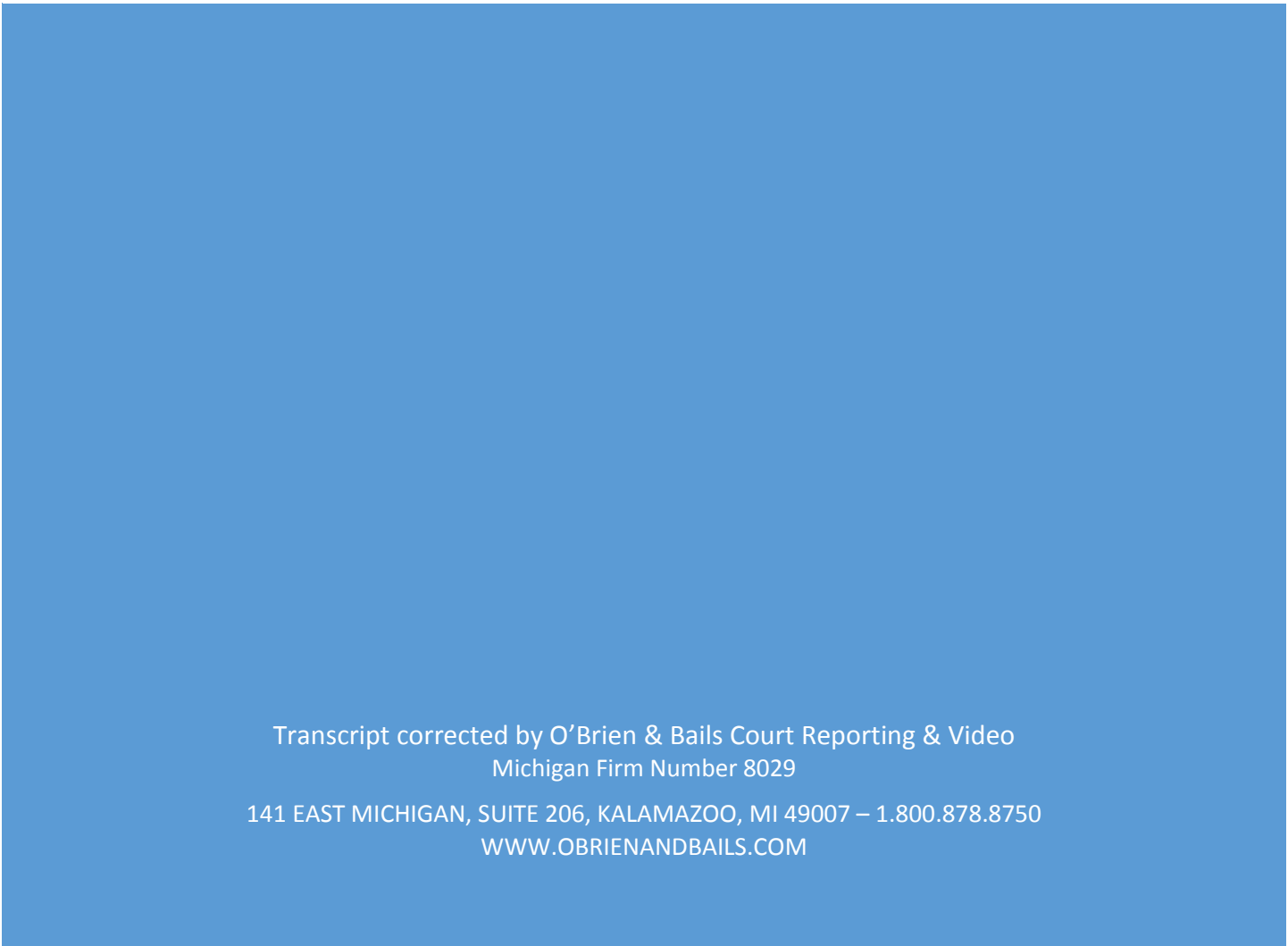




TRANSCRIPT OF MARCH 17, 2016 MEETING OF THE HOUSE OVERSIGHT AND
GOVERNMENTAL REFORM COMMITTEE



Transcript corrected by O'Brien & Bails Court Reporting & Video
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TRANSCRIPT OF **MARCH 17, 2016** MEETING OF THE HOUSE OVERSIGHT AND GOVERNMENTAL REFORM COMMITTEE

On March 17, 2016 the House Oversight and Governmental Reform Committee held its third hearing on the contaminated drinking water in Flint, Michigan. Gina McCarthy and Governor Rick Snyder (R-MI) testified at a hearing on the Safe Drinking Water Act and lead contamination of the water supply in Flint, Michigan. Governor Snyder apologized and said he was not aware that the water had dangerous levels of lead until October 2015. Ms. McCarthy defended the Environmental Protection Agency (EPA), saying her agency did all it could do within the rule of law. During the hearing, several committee members called on both Governor Snyder and Ms. McCarthy to resign.

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/?406540-1/hearing-flint-michigan-water-contamination>

People in video:

- Gina McCarthy – Administrator of the Environmental Protection Agency
- Rick Snyder – Governor [R] Michigan
- Justin Amash – U.S. Representative [R] Michigan
- Brendan Boyle - U.S. Representative [D] Pennsylvania
- Earl “Buddy” Carter - U.S. Representative [R] Georgia
- Matt Cartwright - U.S. Representative [D] Maryland
- Jason Chaffetz - U.S. Representative [R] Utah
- William Clay Jr. - U.S. Representative [D] Missouri
- Bonnie Coleman - U.S. Representative [D] New Jersey
- Gerry Connolly - U.S. Representative [D] Virginia
- Elijah Cummings - U.S. Representative [D] Maryland
- Mark DeSaulnier - U.S. Representative [D] California
- Scott DesJarlais - U.S. Representative [R] Tennessee
- Tammy Duckworth - U.S. Representative [D] Illinois
- John Duncan Jr. - U.S. Representative [R] Tennessee
- Paul Gosar - U.S. Representative [R] Arizona
- Michelle Grisham - U.S. Representative [D] New Mexico
- Jody Hice - U.S. Representative [R] Georgia

- Robin Kelly - U.S. Representative [D] Illinois
- Brenda Lawrence - U.S. Representative [D] Michigan
- Carolyn Maloney - U.S. Representative [D] New York
- Mark Meadows - U.S. Representative [R] North Carolina
- John Mica - U.S. Representative [R] Florida
- Eleanor Norton – Congressional Delegate [D] District of Columbia
- Gary Palmer - U.S. Representative [R] Alabama
- Tim Walberg - U.S. Representative [R] Michigan
- Peter Welch - U.S. Representative [D] Vermont

Jason Chaffetz:

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM WILL COME TO ORDER. WITHOUT OBJECTION, THE CHAIR IS AUTHORIZED TO DECLARE A RECESS AT ANY TIME. WE HAVE THE THIRD IN A SERIES OF HEARINGS THAT WE'RE DOING OF EXAMINING THE FEDERAL ADMINISTRATION OF THE SAFE DRINKING WATER ACT DEALING WITH THE CRISIS IN FLINT, MICHIGAN. APPRECIATE THE WITNESSES HERE TODAY. I ALSO APPRECIATE THE STRONG PUBLIC PARTICIPATION AND INTEREST IN THIS HEARING. I WOULD REMIND THOSE THAT ARE PARTICIPATING THAT THIS IS A CONGRESSIONAL HEARING. WE WOULD APPRECIATE YOUR PROPER -- THE PROPER DECORUM IN THIS ROOM. THERE ARE TO BE NO SHOWS OF EXPRESSION, POSITIVE OR NEGATIVE, AND WE WOULD APPRECIATE YOUR HELP IN THAT WAY. LET ME MAKE JUST A FEW OBSERVATIONS AND THEN WE'LL TURN IT OVER TO THE RANKING MEMBER AND GET RIGHT TO THE QUESTIONING HERE.

THERE ARE PEOPLE STILL TODAY IN FLINT, MICHIGAN, WHO ARE WAKING UP THIS MORNING, THEY CAN'T DRINK THE WATER AND THEY CAN'T TAKE A SHOWER. THEY'RE USING A BOTTLE OF WATER TO DRINK AND USING A BOTTLE OF WATER TO TAKE A SHOWER. AND I CAN'T EVEN IMAGINE MY FAMILY HAVING TO GO THROUGH THAT HERE IN THE UNITED STATES OF AMERICA.

