO FLINT, MICHIGAN, AND GAVE US ALL EVEN AN ADDED INSPIRATION OF CHANGE, AND LET ME THANK PASTORS IN MY COMMUNITY WHO ARE EAGER TO BE THERE AND HELP AND THE RED CROSS. BUT THE POINT IS, IS THAT WE KNOW THERE IS A FIGURE OF \$50 TO \$60 MILLION. WE KNOW THAT THERE NEEDS TO BE A CHANGE IN THE PIPES THAT LEAD TO HOMES AND THE PIPES IN HOMES. CAN YOU SAY, BECAUSE OF THE MORAL AUTHORITY VESTED IN YOU AS THE STATE GOVERNMENT AND THE NEED TO GIVE A RESPONSE, THAT YOU WOULD ENGAGE AND USE -- OR ARE YOU OR THE GOVERNOR, WHO IS NOT HERE -- THERE SHOULD BE AN EMPTY CHAIR THERE, BUT HE SHOULD SPEND THE \$50 TO \$60 MILLION TO COMPLETELY OVERHAUL THE PIPE SYSTEM IN THE CITY OF FLINT? WOULD YOU AGREE TO THAT?

Keith Creagh:

THE COMMITMENT FROM STATE GOVERNMENT IS THAT WE'RE IN IT FOR THE LONG HAUL FOR THE CITIZENS OF FLINT AND WE'LL WORK WITH OUR PARTNERS, BOTH AT THE CITY, STATE, AND FEDERAL GOVERNMENT TO MAKE SURE WE GET IT RIGHT BECAUSE NO ONE DESERVES THIS.

Sheila Lee:

YOU'RE AN EXPERT, SIR.

Jason Chaffetz:

THE GENTLE --

Sheila Lee:

YOU'RE AN EXPERT. CAN YOU JUST SAY THAT YOU'RE WILLING --

Jason Chaffetz:

THE GENTLEWOMAN'S TIME HAS MORE THAN EXPIRED. THANK YOU.

Sheila Lee:

DID HE ANSWER THE QUESTION, MR. CHAIRMAN?

Jason Chaffetz:

THANK YOU. NOW WE'RE GOING TO MOVE ON TO --

Sheila Lee:

ALL RIGHT. THANK YOU VERY MUCH.

Jason Chaffetz:

THANK YOU. WE'RE GOING TO MOVE ON TO MORGAN GRIFFITH --

Sheila Lee:

THANK YOU FOR YOUR COURTESY.

Jason Chaffetz:

-- REPRESENTATIVE FROM VIRGINIA. THANK YOU. IS RECOGNIZED FOR FIVE MINUTES.

Morgan Griffith:

THANK YOU VERY MUCH, MR. CHAIRMAN, AND THANK YOU FOR ALLOWING ME TO PARTICIPATE IN THIS HEARING. MS. WALTERS, THANK YOU SO MUCH FOR BEING THE FIRST PERSON TO MAKE THIS PUBLIC AND FOR REACHING OUT FOR HELP.

DR. EDWARDS, EVERYBODY IN SOUTHWEST VIRGINIA AND IN VIRGINIA TECH AND ALL OVER THE REGION ARE SO VERY PROUD TO CALL YOU ONE OF OURS. THANK YOU FOR THE WORK THAT YOU HAVE DONE. I WAS TALKING WITH PRESIDENT SANDS OF VIRGINIA TECH JUST A FEW MINUTES BEFORE THE HEARING STARTED OUT IN THE HALLWAY. I DID NOT KNOW MS. WALTERS AT THE TIME. AND I WAS GOING OVER YOUR RESUME AND JUST SAYING, YOU KNOW, THIS GUY, HIS RESUME IS A WOW. AND SHE WALKED UP AND SHE SAID, AND HE'S A WOW OF A PERSON TOO. WHAT A GREAT ENDORSEMENT FROM A MOM WHO REACHED OUT TO PROTECT HER KIDS, TO A WHITE KNIGHT WHO WAS WILLING TO BE THERE TO COME IN AND CHARGE. AND I CAN'T TELL YOU HOW PROUD I AM TO REPRESENT SOUTHWEST VIRGINIA BUT PARTICULARLY TO HAVE PEOPLE IN MY DISTRICT OF YOUR CALIBER. WE MAY NOT ALWAYS AGREE. I DON'T HAVE ANY IDEA. BUT I RECOGNIZE SOMEBODY WHO WILL NOT BE HANDLED, AND IN THE MOUNTAINS OF SOUTHWEST VIRGINIA, THOSE PEOPLE ALWAYS GET RESPECT, AND I APPRECIATE THAT.