I WAS ABLE TO VISIT FLINT WITH A NUMBER OF MEMBERS HERE ON THIS PAST SATURDAY, AND THIS IS A CRISIS, AND IT AFFECTS A LOT OF PEOPLE. AND I THINK THESE HEARINGS HAVE BEEN VERY PRODUCTIVE. THERE ARE PEOPLE THAT HAVE BEEN EXPOSED TO DRINKING LEAD-BASED WATER FOR MORE THAN A YEAR, AND THIS IS I BELIEVE A FAILURE AT EVERY LEVEL AND I THINK

MOST EVERYBODY HAS ACKNOWLEDGED THAT. LET'S REMEMBER THAT FLINT CITY WAS A CITY IN CRISIS. FINANCIAL SITUATION WAS DIRE AT BEST. THE PEOPLE OF MICHIGAN MADE A DECISION AND EMERGENCY MANAGERS WERE PUT INTO PLACE TO SAVE -- SAVE DOLLARS, AND I THINK THE IDEA, DESIRE TO REDUCE THE RATE OF THE COST OF WATER, AS WELL AS IMPROVE THE QUALITY OF WATER, WAS WHERE THIS STARTED BUT IT'S NOT WHERE IT ENDED UP.

AT EVERY LEVEL IN MICHIGAN, FROM THE CITY, TO THE DEPARTMENT OF PUBLIC WORKS, TO THE EMERGENCY MANAGER, TO THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, THERE WERE FAILURES, AND THERE'S QUESTIONS ABOUT THE ACCURACY OF THE DATA THAT WAS PROVIDED. SOME OF THOSE PEOPLE WERE RESPONSIBLE AND REPORTED TO THE GOVERNOR OF MICHIGAN. I APPRECIATE THE GOVERNOR VOLUNTEERING AND SUGGESTING THAT COMING HERE AND TESTIFYING BEFORE CONGRESS TO TELL HIS VERSION OF THE STORY WAS AN APPROPRIATE THING AND, GOVERNOR, I APPRECIATE YOUR -- YOUR WILLINGNESS TO COME TALK TO THIS BODY BECAUSE THERE ARE SOME SERIOUS QUESTIONS AND WE DO WANT TO GET TO THE BOTTOM OF IT.

THE CONGRESS ALSO HAS RESPONSIBILITY AND JURISDICTION OVER THE EPA, THE FUNDING OF THE EPA OBVIOUSLY BEING A FEDERAL ORGANIZATION. WE HAVE JURISDICTION AND IT'S PROPER AND IMPORTANT THAT WE LOOK AT THINGS FROM THAT PERSPECTIVE AS WELL. IN FEBRUARY, LEE-ANNE WALTERS, WHO IS HERE IN THE AUDIENCE WITH US TODAY, FINALLY GOT FED UP WITH WHAT WAS GOING ON WHERE SHE MANAGED TO GET AHOLD OF THE EPA AND MIGUEL DEL TORAL FROM THE EPA SHOWED UP ON THE SCENE AND STARTED TO TEST THE WATER. HE SHOULD BE HIGHLY COMMENDED FOR HIS ACTIONS AND THE THINGS THAT HE DID, AND I APPRECIATE LEE-ANNE WALTERS AND HER FAMILY FOR STEPPING FORWARD AND CAN'T EVEN EXPRESS -- I JUST CAN'T EVEN IMAGINE WHAT HER AND HER FAMILY AND HER SON WHO I MET AND GOT A PICTURE WITH, WHAT THEY'VE BEEN THROUGH.

BY JUNE THE EPA CLEARLY KNEW THAT THIS WAS A CRISIS. THEY ABSOLUTELY KNEW THAT THIS WAS A PROBLEM. AND SUSAN HEDMAN, AS THE ADMINISTRATOR FOR THE REGION 5, SHE DEFINITELY KNEW THAT THERE WAS A PROBLEM. THE MAYOR AT THE TIME IN FLINT ASKED WHAT HAD HAPPENED, IS THE WATER SAFE TO DRINK. HE WAS TOLD DON'T PAY NO ATTENTION TO THE REPORT THAT WAS WRITTEN BY THE EPA, AND ACTUALLY WENT ON LOCAL TELEVISION AND TOLD PEOPLE IT WAS SAFE TO DRINK THE WATER.

MOVE FORWARD TO SEPTEMBER 24th, ONE OF THE MORE TROUBLING THINGS. I WANT TO PUT UP THIS GRAPHIC. THIS IS AN INTERNAL E-MAIL WITHIN THE EPA TALKING ABOUT SUSAN HEDMAN. PERHAPS SHE, SUSAN HEDMAN, ALREADY KNOWS THIS, BUT I'M NOT SO SURE FLINT IS THE COMMUNITY WE WANT TO GO OUT ON A LIMB FOR -- END QUOTE. YOU CAN TAKE THAT DOWN.

THAT'S ONE OF THE MORE OFFENSIVE CONCERNING THINGS I'VE SEEN, THAT THERE WERE PEOPLE, MORE THAN ONE, THAT WERE MAKING DECISIONS AND THINKING THAT, WELL, MAYBE FLINT ISN'T WHO WE SHOULD GO OUT ON A LIMB FOR. ARE YOU KIDDING ME? OF ALL THE COMMUNITIES OUT THERE, FLINT IS THE NUMBER ONE PLACE THAT THEY SHOULD HAVE BEEN GOING OUT ON A LIMB FOR. IT'S DEPRESSED ECONOMICALLY, THEY'RE GOING THROUGH THEIR OWN ECONOMIC CRISIS, AND THERE'S INTERNAL DISCUSSION AT THE EPA DECIDING WHETHER OR NOT WHO WE SHOULD GO OUT ON A LIMB FOR.

DAYS LATER THE EPA ADMINISTRATOR SAID MS. HEDMAN'S WORK WAS: QUOTE -- VERY ENCOURAGING -- END QUOTE. GINA McCARTHY SAID: QUOTE -- THEY'RE MAKING GREAT PROGRESS. BUT IT WASN'T UNTIL JANUARY OF 2016 THAT THE EPA ACTUALLY TOOK DEFINITIVE ACTION. THE DAY AFTER THAT, SUSAN HEDMAN, THE REGION 5 ADMINISTRATOR, RESIGNS. LATER ASKED ABOUT THAT ACTION, GINA McCARTHY, THE EPA ADMINISTRATOR, SAID THAT THAT RESIGNATION WAS COURAGEOUS. COURAGEOUS. THAT'S SOMETHING WE'RE GOING TO TALK ABOUT HERE TODAY.

I'VE SEEN A LOT OF THINGS BEFORE THIS COMMITTEE, BUT I'VE GOT TO TELL YOU, THIS – THIS LACK OF ACTION HERE, THE LACK OF LETTING PEOPLE KNOW SO THEY CAN MAKE AN INFORMED DECISION IS VERY CONCERNING. IT'S VERY CONCERNING.

LET'S NOW RECOGNIZE THE RANKING MEMBER, MR. CUMMINGS.

Elijah Cummings:

THANK YOU VERY MUCH, MR. CHAIRMAN, AND I, TOO, AGREE THAT THIS IS A TRAGIC SITUATION. BUT LET'S BE CLEAR, THIS IS NOT JUST ON THE EPA. IT'S MUCH BIGGER THAN THAT. SO I TAKE A MOMENT, FIRST OF ALL, TO THANK LEE-ANNE WALTERS, PROFESSOR EDWARDS, AND TO THE PEOPLE OF FLINT, MANY OF WHOM HAVE COME HERE TODAY. THEY'RE LINED ALL OUTSIDE THESE WALLS, UNABLE TO GET IN, AND PROBABLY FEELING LEFT OUT. BUT THEY PROBABLY FELT LEFT OUT FOR A LONG TIME.

SO, MR. CHAIRMAN, I TAKE THIS MOMENT TO THANK YOU. YOU DIDN'T HAVE TO DO THIS. I ASKED YOU FOR A HEARING AND YOU GRANTED US THREE HEARINGS, AND I REALLY APPRECIATE THAT, YOU SEE, BECAUSE I LIVE IN A NEIGHBORHOOD WHERE LEAD IS A PROBLEM. I'M VERY SENSITIVE TO THIS ISSUE.

GOVERNOR SNYDER HAS BEEN DESCRIBED AS RUNNING THE STATE OF MICHIGAN LIKE A BUSINESS. WELL, WHAT IF THIS WAS A BUSINESS? WHAT IF A CEO RAN A COMPANY THAT SOLD

TOYS LACED WITH LEAD THAT CHILDREN PUT IN THEIR MOUTHS? WHAT IF THOSE CHILDREN WERE POISONED AS A RESULT, AND WHAT IF THAT CEO IGNORED WARNINGS FOR MORE THAN A YEAR AS THOSE KIDS GOT SICKER AND SICKER AND SICKER? THERE'S NO DOUBT IN MY MIND THAT IF A CORPORATE CEO DID WHAT GOVERNOR SNYDER'S ADMINISTRATION HAS DONE, HE WOULD BE HAULED UP ON CRIMINAL CHARGES. THE BOARD OF DIRECTORS WOULD THROW HIM OUT AND THE SHAREHOLDERS WOULD REVOLT.

THIS IS SOME OF WHAT IS HAPPENING NOW TO GOVERNOR SNYDER. THE SPECIAL COUNSEL FOR THE STATE ATTORNEY GENERAL'S OFFICE HAS LAUNCHED AN INVESTIGATION, AND HE SAYS, I DIDN'T SAY THIS, HE SAYS, THE STATE OFFICIALS COULD FACE CHARGES INCLUDING BREACH OF DUTY, GROSS NEGLIGENCE OR EVEN MANSLAUGHTER," CHARGES HE SAYS ARE, AND I QUOTE -- NOT FARFETCHED -- END OF QUOTE.

ON OUR COMMITTEE WE'VE OBTAINED DOCUMENTS SHOWING THAT PEOPLE ALL AROUND THE GOVERNOR, INCLUDING HIS CHIEF OF STAFF, WERE SOUNDING THE ALARMS BUT EITHER IGNORED THEM OR DIDN'T HEAR THEM. SO WE ARE TALKING ABOUT QUOTES. LET'S TALK ABOUT THEM. IN OCTOBER, 2014, THE GOVERNOR'S TOP LEGAL ADVISER HAD WARNED THAT FLINT SHOULD, AND I QUOTE -- GET BACK ON THE DETROIT SYSTEM AS A STOPGAP AS SOON AS POSSIBLE BEFORE THIS THING IS TOO FAR OUT OF CONTROL -- END OF QUOTE. THAT'S THE CHIEF OF STAFF. IN MARCH OF 2015, THE GOVERNOR'S OWN CHIEF OF STAFF -- THAT WAS HIS LEGAL ADVISER, BUT HIS CHIEF OF STAFF SAID, IN MARCH OF 2015, IF WE PROCRASTINATE ANY LONGER IN DOING SOMETHING DIRECT, WE'LL REALLY -- WE'LL HAVE REAL TROUBLE -- END OF QUOTE. THAT'S FROM THE CHIEF OF STAFF. AND IN JULY HIS CHIEF OF STAFF AGAIN WARNED THAT FLINT RESIDENTS, AND I QUOTE -- ARE CONCERNED AND RIGHTFULLY SO ABOUT THE LEAD LEVEL STUDIES THEY ARE RECEIVING. THEY ARE BASICALLY GETTING BLOWN OFF BY US -- END OF QUOTE. THE DOCUMENT REVEALS FAILURES AT EVERY LEVEL, LED BY GOVERNOR SNYDER'S HAND-PICKED APPOINTEES, AND THE GOVERNOR'S FINGERPRINTS ARE ALL OVER THIS, HIS DEPARTMENT OF ENVIRONMENTAL QUALITY, HIS DEPARTMENT OF HEALTH AND HUMAN SERVICES, HIS INNER CIRCLE OF TOP AIDES, HIS PRESS STAFF, HIS CHIEF OF STAFF, AND OF COURSE THE EMERGENCY MANAGERS THE GOVERNOR PUT IN CHARGE OF FLINT.

THERE WILL BE NOW BE AN ENTIRE GENERATION, AN ENTIRE GENERATION OF CHILDREN WHO SUFFER FROM BRAIN DAMAGE, LEARNING DISABILITIES AND MANY OTHER HORRIBLE EFFECTS OF LEAD POISONING THAT WERE INFLICTED ON THEM BY GOVERNOR SNYDER'S ADMINISTRATION. THERE WILL BE MANY CHILDREN, MR. CHAIRMAN, WHO WILL SIT IN THE SECOND AND THIRD GRADE AND WILL NOT BE ABLE TO READ THE WORDS "SEE SPOT RUN," AND WON'T KNOW WHY, BUT THE REASON WHY IS BECAUSE THERE'S LEAD IN THEIR VEINS.

NOW REPUBLICANS ARE DESPERATELY TRYING TO BLAME EVERYTHING ON THE EPA. SO LET ME SAY THIS. I AGREE THAT THE EPA SHOULD HAVE DONE MORE. THEY SHOULD HAVE RUSHED IN SOONER TO RESCUE THE PEOPLE OF MICHIGAN FROM GOVERNOR SNYDER'S VINDICTIVE ADMINISTRATION AND HIS UTTER INCOMPETENCE AT EVERY LEVEL. GOVERNOR SNYDER'S ADMINISTRATION HAS PRIMARY RESPONSIBILITY FOR ENFORCEMENT UNDER THE SAFE DRINKING WATER ACT, NOT THE EPA. GOVERNOR SNYDER'S ADMINISTRATION CHOSE TO SWITCH TO THE FLINT RIVER FOR A SOURCE OF WATER, NOT THE EPA. GOVERNOR SNYDER'S ADMINISTRATION IGNORED WARNINGS FROM THE FLINT WATER TREATMENT PLANT SUPERVISOR NOT TO GO FORWARD WITH THE SWITCH, NOT THE EPA. GOVERNOR SNYDER'S ADMINISTRATION FALSELY TOLD THE CITY OF FLINT THAT CORROSION CONTROL WAS UNNECESSARY, NOT THE EPA. GOVERNOR SNYDER'S ADMINISTRATION DELAYED CORROSION CONTROL FOR MONTHS AND HARMED THOUSANDS OF ADDITIONAL PEOPLE IN THE PROCESS, NOT THE EPA. GOVERNOR SNYDER'S ADMINISTRATION OVERRULED THE FLINT CITY COUNCIL'S VOTE TO RETURN TO CLEAN DETROIT WATER, NOT THE EPA.

AS I CLOSE, SO YES, I AGREE, THE EPA SHOULD HAVE SNATCHED CONTROL OUT OF GOVERNOR SNYDER'S HANDS EVEN SOONER THAN THEY DID, BUT GOVERNOR SNYDER'S ADMINISTRATION CAUSED THIS HORRIFIC DISASTER AND POISONED THE CHILDREN OF FLINT. ON THE GOVERNOR'S WEBSITE HIS MOTTO IS, AND I QUOTE -- REINVENTING MICHIGAN, GETTING IT RIGHT, GETTING IT DONE -- END OF QUOTE. IT'S HARD TO IMAGINE A MORE MISLEADING SLOGAN. IT ALSO SAYS THIS, AND I QUOTE -- WE WILL LEARN FROM THIS EXPERIENCE -- END OF QUOTE. AND SO AS I SAID EARLIER IN THE OTHER HEARING, THESE CHILDREN, WHEN WE ARE DEAD, WHEN WE ARE DEAD AND GONE, THESE CHILDREN WILL SUFFER FOR WHAT WE FAILED TO DO,

AND SO MR. CHAIRMAN, AS I'VE SAID TO YOU BEFORE, WE HAVE TO BE THE LAST LINE OF DEFENSE. WE HAVE TO BE IT, BECAUSE GENERATIONS YET UNBORN WILL SUFFER, BUT WE'VE GOT TO DO EVERYTHING IN OUR POWER TO MITIGATE THAT. I LOOK FORWARD TO THE HEARING AND I YIELD BACK.