THAT BEING SAID, I DO HAVE A FEW QUESTIONS THAT I WOULD LIKE TO ASK. ONE BEING, UP TO THIS POINT IN TIME, IF SOMEBODY MADE A COMPLAINT TO ME, WHILE I HAD OTHER BATTLES WITH THE EPA, IF IT DEALT WITH AIR OR WATER, I WOULD SAY THE EPA HASN'T SAID THERE'S A PROBLEM. AM I TO TAKE FROM THE TESTIMONY HERE TODAY, IN YOUR OPINION, THAT MAYBE I NEED TO GO BEYOND RELYING ON THE EPA WHEN IT COMES TO WHETHER OR NOT THE WATER SUPPLY IN MY DISTRICT HAS BEEN AFFECTED?

Marc Edwards:

I WISH I COULD SAY OTHERWISE, BUT EVENTS HAVE PROVEN -- PROVEN YOU CORRECT.

Morgan Griffith:

I HOPE THAT SHOULD YOU KNOW OF ANY ISSUES THAT I NEED TO BE LOOKING AT IN THE DISTRICT THAT YOU WILL LET ME KNOW ABOUT THAT. LIKEWISE, I KIND OF GOT THE IMPRESSION THAT CITIZENS, OTHER MOMS ACROSS THE COUNTRY PROBABLY OUGHT TO BE CALLING THEIR LOCAL WATER SUPPLY COMPANIES AND THEIR LOCAL MUNICIPALITIES, ET CETERA, AND JUST ASKING, ARE YOU DOING THE PROPER TESTING? AM I CORRECT IN THAT, DR. EDWARDS?

Marc Edwards:

I AM ASHAMED TO SAY THAT, YES, YOU ARE CORRECT.

Morgan Griffith:

WELL, AND I APPRECIATE THAT. I SAW YOUR WRITTEN TESTIMONY IN ADVANCE AND THOUGHT YOU HAD SOME GOOD COMMENTS ABOUT THE FACT THAT THIS IS SOMETHING WE NEED TO DO, AND THAT IS, IS THAT THE RISE OF INSTITUTIONAL SCIENTIFIC MISCONDUCT IS A RELATIVELY NEW PHENOMENON. CLEARLY WE DO NOT HAVE ADEQUATE CHECKS AND BALANCES ON THE POWER OF THESE AGENCIES, AND YOU ARE REFERRING TO THE EPA AND THE CDC WHEN YOU SAID THAT, NOR DO WE HOLD THEM ACCOUNTABLE FOR THEIR UNETHICAL ACTIONS. AND I ASSUME YOU STAND BY THAT, NOTHING IN HIS HEARING TODAY HAS CHANGED YOUR OPINION IN THAT REGARD.

Marc Edwards:

NO, NOTHING'S CHANGED.

Morgan Griffith:

I WILL TELL YOU THAT I WAS HAVING A CONVERSATION. I'M A RECOVERING ATTORNEY, I LIKE TO JOKE WITH MY FRIENDS. I WAS HAVING A CONVERSATION WITH AN ATTORNEY FRIEND OF MINE A FEW DAYS AGO -- I GUESS IT WAS LAST WEEK -- WHO ALSO HAS BEEN INVOLVED WITH THE BRAIN INJURY SERVICES OF SOUTHWEST VIRGINIA AND HAS PREVIOUSLY CHAIRED THE VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY, WHICH IS AN INDEPENDENT STATE AGENCY THAT TRIES TO TAKE CARE OF FOLKS WITH DISABILITIES, PROTECT THE RIGHTS OF THOSE WITH DISABILITIES. HE AND I WERE TALKING ABOUT THIS. HE INDICATED TO ME THAT HE, LIKE YOU TODAY HAVE EXPRESSED, THAT HE THOUGHT THERE MUST BE SOMETHING CRIMINAL, THAT IT WASN'T JUST A MATTER OF SAYING YOU'RE SORRY AND FIXING IT, THAT THERE WERE PROBABLY PEOPLE WHO NEEDED TO GO TO JAIL.