Jason Chaffetz:

I THANK THE GENTLEMAN. WE'LL HOLD THE RECORD OPEN FOR FIVE LEGISLATIVE DAYS FOR ANY MEMBERS WHO WOULD LIKE TO SUBMIT A WRITTEN STATEMENT. WE'LL NOW RECOGNIZE THE FIRST AND ONLY PANEL. PLEASED TO WELCOME THE HONORABLE RICK SNYDER AS THE GOVERNOR OF THE STATE OF MICHIGAN. WE ALSO HAVE THE HONORABLE GINA MCCARTHY, ADMINISTRATOR FOR THE ENVIRONMENTAL PROTECTION AGENCY.

PURSUANT TO COMMITTEE RULES, IF YOU WILL BOTH RISE AND RAISE YOUR RIGHT HAND. DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE TESTIMONY YOU'RE ABOUT TO GIVE WILL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH? THANK YOU. LET THE RECORD REFLECT THAT BOTH WITNESSES ANSWERED IN THE AFFIRMATIVE. WE NORMALLY HAVE A FIVE-MINUTE RULE, BUT YOU ARE WELCOME TO TAKE THE TIME THAT YOU NEED FOR YOUR VERBAL COMMENTS, AND YOUR ENTIRE WRITTEN STATEMENT WILL BE MADE PART OF THE RECORD. GOVERNOR SNYDER, YOU ARE NOW RECOGNIZED.

Rick Snyder:

CHAIRMAN CHAFFETZ, RANKING MEMBER CUMMINGS, AND MEMBERS OF THE COMMITTEE, THANK YOU FOR THE OPPORTUNITY TO SPEAK WITH YOU TODAY ABOUT THE CRISIS IN FLINT, AND THE ACTIONS WE ARE TAKING TO ENSURE THAT NOTHING LIKE THIS EVER HAPPENS AGAIN. LET ME BE BLUNT. THIS WAS A FAILURE OF GOVERNMENT AT ALL LEVELS, LOCAL, STATE, AND FEDERAL OFFICIALS. WE ALL FAILED THE FAMILIES OF FLINT. THIS ISN'T ABOUT POLITICS, NOR PARTISANSHIP. I'M NOT GOING TO POINT FINGERS OR SHIFT BLAME, THERE'S PLENTY OF THAT TO SHARE, AND NEITHER WILL HELP THE PEOPLE OF FLINT. NOT A DAY OR NIGHT GOES BY THAT THIS TRAGEDY DOESN'T WEIGH ON MY MIND, THE QUESTIONS I SHOULD HAVE ASKED, THE ANSWERS I SHOULD HAVE DEMANDED, HOW I COULD HAVE PREVENTED THIS. THAT'S WHY I'M SO COMMITTED TO DELIVERING PERMANENT LONG-TERM SOLUTIONS AND CLEAN, SAFE DRINKING WATER THAT EVERY MICHIGAN CITIZEN DESERVES.

TODAY I'LL REPORT WHAT WE'VE DONE, WHAT WE'RE DOING, AND WHAT WE WILL DO TO DELIVER REAL RESULTS AND REAL RELIEF TO THE FAMILIES OF FLINT. BUT BEFORE GOING THROUGH THE FACTS, I WANT TO EXPRESS MY PROFOUND GRATITUDE FOR THE HELP AND HEROISM OF PROFESSOR MARC EDWARDS, DR. MONA HANNA-ATTISHA, AND FLINT RESIDENT LEE-ANNE WALTERS. THEY WERE AMONG THE FIRST TO SOUND THE ALARM ABOUT THE FAILURES OF GOVERNMENT AND THE CRISIS AFFLICTING THE FLINT COMMUNITY.

HERE ARE THE FACTS. FROM THE DAY THE CITY OF FLINT BEGAN USING THE FLINT RIVER AS AN INTERIM WATER SUPPLY ON APRIL 25th, 2014, AND REPEATEDLY AFTER THAT, THE DEPARTMENT OF ENVIRONMENTAL QUALITY ASSURED US THAT FLINT'S WATER WAS SAFE. IT WASN'T. A WATER EXPERT AT THE FEDERAL EPA TRIED TO RAISE THE ALARM IN FEBRUARY, 2015, AND HE WAS SILENCED. IT WAS ON OCTOBER 1st, 2015 THAT I LEARNED THAT OUR STATE EXPERTS WERE WRONG. FLINT'S WATER HAD DANGEROUS LEVELS OF LEAD. ON THAT DAY, I TOOK IMMEDIATE ACTION. FIRST WE QUICKLY RECONNECTED TO THE DETROIT WATER SUPPLY TO BEGIN SEALING THE DAMAGED PIPES. SECOND, I ORDERED THE IMMEDIATE DISTRIBUTION OF WATER FILTERS AND EXTENSIVE BLOOD LEVEL TESTING IN SCHOOLS AND HOMES TO IDENTIFY THOSE AT HIGHEST

RISK SO THEY COULD RECEIVE HEALTH CARE, NUTRITION AND ADDITIONAL SUPPORT. THIRD, WE DEPLOYED \$67 MILLION TO ADDRESS BOTH SHORT-TERM NEEDS AND LONG-TERM SOLUTIONS. OUR FOCUS AND OUR PRIORITY IS ON BOTH SHORT-TERM HEALTH AND LONG-TERM SAFETY. THIS INCLUDES DIAGNOSTIC TESTING, NURSE VISITS AND ENVIRONMENTAL ASSESSMENTS IN THE HOME TO TREAT ANY CHILD WITH HIGH LEAD LEVELS.

THIS IS ONLY THE BEGINNING. RIGHT NOW WE'RE IN THE APPROPRIATIONS PROCESS FOR AN ADDITIONAL \$165 MILLION TO DELIVER PERMANENT LONG-TERM SOLUTIONS. I URGE CONGRESS TO PASS THE BIPARTISAN BILL FOR AIDING FLINT IMMEDIATELY SO WE CAN FURTHER PROTECT THE HEALTH AND SAFETY OF FLINT RESIDENTS AND FAMILIES, FROM IDENTIFYING EVERY PIPE THAT MUST BE REPLACED, TO PROVIDING LONG-TERM MEDICAL SUPPORT. WE'RE WORKING WITH LOCAL LEADERS LIKE MARY -- KAREN WEAVER AND REPRESENTATIVES HERE IN WASHINGTON TO DELIVER THE ASSISTANCE OUR CITIZENS DESERVE. WE ARE HOLDING THOSE WHO FAILED ACCOUNTABLE, AND WE'RE BEING OPEN WITH THE PUBLIC ABOUT HOW THESE FAILURES CAME ABOUT, INCLUDING RELEASING MY E-MAILS AND MY STAFF E-MAILS RELATING TO THIS WATER CRISIS. WE ARE IN THE PROCESS OF PUBLICLY RELEASING RELEVANT DOCUMENTS FROM THE STATE AGENCIES INVOLVED SO THE PEOPLE WILL HAVE AN OPEN, HONEST ASSESSMENT OF WHAT HAPPENED AND WHAT WE'RE DOING TO FIX IT.

WE ALSO BEGAN A THOROUGH INVESTIGATION OF WHAT WENT WRONG. WE'VE UNCOVERED SYSTEMATIC FAILURES AT THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY. THE FACT IS, BUREAUCRATS CREATED A CULTURE THAT VALUED TECHNICAL COMPETENCE OVER COMMON SENSE, AND THE RESULT WAS THE LEAD WAS LEACHING INTO THE RESIDENTS' WATER. THAT'S WHY I'M COMMITTED TO A COMPLETE AND COMPREHENSIVE CHANGE IN STATE GOVERNMENT THAT PUTS PUBLIC HEALTH AND SAFETY FIRST AND WHY I'VE CALLED FOR A THOROUGH INVESTIGATION OF THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES BY THE AUDITOR GENERAL AND INSPECTOR GENERAL. WE'RE TAKING RESPONSIBILITY IN MICHIGAN AND WE'RE TAKING ACTION, AND THAT'S ABSOLUTELY ESSENTIAL HERE IN WASHINGTON, TOO. INEFFICIENT, INEFFECTIVE AND UNACCOUNTABLE BUREAUCRATS AT THE EPA ALLOWED THIS DISASTER TO CONTINUE UNNECESSARILY.