AND SO I COULDN'T HELP BUT THINK, LISTENING TO THE TESTIMONY AND THE QUESTIONS EARLIER, AND MR. MARSH SAID THAT HE THOUGHT IT WAS A BAD THING OR INDICATED IT WAS BAD WHEN THE ATTORNEY FOR MR. EARLEY SAID IT WAS NONSENSICAL FOR HIM TO COME AND TESTIFY, I SUSPECT THAT MAYBE WHAT THE ATTORNEY MEANT TO SAY IS YOU HAVE THE RIGHT TO REMAIN SILENT. ANYTHING YOU

SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW. WOULD YOU DISAGREE WITH MY ASSESSMENT OF THAT RESPONSE BY HIS ATTORNEY?

Marc Edwards:

I'M NOT A LAWYER, SO I'LL STAY AWAY FROM THAT ONE.

Morgan Griffith:

I APPRECIATE THAT. I KNOW IT'S BEEN A LONG DAY FOR ALL OF YOU. I DO APPRECIATE THE TESTIMONY AGAIN. MS. WALTERS, APPRECIATE YOU STEPPING UP. DR. EDWARDS, THANK YOU FOR TAKING YOUR OWN TIME, YOUR OWN ENERGY, THE RESOURCES FROM YOUR DISCRETIONARY FUNDS THAT YOU HAVE SPENT ON THIS CAUSE. YOU WERE NOT HANDLED BY ANYBODY, INCLUDING THE FEDERAL GOVERNMENT, AND AGAIN I DO RESPECT THAT AND APPRECIATE IT. AND WITH THAT, MR. CHAIRMAN, I YIELD BACK.

Jason Chaffetz:

THANK THE GENTLEMAN. WE'LL RECOGNIZE MR. CUMMINGS, THE RANKING MEMBER, AND THEN MYSELF AND THEN WE WILL CONCLUDE THIS HEARING.

Elijah Cummings:

FIRST OF ALL, I WANT TO THANK ALL OF YOU FOR BEING HERE TODAY. MR. CHAIRMAN, I THANK YOU AGAIN FOR HOLDING THIS HEARING. IT'S A VERY IMPORTANT HEARING, AND I'VE LISTENED TO ALMOST EVERY SYLLABLE THAT HAS BEEN SAID HERE TODAY. MR. EDWARDS, I KNOW THAT JUST BASED UPON WHAT MY STAFF HAS REVEALED TO ME THAT YOU -- AND WHAT I'VE HEARD HERE TODAY, THAT THE EPA HAS OBVIOUSLY NOT BEEN FAIR TO YOU. BUT IS THAT A FAIR STATEMENT? COME ON. I CAN'T HEAR YOU.

Marc Edwards:

I BELIEVE -- I BELIEVE THAT'S A CORRECT STATEMENT, YES.

Elijah Cummings:

AND I'M SURE YOU HAVE A LOT OF DEEP HURT, DISAPPOINTMENT, BECAUSE OBVIOUSLY

YOU'RE TRYING TO DO THE RIGHT THING AND YOU ARE DRIVEN BY A PASSION TO MAKE PEOPLE'S LIVES BETTER. IS THAT AN ACCURATE STATEMENT?

Marc Edwards:

WHATEVER HURT I'VE EXPERIENCED IS NOTHING COMPARED TO THE HURT OF THE PARENTS OF THE CHILDREN IN THIS ROOM.

Elijah Cummings:

AND THAT'S WHY I WANT TO GET TO, TO THIS QUESTION. AND I'VE LISTENED TO EVERYBODY VERY CAREFULLY. BUT, YOU KNOW, I KEEP HEARING -- I HEAR YOU. AND I GUESS AS A TRIAL LAWYER, I'M KIND OF USED TO KIND OF REALLY, REALLY LISTENING CAREFULLY. IT SEEMS LIKE YOU SPEND A LOT OF TIME ON THE EPA, AND I WANT YOU TO BE CLEAR. AND I'LL SAY IT 50 MILLION TIMES, AND I MEAN IT. I WANT THE EPA TO BE HELD RESPONSIBLE FOR ADDRESSING THE THINGS THAT THEY'RE SUPPOSED TO ADDRESS, BUT IT SEEMS AS IF -- HELP ME WITH THIS. OKAY? BECAUSE I'M JUST LISTENING TO YOU. YOU DON'T SEEM TO PUT TOO MUCH BLAME ON THE STATE. I MEAN, IS THE -- WHY IS THAT? AM I MISSING SOMETHING? AND THE REASON WHY I GAVE THAT WHOLE LONG STATEMENT THAT I JUST GAVE IS BECAUSE I KNOW SOMETIMES WE CAN BE SO UPSET BECAUSE WE'VE BEEN ABUSED AND TREATED BADLY, BUT I WANT TO MAKE SURE THAT WE ARE ALSO LOOKING AT THE WHOLE PICTURE. YOU FOLLOW WHAT I'M SAYING?

Marc Edwards:

YES. MY PERSPECTIVE ON THIS IS THE FACT THAT THESE ARE THE AGENCIES PAID TO PROTECT US: THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY AND SUSAN HEDMAN AT EPA, AS THE TOP ENVIRONMENTAL COP IN THE REGION. I HAVE SAID REPEATEDLY THAT THE PRIMARY BLAME FOR THIS RESTS WITH A FEW PEOPLE AT THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, WITHOUT QUESTION. BUT IN TERMS OF OTHER PEOPLE IN THE STATE, THOSE CORE PROFESSIONALS MISLEAD THEM THROUGHOUT THIS WHOLE THING. MR. WALLING IN FLINT, FOR EXAMPLE, REACHED OUT AFTER READING MIGUEL'S MEMO, AS A CONSIDERATE MAYOR WOULD, TO SUSAN HEDMAN, SAID, IS THIS SOMETHING I SHOULD TAKE SERIOUSLY? AND SHE TOLD HIM, THE COP -- THE TOP ENVIRONMENTAL POLICEMAN IN THE REGION TOLD HIM: I AM SORRY THIS MEMO EVER TOOK PLACE AND I'LL GET BACK TO YOU AFTER I EDIT IT AND

VET IT. SO I -- 100 PERCENT OF THE RESPONSIBILITY LIES WITH THESE EMPLOYEES AT MDEQ. THERE IS NO QUESTION. BUT EPA HAD THE CHANCE, BECAUSE OF MIGUEL DEL TORAL, TO BE THE HERO HERE AND MS. HEDMAN SNATCHED DEFEAT FOR EPA FROM THE JAWS OF VICTORY BY DISCREDITING HIS MEMO AND STANDING BY SILENTLY AS SHE KNEW THAT FEDERAL LAW WAS NOT PROTECTING FLINT'S CHILDREN.

Elijah Cummings:

AND AS I CLOSE, LET ME TELL YOU THE VALUE OF WHAT HAS HAPPENED HERE TODAY. WHAT YOU ALL HAVE DONE IS GIVEN US A PLATFORM TO LOOK FURTHER. I MEAN, YOU'VE GIVEN US THE BASIC INFORMATION. YOU FOLLOW WHAT I'M SAYING? NOW WE HAVE TO GO -- YOU'VE GIVEN NAMES AND YOU TALKED ABOUT DIFFERENT SITUATIONS, AND NOW WE HAVE TO GO HIGHER. AND TO YOU, MR. CREAGH, I WANT TO THANK YOU. I KNOW YOU GOT A TOUGH JOB, AND I KNOW YOU HAVE A -- HOW LONG YOU BEEN IN THAT JOB?

Keith Creagh:

SINCE JANUARY 4TH, AND THAT WAS BY CHOICE.

Elijah Cummings:

WOW. BUT AGAIN, WE -- I HOPE THAT -- I KNOW YOU'RE IN THE CABINET, SO THAT MEANS YOU HAVE THE GOVERNOR'S EAR. I HOPE THAT THE GOVERNOR WILL UNDERSTAND THAT THESE ARE PEOPLE WHO ARE SUFFERING AND THAT THE \$30 MILLION THAT HE'S ASKED FOR, I GUESS YESTERDAY, AND THEN THERE'S, I GUESS, THE \$28 MILLION THAT WAS ALREADY SIGNED. IS THAT RIGHT? OR IS THAT ALL PART OF THE SAME THING?