I'M GLAD TO BE SITTING NEXT TO THE ADMINISTRATOR FROM THE EPA BECAUSE ALL MUST ACKNOWLEDGE OUR RESPONSIBILITY AND BE HELD ACCOUNTABLE. I DO WANT TO THANK MIGUEL DEL TORAL, A WATER SPECIALIST AT THE EPA, WHO SPOKE UP EARLY ABOUT THE CRISIS, TRAGICALLY, HIS SUPERIORS AT THE EPA TOLD LOCAL LEADERS IN FLINT TO IGNORE HIS CALL FOR ACTION. THE TRUTH IS, THERE ARE MANY COMMUNITIES WITH POTENTIALLY DANGEROUS LEAD PROBLEMS, AND IF THE EPA AND THE DEQ DO NOT CHANGE AND IF THE DUMB AND DANGEROUS FEDERAL LEAD AND COPPER RULE IS NOT CHANGED, THEN THIS TRAGEDY WILL

BEFALL OTHER AMERICAN CITIES. PROFESSOR EDWARDS HAS BEEN SOUNDING THIS ALARM FOR YEARS, AND I LOOK FORWARD TO JOINING WITH HIM TO ADDRESS THIS FAILURE OF GOVERNMENT.

I'M GRATEFUL TO HAVE BEEN ELECTED TO SERVE THE PEOPLE OF MICHIGAN. I UNDERSTAND THEIR ANGER. I'VE BEEN HUMBLLED BY THIS EXPERIENCE AND I'M GOING TO MAKE FLINT AND EVERY COMMUNITY IN MICHIGAN A BETTER PLACE TO LIVE. WE HAVE A LOT TO LEARN AND WE HAVE A LOT TO DO. I CLOSE WITH A SIMPLE PLEA, PARTNER WITH ME IN FIXING THIS, NOT JUST FOR THE PEOPLE OF FLINT BUT FOR THE PEOPLE ALL OVER THE COUNTRY. RANKING MEMBER CUMMINGS IS RIGHT. THE AMERICAN PEOPLE -- THIS IS AMERICA AND THIS SHOULD NEVER HAVE HAPPENED. THE AMERICAN PEOPLE DESERVE RULES THAT MAKE SENSE AND PROFESSIONALS TO ENFORCE THEM WHO KNOW THAT HEALTH AND SAFETY ARE URGENT MATTERS. I CAN MAKE SURE THAT HAPPENS IN MICHIGAN. YOU CAN MAKE SURE IT HAPPENS FOR EVERY AMERICAN. THANK YOU, AND I LOOK FORWARD TO YOUR QUESTIONS.

Jason Chaffetz:

THANK YOU, GOVERNOR. I NOW RECOGNIZE THE ADMINISTRATOR OF THE EPA, MS. McCARTHY. YOU'RE NOW RECOGNIZED.

Gina McCarthy:

GOOD MORNING, MR. CHAIRMAN, RANKING MEMBER CUMMINGS, DISTINGUISHED MEMBERS OF THE COMMITTEE. I WANT TO THANK YOU FOR THE OPPORTUNITY TO TESTIFY ABOUT EPA'S RESPONSE TO THE DRINKING WATER CRISIS IN FLINT, MICHIGAN. I WANT TO START BY SAYING THAT WHAT HAPPENED IN FLINT SHOULD NEVER HAVE HAPPENED AND CAN NEVER BE ALLOWED TO HAPPEN AGAIN. THE CRISIS THAT WE ARE SEEING IS A RESULT OF A STATE-APPOINTED EMERGENCY MANAGER DECIDING THAT THAT CITY WOULD STOP PURCHASING TREATED WATER THAT IT HAD BEEN SUCCESSFULLY RELYING ON FOR 50 YEARS, AND INSTEAD SWITCH TO AN UNTREATED SOURCE FOR THE SIMPLE REASON THAT THEY WANTED TO SAVE MONEY. THE STATE OF MICHIGAN APPROVED THAT DECISION WITHOUT REQUIRING CORROSION CONTROL TREATMENT. WITHOUT CORROSION CONTROL, LEAD LEACHED FROM THE PIPES AND FITTINGS AND FIXTURES IN HOMES AND BUSINESSES AND INDUSTRIES, AND IT LEACHED INTO THE DRINKING WATER. THESE DECISIONS ARE WHAT RESULTED IN FLINT RESIDENTS BEING EXPOSED TO DANGEROUSLY HIGH LEVELS OF LEAD.

NOW UNDER THE SAFE WATER -- THE SAFE DRINKING WATER ACT, CONGRESS GIVES STATES THE PRIMARY RESPONSIBILITY TO ENFORCE DRINKING WATER RULES FOR THE NATION'S

APPROXIMATELY 152,000 WATER SYSTEMS, BUT EPA HAS OVERSIGHT AUTHORITY. TYPICALLY EPA HAS STRONG RELATIONSHIPS WITH OUR STATES AND WE WORK WITH THEM UNDER THIS ACT. BUT LOOKING BACK ON FLINT, FROM DAY ONE, THE STATE PROVIDED OUR REGIONAL OFFICE WITH CONFUSING, INCOMPLETE, AND ABSOLUTELY INCORRECT INFORMATION. THEIR INTERACTIONS WITH US WERE INTRANSIGENT, MISLEADING AND CONTENTIOUS, AND AS A RESULT, EPA STAFF HAD INSUFFICIENT INFORMATION TO UNDERSTAND THE POTENTIAL SCOPE OF THE LEAD PROBLEM UNTIL MORE THAN A YEAR AFTER THAT WATER SUPPLY WAS SWITCHED.

WHILE EPA DID NOT CAUSE THE LEAD PROBLEM, IN HINDSIGHT, WE SHOULD NOT HAVE BEEN SO TRUSTING OF THE STATE FOR SO LONG WHEN THEY PROVIDED US WITH OVERLY SIMPLISTIC ASSURANCES OF TECHNICAL COMPLIANCE RATHER THAN SUBSTANTIVE RESPONSES TO OUR INCREASINGLY GROWING CONCERNS. ALTHOUGH EPA REGIONAL STAFF REPEATEDLY ASKED THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY TO ADDRESS THE LACK OF CORROSION CONTROL, WE MISSED THE OPPORTUNITY LATE SUMMER TO QUICKLY GET EPA'S CONCERNS ON THE RADAR SCREEN. THAT I REGRET.

SINCE OCTOBER, EPA HAS BEEN PROVIDING TECHNICAL ADVICE TO THE CITY. ADDITIONALLY, AS PART OF THE FEDERAL RESPONSE LED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AN EPA RESPONSE TEAM OF SCIENTISTS, WATER QUALITY EXPERTS, COMMUNITY INVOLVEMENT COORDINATORS AND SUPPORT STAFF HAVE BEEN ON THE GROUND EVERY DAY SINCE LATE JULY. THE EPA TEAM HAS VISITED HUNDREDS OF HOMES AND COLLECTED THOUSANDS OF SAMPLES TO ASSESS THE CITY'S WATER SYSTEM AND WE'RE ENCOURAGED BY THESE TEST RESULTS, BUT OUR ENHANCED EFFORTS WITH FLINT WILL NOT CEASE UNTIL THE SYSTEM IS FULLY BACK ON TRACK.

NOW WE'VE ALSO BEEN ENGAGING FLINT RESIDENTS, VISITING PLACES OF WORSHIP, SCHOOLS, LIBRARIES, COMMUNITY CENTERS AND SENIOR LIVING FACILITIES TO HEAR THEIR CONCERNS AND SHARE INFORMATION. I HAVE ALSO TAKEN SEVERAL CONCRETE STEPS AT THE AGENCY TO ADDRESS SOME OF THE SYSTEMIC ISSUES RAISED DURING THE CRISIS. I DIRECTED A REVIEW OF MDEQ AND ITS ABILITY TO IMPLEMENT THE SAFE DRINKING WATER ACT FOR THE VERY REASONS THAT THE GOVERNOR HAS ALSO SO CLEARLY ARTICULATED. I CALLED ON EPA'S INSPECTOR GENERAL TO INVESTIGATE EPA'S RESPONSE TO THE FLINT CRISIS. NO, WE DIDN'T CAUSE IT, BUT COULD WE HAVE ACTED SOONER TO CORRECT THE SITUATION.

I ISSUED AN EPA-WIDE ELEVATION MEMO ENCOURAGING STAFF TO RAISE ISSUES OF CONCERN TO MANAGERS, AND FOR MANAGERS TO BE WELCOMING OF STAFF CONCERNS AND QUESTIONS. TOO MUCH BACK AND FORTH WENT BETWEEN EPA AND THE STATE WHEN IT SHOULD HAVE GONE UP SO THAT WE COULD HAVE RAISED THE RED FLAG EARLIER. I ALSO RECENTLY SENT LETTERS

TO EVERY GOVERNOR AND EVERY STATE ENVIRONMENTAL AND HEALTH COMMISSIONER IN THE COUNTRY ASKING THEM TO JOIN EPA IN TAKING ACTION TO STRENGTHEN OUR SAFE DRINKING WATER PROGRAMS, TO ENSURE THAT THEY'RE LOOKING AND WORKING WITH THEIR OWN COMMUNITIES.

ADDITIONALLY, WE'RE ACTIVELY WORKING ON REVISIONS TO THE LEAD AND COPPER RULE. THE LEAD AND COPPER RULE WAS REVISED UNDER THE PRIOR ADMINISTRATION TO STREAMLINE THE MONITORING AND REPORTING REQUIREMENTS. WE KNOW THAT IT NEEDS TO BE STRENGTHENED. WHILE THE CONTOURS OF THIS SITUATION ARE UNIQUE, THE UNDERLYING CIRCUMSTANCES THAT ALLOWED IT TO HAPPEN ARE REALLY NOT. AS A COUNTRY, WE HAVE A SYSTEMIC PROBLEM OF UNDER-INVESTING IN ENVIRONMENTAL JUSTICE COMMUNITIES, AND MAKE NO MISTAKE ABOUT IT, THIS IS AN ENVIRONMENTAL JUSTICE COMMUNITY. NOT ONLY ARE THESE UNDER-SERVED POPULATIONS MORE VULNERABLE TO IMPACTS OF POLLUTION BUT THEY OFTEN LACK THE TOOLS AND THE RESOURCES AND THE VOICE TO DO SOMETHING ABOUT IT. THAT'S WHAT STACKS THE DECK AGAINST A CITY LIKE FLINT. THAT'S WHAT CREATES AN ENVIRONMENT WHERE A CRISIS LIKE THIS CAN HAPPEN.

IN MANY AREAS ACROSS OUR COUNTRY, WATER INFRASTRUCTURE IS AGING AND ANTIQUATED, AND SEVERAL COMMUNITIES ARE SEVERELY UNDERFUNDED, PARTICULARLY LOW INTEREST -- LOW INCOME COMMUNITIES WHICH MAY HAVE THE MOST DIFFICULTY SECURING FUNDS THROUGH RATE INCREASES OR MUNICIPAL BONDS. THIS THREATENS CITIZENS' ACCESS TO SAFE DRINKING WATER, AND WE NEED TO START HAVING A SERIOUS CONVERSATION WITH CONGRESS AND OTHERS ABOUT HOW WE ADVANCE THE TECHNOLOGIES AND INVESTMENTS NECESSARY TO KEEP DELIVERING CLEAN WATER TO AMERICAN FAMILIES.

I'M PERSONALLY COMMITTED TO DOING EVERYTHING POSSIBLE TO MAKE SURE A CRISIS LIKE THIS NEVER HAPPENS. GOING TO -- HAVING BEEN TO FLINT, HAVING MET WITH THE FAMILIES, HAVING MET WITH FAITH LEADERS, HAVING LOOKED AT WHERE WE'RE DISTRIBUTING WATERS, HAVING WORKED HARD TO MAKE SURE THAT COMMUNITIES HAVE THE INFORMATION THAT THEY NEED TO STAY SAFE, YOU CANNOT DO ANYTHING BUT BE PERSONALLY COMMITTED, BUT WE KNOW THAT NO ONE PORTION OF GOVERNMENT CAN DO IT ALONE. NONE OF US CAN DO IT ALONE. WE NEED THE COOPERATION OF ALL OF OUR COLLEAGUES AT EVERY LEVEL OF GOVERNMENT AND EVERY BRANCH OF GOVERNMENT AND BEYOND. THANK YOU. I LOOK FORWARD TO ANSWERING YOUR QUESTIONS.

Jason Chaffetz:

THANK YOU. WE'LL NOW RECOGNIZE THE GENTLEMAN FROM MICHIGAN, MR. WALBERG, FOR FIVE MINUTES. AND AS WE START THIS, I REMIND MEMBERS, WE HAVE VOTES THAT WILL HAPPEN EARLIER TODAY. I REALLY DO NEED EVERYBODY TO STICK TO THE FIVE MINUTES SO THAT WE CAN GET THE MAXIMUM NUMBER OF PEOPLE TO PARTICIPATE HERE. BOTH OF THESE PEOPLE HAVE PRESSING SCHEDULES AS WELL. SO IF WE CAN ADHERE TO THE FIVE MINUTES, I'LL START TO GAVEL YOU DOWN RIGHT THEN, BUT WE'LL START BY RECOGNIZING MR. WAHLBERG FOR FIVE MINUTES.

Tim Walberg:

MR. CHAIRMAN, THANK YOU, AND I'LL TAKE THAT CERTAINLY TO HEART, BUT I DO WANT TO THANK YOU FOR THE INTENTIONAL METHOD BY WHICH YOU'VE CARRIED ON THESE INVESTIGATIONS AND THESE HEARINGS. MR. CHAIRMAN, YOU DIDN'T HAVE TO DO IT BUT YOU'VE DONE IT WELL. I'M A PROUD MICHIGANDER AND PROUD OF MY STATE AND PROUD OF THINGS THAT ARE TAKING PLACE. THIS IS A PROBLEM, BUT I'M PROUD OF MICHIGAN, AND FOR YOU TO TAKE SERIOUS ATTENTION TO THIS, I THANK YOU.

AND GOVERNOR SNYDER, WE APPRECIATE YOU VOLUNTARILY COMING TODAY. WE APPRECIATE YOU VOLUNTARILY RELEASING ALL YOUR E-MAILS SO THEY CAN BE PART OF THE RECORD. WE APPRECIATE THE FACT THAT YOU'RE WILLING TO ANSWER TOUGH QUESTIONS THAT THIS COMMITTEE WILL OFFER TODAY AND OUTLINE THE STEPS YOU'RE TAKING TO SOLVE THE CRISIS AND HELP FLINT RECOVER, BECAUSE WE WANT FLINT TO RECOVER. IT'S A GREAT CITY. IT HAS GREAT WORKERS. I'VE DRIVEN GREAT CARS MADE IN FLINT, AND HAVE NOW HAD THE OPPORTUNITY TO LOOK IN THE EYES OF FLINT CITIZENS WHO HAVE EXPERIENCED THIS TRAGEDY, A HUMAN-MADE TRAGEDY.

GOVERNOR, LET ME ASK YOU, WHEN DID YOU FIRST LEARN OF THE INSTANCES OF A QUESTION HERE THAT WAS BROUGHT UP JUST THE OTHER DAY AS WELL AND THIS CONCERNED INSTANCES OF LEGIONNAIRES' DISEASE IN FLINT?

Rick Snyder:

YES, IN TERMS OF LEGIONNAIRES', I DIDN'T LEARN OF THAT UNTIL 2016, AND AS SOON AS I BECAME AWARE OF IT, WE HELD A PRESS CONFERENCE THE NEXT DAY. THAT WAS CLEARLY A CASE WHERE THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES SHOULD HAVE DONE MORE TO ESCALATE THE ISSUE, TO GET IT VISIBLE TO THE PUBLIC AND TO ME.

Tim Walberg:

I HAVE DOCUMENTS HERE TODAY THAT SHOW YOUR STAFF WAS RECEIVING INFORMATION ABOUT LEGIONNAIRES' IN MARCH OF 2015. IN AN E-MAIL ON MARCH 13th OF 2015, A SENIOR DEQ STAFF MEMBER, BRAD WURFEL, E-MAILED HARVEY HOLLANDS STATING THAT THERE WAS A, AND I QUOTE, SIGNIFICANT UPTICK IN CASES OF LEGIONNAIRES' DISEASE IN FLINT. THERE'S ALSO AN E-MAIL TO YOUR SPOKESPERSON, SARAH WURFEL, SHOWING THAT SHE WAS AWARE OF THE ISSUE, AND IN ANOTHER E-MAIL, BRAD WURFEL INDICATED THAT HE WANTED TO RAISE THE ISSUE WITH YOUR CHIEF OF STAFF, DENNIS MUCHMORE. THE INFORMATION WAS AT THE HIGHEST LEVELS OF YOUR EXECUTIVE OFFICE TEN MONTHS BEFORE YOU KNEW. DID YOU SPEAK WITH THEM ABOUT IT?