Keith Creagh:

NO SIR. WE'VE ACTUALLY -- THERE IS ALMOST \$38 MILLION THAT HAS BEEN ALLOCATED ALREADY TO THIS, AND THEN THIS WOULD BE ON TOP OF THAT. AND THEN I WOULD CERTAINLY NOT PREEMPT THE GOVERNOR'S BUDGET, BUT UNDERSTAND THAT THERE IS MORE TO BE DONE.

Elijah Cummings:

YEAH, I UNDERSTAND. I'M NOT TRYING TO GET YOU TO DO THAT, BUT I WOULD ASK YOU TO SEND A MESSAGE TO HIM, IN CASE HE'S NOT LOOKING -- I'M SURE HE IS. BUT THE THING THAT I ASKED YOU ABOUT THE WATER BILLS, YOU KNOW, THAT'S INSULT TO INJURY, YOU KNOW. IF I'M BEING POISONED --

Keith Creagh:

RIGHT.

Elijah Cummings:

AND I CAN'T WASH WITH THE WATER. I CAN'T DRINK THE WATER. AND THEN YOU'RE GOING TO MAKE ME PAY FOR THE WATER? I MEAN, THAT DOESN'T MAKE ANY SENSE. SO I JUST WANT TO THROW THAT -- BUT AGAIN --

Keith Creagh:

I WILL TAKE THAT.

Elijah Cummings:

THANK YOU, ALL. AND, MR. CHAIRMAN, I AM LOOKING FORWARD TO OUR CONTINUED EFFORT. IT'S NOT ABOUT A GOTCHA. I SWEAR TO GOD. IT'S NOT. IT'S ABOUT HOW DO -- WHAT HAPPENED? YOU GOT TO KNOW WHAT HAPPENED SO THAT YOU CAN CORRECT IT AND HOPEFULLY SO IT DOESN'T HAPPEN AGAIN. MS. WALTERS, THANK YOU VERY MUCH. YOUR CHILDREN ARE IN OUR PRAYERS. YOU SAID SOMETHING THAT -- YOU SAID SOMETHING ABOUT YOU DID A READING, AND IT WAS HIGHER THAN -- I GUESS IT'S PARTICLES PER BILLION. IT WAS HIGHER THAN HAZARDOUS WASTE. IS THAT WHAT YOU SAID?

Leeanne Walters:

YES. THE LEVELS OF LEAD IN MY WATER WERE HIGHER THAN HAZARDOUS WASTE LEVELS.

Elijah Cummings:

THAT'S PURELY UNACCEPTABLE. THANK YOU, MR. CHAIRMAN.

Jason Chaffetz:

ALL RIGHT. I THANK THE GENTLEMAN. JUST TO FOLLOW UP ON WHAT MR. CUMMINGS WAS TALKING ABOUT. MR. EDWARDS, THESE PEOPLE AT THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, DO YOU FEEL THAT THEY WERE MISLEADING PEOPLE? WERE THEY PROVIDING FALSE INFORMATION? WHAT WERE THEY DOING? AND WHO WERE THEY DOING IT TO?

Marc Edwards:

I THINK IT PROBABLY STARTED INNOCENTLY. I THINK SOMEONE FORGOT TO FOLLOW THE LAW, BUT THEY IGNORED WARNING SIGN AFTER WARNING SIGN, THE GM FIASCO, THE -- MS. WALTERS' CHILD, THE HAZARDOUS WASTE LEVELS OF LEAD. AND GRADUALLY STEP BY STEP, THEY JUST FELT LIKE THEY -- YOU KNOW, THEY WERE COVERING THIS UP. THERE'S NO QUESTION ABOUT IT. YOU READ THE E-MAILS. THEY WERE -- THEY LIED IN WRITING TO THE EPA. AND IT WAS ONLY AFTER LEEANN FIGURED OUT THAT THEY WERE NOT USING CORROSION CONTROL THAT THEY STARTED THIS NEW STORY THAT WE DON'T KNOW IF WE HAVE TO HAVE CORROSION CONTROL. SO I THINK THE WRITTEN RECORD IS QUITE CLEAR ON THIS.