Rick Snyder:

NO. I DON'T RECALL ANY MENTION OF THAT TO ME, AND I DON'T RECALL SEEING THOSE E-MAILS OR BEING PART OF ANY OF THOSE DISCUSSIONS.

Tim Walberg:

IF THAT'S THE CASE, WHAT CAN YOU TELL US ABOUT WHETHER THERE IS A CONNECTION BETWEEN AN OUTBREAK OF LEGIONNAIRES' AND THE FLINT RIVER?

Rick Snyder:

WELL, OBVIOUSLY GIVEN THE CHANGE IN WATER SOURCE, IT'S A CONCERN, AND WE'RE GOING THROUGH THE INVESTIGATION AT THIS POINT, AND ALL PARTIES ARE COOPERATING. THE FEDERAL GOVERNMENT, STATE GOVERNMENT, OUTSIDE EXPERTS ARE ALL WORKING THIS ISSUE. WE ACTUALLY BROUGHT IN EXPERTISE FROM WAYNE STATE UNIVERSITY THAT I KNOW YOU'RE FAMILIAR WITH, CONGRESSMAN WAHLBERG, AN OUTSTANDING INSTITUTION IN TERMS OF AN ADDITIONAL RESEARCHER TO LOOK AT THE CAUSATION CONNECTION. I'M HAPPY TO SHARE SOME INFORMATION WITH YOU THAT WILL GIVE SOME PERSPECTIVE ON THE NUMBER OF CASES AND WHAT WE HAVE INFORMATION ON SO FAR. I ACTUALLY HAVE A CHART, I DON'T KNOW IF IT'S AVAILABLE TO PEOPLE, BUT I'D BE HAPPY TO SHARE THAT IN TERMS OF SEEING SOME OF THE NUMBERS THEMSELVES.

Tim Walberg:

I WOULD ASK THE CHAIRMAN IF WE COULD HAVE THAT SUBMITTED FOR THE RECORD.

Jason Chaffetz:

WITHOUT OBJECTION, SO ORDERED. WE'LL GET A COPY AND DISTRIBUTE IT TO MEMBERS AS SOON AS WE CAN PHOTOCOPY IT. STAFF COULD COME DOWN AND GET THAT PIECE OF PAPER, THAT WOULD BE GREAT.

Rick Snyder:

WHAT I WOULD ALSO SAY IS I'VE ALSO ASKED FOR AN INVESTIGATION BY THE INSPECTOR GENERAL AND THE AUDITOR GENERAL OF THE STATE OF MICHIGAN, WHICH IS AN INDEPENDENT ORGANIZATION, TO GO LOOK AT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WITH RESPECT TO THIS WHOLE DISCUSSION OF WHAT WAS DISCLOSED, THE PROCESSING OF THIS, BECAUSE THIS SHOULD HAVE BEEN HANDLED BETTER.

Tim Walberg:

YES. ADMINISTRATOR McCARTHY, DOES THE SAFE DRINKING WATER ACT PROVIDE YOU WITH THE AUTHORITY TO ACT IN A SITUATION LIKE FLINT?

Gina McCarthy:

IT DOES WHEN WE HAVE THE APPROPRIATE INFORMATION, SIR, YES.

Tim Walberg:

UPON RECEIPT, IT SAYS, UPON RECEIPT OF INFORMATION, THE EPA ADMINISTRATOR MAY TAKE ANY ACTION SHE DEEMS NECESSARY TO PROTECT HUMAN HEALTH. ON SEPTEMBER 26th OF 2015, YOU WROTE AN E-MAIL TO AN EPA OFFICIAL THAT APPEARED IN THE A.P. LAST NIGHT, IN FACT, A REPORT. YOU SAID, THE SITUATION IN FLINT COULD, AND I QUOTE -- GET VERY BIG QUICKLY.

YOU DIDN'T ACT UNTIL JANUARY 21st, 2016. WHY?

Gina McCarthy:

WELL, SIR, THAT ACTION THAT WE WERE RECOMMENDING OR WOULD HAVE TAKEN WAS ACTION THAT WAS ALREADY HAPPENING. IT WAS ONLY UNTIL JANUARY DID I REALIZE THAT THE STATE WASN'T CONTINUING AND THE CITY WASN'T MOVING FORWARD QUICKLY ENOUGH TO ADDRESS THE ISSUE. BUT THAT WAS VERY LATE IN THE GAME, SIR.

Jason Chaffetz:

THE GENTLEMAN'S TIME HAS EXPIRED. MEMBERS ARE ADVISED THAT THE PIECE OF PAPER THE GOVERNOR WAS REFERRING TO IS EVIDENTLY ALREADY IN ALL OF THE PACKETS. I BELIEVE IT'S THE LAST PAGE. THANK YOU. I WILL NOW RECOGNIZE THE GENTLEMAN FROM PENNSYLVANIA, MR. CARTWRIGHT, FOR FIVE MINUTES.

Matt Cartwright:

THANK YOU, MR. CHAIRMAN. GOVERNOR SNYDER, I'D LIKE TO ASK YOU SOME SIMPLE QUESTIONS, AND I REMIND YOU THAT YOU ARE UNDER OATH TODAY. FIRST, I THINK YOU SAID THIS IN YOUR TESTIMONY, BUT YOU DO ADMIT HERE TODAY BEFORE THIS COMMITTEE THAT YOU AND YOUR ADMINISTRATION FAILED THE PEOPLE OF FLINT?

Rick Snyder:

I'VE MADE THAT CLEAR IN TERMS OF MY STATE OF THE STATE ADDRESS WHERE I SAID –

Matt Cartwright:

YOUR OWN TASK FORCE FOUND THAT YOUR DEPARTMENT OF ENVIRONMENTAL QUALITY WAS: QUOTE -- PRIMARILY RESPONSIBLE FOR THE CRISIS IN FLINT. DO YOU ALSO ADMIT THAT HERE TODAY?

Rick Snyder:

YES, AND I TOOK ACTIONS IMMEDIATELY BASED ON THE RECOMMENDATIONS.

Matt Cartwright:

YOUR TASK FORCE FOUND THAT YOUR OFFICIALS AT MDEQ DID NOT IMPLEMENT CORROSION CONTROL WHICH: QUOTE -- LED DIRECTLY TO THE CONTAMINATION OF THE FLINT WATER SYSTEM. DO YOU ADMIT THAT HERE TODAY?

Rick Snyder:

UHM, THE LACK OF CORROSION CONTROL HAS LED TO THIS ISSUE.

Matt Cartwright:

AND YOU ADMIT THAT IT WAS YOUR OFFICIALS AT MDEQ THAT DID NOT IMPLEMENT CORROSION CONTROL WHICH LED TO THAT. RIGHT?

Rick Snyder:

THEY DID NOT INSTRUCT THE CITY OF FLINT TO DO CORROSION CONTROLS.

Matt Cartwright:

IS THAT A YES?

Rick Snyder:

AGAIN, THEY WOULDN'T BE DOING THE CORROSION CONTROLS. THAT'S A CITY RESPONSIBILITY. BUT THEY FAILED IN WHAT I DEEM WOULD HAVE BEEN COMMON SENSE TO SAY THEY SHOULD HAVE.

Matt Cartwright:

GOVERNOR SNYDER, DO YOU ADMIT THAT YOU PERSONALLY RECEIVED A LETTER ON JANUARY 18, 2015 FROM FLINT'S MAYOR BEGGING YOU TO TAKE ACTION AND WARNING: QUOTE -- THERE IS NOTHING MORE IMPORTANT IN FLINT RIGHT NOW THAN FIXING THE WATER PROBLEMS, ON JANUARY 18, 2015, DO YOU ADMIT RECEIVING THAT LETTER?

Rick Snyder:

I RECEIVED A LETTER FROM THE MAYOR DATED THAT AND I TOOK ACTION ON ITEMS WITHIN THAT LETTER.