Jason Chaffetz:

THEY WERE TELLING THAT TO THE EPA. WHAT ABOUT TO THE GOVERNOR'S OFFICE AND OTHER STATE OFFICIALS?

Marc Edwards:

IT'S VERY CLEAR TO ME THAT THEY MISLEAD THE EPIDEMIOLOGISTS WHO WERE LOOKING AT THAT. THE VERY FIRST THING THEY DID WAS TO REACH OUT TO THESE MDEQ EMPLOYEES AND SAY IS THERE SOMETHING WRONG WITH THE WATER? AND THE TALKING POINTS, THE NOTES FROM THAT MEMO USED BY THE EPIDEMIOLOGISTS BASICALLY REPEATED ONE LIE AFTER ANOTHER AFTER ANOTHER ABOUT THE ACTUAL SITUATION IN FLINT. AND WHEN YOU'RE A SCIENTIST AND YOU HAVE BEEN MISLEAD SO FUNDAMENTALLY BY SOMEONE IN A POSITION OF TRUST, THAT SKEWS YOUR INTERPRETATION. SO I HAVE CRITICIZED WHAT THE HEALTH DEPARTMENT DID AND THE

FACT THAT THEY NEVER TOLD THE GOVERNOR ABOUT THIS SPIKE IN ELEVATED LEAD THAT WAS OCCURRING, AND I HAVE -- I HAVE TALKED ABOUT THEIR UNETHICAL BEHAVIOR IN THE MONTH OF SEPTEMBER WHEN THEY REFUSED TO SHARE DATA WITH ME AND DR. MONA ABOUT THE LEAD-POISONED CHILDREN. BUT YOU HAVE TO -- WHEN YOU LOOK AT THE ETHICS OF THIS, YOU HAVE TO LOOK AT WHAT THEY WERE TOLD AND PUT YOURSELF IN THEIR POSITION, AND I FAULT THEM, BUT THE BLAME LIES WITH THESE THREE OR FOUR EMPLOYEES WHO WERE ACTIVELY MISLEADING EVERYONE.

AND I GO BACK TO MR. WALLING, WHO TOOK A LOT OF CRITICISM, AND SOME OF IT VERY JUSTIFIABLE, BUT IF YOU'RE A MAYOR OF A TOWN IN FLINT AND YOU REACH OUT TO SUSAN HEDMAN, THE TOP COP IN THE REGION, AND SHE TELLS YOU NOTHING IS WRONG AND A FEW DAYS LATER YOU GO ON TELEVISION, DRINKING THE WATER, TO TELL EVERYONE IT'S SAFE, WHO'S TO BLAME FOR THAT? CERTAINLY MAYOR WALLING HAS TAKEN HIS SHARE OF THE BLAME FOR BEING OVERLY TRUSTING OF THE TOP EPA COP IN THE REGION FOR APOLOGIZING FOR THIS MEMO AND NOT TELLING THAT THERE'S ANYTHING WRONG GOING ON IN FLINT. BUT THE BULK OF THE BLAME FOR THAT PARTICULAR EPISODE HAS TO LIE WITH SUSAN HEDMAN.

Jason Chaffetz:

AND TO MY COLLEAGUES, THINK ABOUT IT. THERE'S MORE THAN TWO MILLION FEDERAL EMPLOYEES. THE OVERWHELMING MAJORITY ARE GOOD, QUALITY, HARD WORKING, PATRIOTIC PEOPLE. I SAY THAT TIME AND TIME AGAIN.

Marc Edwards:

ABSOLUTELY.

Jason Chaffetz:

BUT WHAT WE HAVEN'T DONE AS A CONGRESS WITH OVERSIGHT OF THE ADMINISTRATION, AND, AGAIN, YOU CAN FIND EXAMPLES ON DEMOCRATIC AND REPUBLICAN ADMINISTRATIONS, OKAY, BUT WE -- WHEN WE HAVE THESE TYPES OF BAD APPLES IN PLACE, THEY TEND TO RISE TO THE SURFACE. SO MUCH SO THAT WE HAD A HEARING ABOUT THIS IN JULY, SAYING THIS IS A PROBLEM. AND NOTHING BUT NOTHING WAS DONE ABOUT IT. AND IT FESTERED IN OTHER AREAS THAT ROSE TO OUR LEVEL THAT BECAME SO SERIOUS THAT WE HAD A HEARING, BUT IT WAS OBVIOUSLY,

WHEN YOU HAVE THAT KIND OF APPROACH, YOU SEE THIS HAPPEN TIME AND TIME AGAIN. AND SO THIS HAS BEEN A VERY, VERY VALUABLE HEARING.

MS. WALTERS, GOD BLESS YOU. I'M SO SORRY THAT YOU'VE HAD TO GO THROUGH THIS. I -- I CAN'T EVEN BEGIN TO TELL YOU HOW MUCH WE HOPE AND PRAY FOR YOUR FAMILY AND FOR THE THOUSANDS OF OTHER FAMILIES THAT YOU REPRESENT. SO YOU'VE HAD SOME SORT OF STRENGTH THAT YOU GOT SOMEWHERE, I BELIEVE IN -- IT'S NOT JUST A COINCIDENCE, THAT YOU GET THAT KIND OF STRENGTH THAT'S REPRESENTATIVE, AND MAKING THE PEOPLE OF MICHIGAN PROUD. SO KEEP IT UP.

MR. EDWARDS, THANK YOU FOR YOUR GOOD WORK. YOU HAVE BEEN TENACIOUS ON THIS. THANKFUL FOR VIRGINIA TECH FOR FUNDING YOU AND ALLOWING YOU TO DO THIS GOOD WORK AND BEING THE KIND OF EXPERT ACROSS THE COUNTRY AND VERY HELPFUL TO THIS COMMITTEE. WE'RE VERY APPRECIATIVE OF THAT. MR. CREAGH, YOU DIDN'T NEED THIS IN YOUR LIFE. YOU'VE HAD A VERY STRONG CAREER. YOU'VE SERVED THE STATE OF MICHIGAN HONORABLY. I'VE HEARD PRAISE ON BOTH SIDES OF THE AISLE FOR WHAT YOU'RE DOING. YOU'RE IN A VERY DIFFICULT SPOT. YOU'RE IN A VERY DIFFICULT SPOT. AND FOR YOUR STEPPING UP AND DOING THIS, SOMEBODY'S GOT TO DO IT, AND SOMEHOW THAT MANTLE HAS FALLEN TO YOU. WE THANK YOU FOR YOUR PARTICIPATION AND WORK THAT YOU DO HERE.

MR. BEAUVAIS, YOU SEEM LIKE A VERY FINE GENTLEMAN WHO CARES DEEPLY ABOUT NOT ONLY THE GOVERNMENT, BUT YOU CARE ABOUT THE COUNTRY, YOU CARE ABOUT THESE PEOPLE AS WELL. MY FRUSTRATION IS WITH THE ORGANIZATION, THE LACK OF ACCOUNTABILITY, THE LACK OF FOLLOW-THROUGH. SOMEHOW WE'VE GOT TO PLOW PAST THE TALKING POINTS AND EVERYTHING THEY TRY TO TRAIN YOU TO SAY WHEN YOU COME BEFORE CONGRESS AND JUST GET TO THE TRUTH AND THE NAKED REALITY OF IT. THAT'S WHAT I THINK MOST OF THE EMPLOYEES AT THE EPA WANT. IT'S WHAT THE CONGRESS WANTS. WE REPRESENT THE PEOPLE. YOU KNOW, WE REPRESENT THE PEOPLE OF THE UNITED STATES.

AND SO WE -- I'M GLAD YOU'RE IN THIS POSITION. I THINK YOU'RE PART OF THE SOLUTION, NOT PART OF THE PROBLEM. THAT'S MY EXPERIENCE. THAT'S MY STARTING POINT. I THINK ALL FOUR OF YOU ARE PART OF THE SOLUTION, NOT PART OF THE PROBLEM. BUT WE HAVE A PROBLEM, AND WE'VE GOT TO CLEAN IT UP. AND I ALSO WANT TO APPRECIATE AND THANK MR. KILDEE FOR HIS PASSION ON THIS. HE'S BEEN WORKING ON THIS FOR SOME TIME AND GLAD THAT HE WAS ABLE TO TESTIFY HERE

TODAY. THIS COMMITTEE STANDS ADJOURNED.