Matt Cartwright:

I'M ASKING YOU ABOUT JANUARY 18, 2015. THIS IS EXHIBIT D.

Rick Snyder:

YES, YOU SHARED THE LETTER WITH ME SO I COULD CONFIRM THAT.

Matt Cartwright:

WOULD YOU HAND HIM THE LETTER, PLEASE? IT'S MARKED AS EXHIBIT D. WE'LL ASK THAT THIS BE MADE PART OF THE RECORD, MR. CHAIRMAN.

Jason Chaffetz:

WITHOUT OBJECTION, SO ORDERED.

Matt Cartwright:

JANUARY 18, 2015 FROM DAYNE WALLING, THE MAYOR, LAST PARAGRAPH ON THE SECOND PAGE, IT'S DIRECTED TO YOU SPECIFICALLY, AND HE SAYS, "THERE IS NOTHING MORE IMPORTANT IN FLINT RIGHT NOW THAN FIXING THE WATER PROBLEMS." DO YOU SEE THAT?

Rick Snyder:

I DO.

Matt Cartwright:

DO YOU ADMIT GETTING THAT LETTER?

Rick Snyder:

YES.

Matt Cartwright:

ALL RIGHT. THE MAYOR ASKED YOU REPEATEDLY TO COME TO FLINT DURING THAT CRISIS. DO YOU ADMIT TODAY YOU DIDN'T SHOW UP FOR MORE THAN SEVEN MONTHS AFTER HE ASKED YOU?

Rick Snyder:

ACTUALLY, I'M NOT FAMILIAR. I'D HAVE TO CHECK MY SCHEDULE.

Matt Cartwright:

THAT'S WHAT HE SAYS. YOU DIDN'T GO TO FLINT UNTIL OCTOBER, 2015. IS THAT RIGHT?

Rick Snyder:

I DON'T KNOW IF THAT'S CORRECT OR NOT.

Matt Cartwright:

YOU DON'T KNOW. YOU ADMIT HERE TODAY TO SEEING HEADLINE AFTER HEADLINE ABOUT HEALTH PROBLEMS, HAIR LOSS, RASHES, E. COLI, BACTERIA, SEWAGE, LEGIONNAIRES' DISEASE. DID YOU READ ANY OF THOSE STORIES, GOVERNOR SNYDER?

Rick Snyder:

CONGRESSMAN, I READ A NUMBER OF THOSE STORIES. WHAT I WOULD TELL YOU IS THOSE STORIES, WE WOULD FOLLOW UP ON THEM AND CONTINUE TO GET REAFFIRMATION FROM CAREER BUREAUCRATS THAT THE WATER WAS SAFE. THAT WAS WRONG. THAT WAS NOT CORRECT INFORMATION.

Matt Cartwright:

DO YOU ADMIT HERE TODAY THAT MORE CASES OF LEGIONNAIRES' DISEASE WERE REPORTED SINCE THE SWITCH TO FLINT RIVER THAN: QUOTE -- ALL THE CASES IN THE LAST FIVE YEARS OR MORE COMBINED? DO YOU ADMIT THAT?

Rick Snyder:

YES, AND THAT'S WHY I PROVIDED A TABLE THAT SHOWS --

Matt Cartwright:

YOU DO?

Rick Snyder:

-- A NUMBER OF THESE CASES WERE AT HEALTH CARE FACILITIES. IN TERMS OF THE NUMBERS, THERE WERE 87 CASES IN A THREE-YEAR PERIOD.

Matt Cartwright:

YOU ADMIT HERE TODAY THAT EVEN AFTER THE WHOLE WORLD KNEW THAT FLINT RESIDENTS WERE EXPOSED TO UNIMAGINABLE LEVELS OF LEAD, YOU DID NOT DECLARE A STATE OF EMERGENCY UNTIL JANUARY, 2016? ISN'T THAT TRUE?

Rick Snyder:

I TOOK IMMEDIATE ACTION AS SOON AS I LEARNED THERE WAS A LEAD ISSUE. WE STARTED ISSUING FILTERS TO PEOPLE, DOING WATER TESTING, DOING BLOOD TESTING. I WISH MORE COULD HAVE BEEN DONE.

Matt Cartwright:

GOVERNOR SNYDER, PLAUSIBLE DENIABILITY ONLY WORKS WHEN IT'S PLAUSIBLE AND I'M NOT BUYING THAT YOU DIDN'T KNOW ABOUT ANY OF THIS UNTIL OCTOBER, 2015. YOU WERE NOT IN A MEDICALLY-INDUCED COMA FOR A YEAR, AND I'VE HAD ABOUT ENOUGH OF YOUR FALSE CONTRITION AND YOUR PHONY APOLOGIES. SUSAN HEDMAN FROM THE EPA BEARS NOT ONE-TENTH OF THE RESPONSIBILITY OF THE STATE OF MICHIGAN AND YOUR ADMINISTRATION, AND SHE RESIGNED, AND THERE YOU ARE, DRIPPING WITH GUILT, BUT DRAWING YOUR PAYCHECK, HIRING LAWYERS AT THE EXPENSE OF THE PEOPLE, AND DOING YOUR DEAD-LEVEL BEST TO SPREAD ACCOUNTABILITY TO OTHERS AND NOT BEING ACCOUNTABLE. IT'S NOT APPROPRIATE. PRETTY SOON WE WILL HAVE MEN WHO STRIKE THEIR WIVES SAYING, I'M SORRY, DEAR, BUT THERE WERE FAILURES AT ALL LEVELS. PEOPLE WHO PUT DOLLARS OVER THE FUNDAMENTAL SAFETY OF THE PEOPLE DO NOT BELONG IN GOVERNMENT AND YOU NEED TO RESIGN, TOO, GOVERNOR SNYDER. I YIELD BACK.

Jason Chaffetz:

THE GENTLEMAN YIELDS BACK. NOW RECOGNIZE THE GENTLEMAN FROM MICHIGAN, MR. AMASH, FOR FIVE MINUTES.

Justin Amash:

THANK YOU, MR. CHAIRMAN, THANK YOU, ADMINISTRATOR McCARTHY, AND I'D LIKE TO WELCOME YOU, GOVERNOR SNYDER, AND THANK YOU FOR YOUR WILLINGNESS TO APPEAR BEFORE THIS COMMITTEE. GOVERNOR, YOU SPOKE ABOUT THE BROKEN CULTURE AT MANY OF THE AGENCIES IN STATE GOVERNMENT. HOW ARE YOU WORKING TO CHANGE THE CULTURE WITHIN THE AGENCIES, SPECIFICALLY THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, THAT WERE NEGLIGENT OR RECKLESS AND FAILED THE CITIZENS OF FLINT?

Rick Snyder:

IT BEGAN BY CHANGING LEADERSHIP. I ACCEPTED THE RESIGNATION OF THE DEPARTMENT DIRECTOR. AND TO PUT IT IN PERSPECTIVE, THIS WAS A DEPARTMENT DIRECTOR THAT HAD SERVED UNDER TWO PRIOR GOVERNORS WITH DISTINCTION. BUT WE HAD THIS ISSUE. IT WAS TIME TO ACCEPT HIS RESIGNATION.

I'VE ESSENTIALLY UNDER CIVIL SERVICE RULES WERE TERMINATED THE HEAD OF THE WATER DIVISION. THAT WAS ONE THAT MADE THE TERRIBLE DECISIONS WITH HER TEAM TO SAY IT SHOULD BE TWO SIX-MONTH STUDIES INSTEAD OF DOING CORROSION CONTROL. SHE WAS A 28-YEAR VETERAN OF THE DEPARTMENT. WE'RE GOING TO SPEND TIME. WE ARE GOING TO CHANGE THIS CULTURE. A BUREAUCRATIC CULTURE THAT FOCUSES ON TECHNICAL COMPLIANCE AND DOESN'T HAVE A SENSE OF URGENCY, SHOULD NOT BE SERVING OUR CITIZENS. THERE ARE MANY GOOD HARD-WORKING PEOPLE THAT DO WORK FOR THE STATE OF MICHIGAN. THERE ARE 47,000. BUT I AM COMMITTED TO FINDING THE INSTANCES WHERE THESE PEOPLE HAVEN'T GOTTEN THE IDEA THAT WE WORK FOR THE CITIZENS, AND I AM GOING TO BE RELENTLESS IN FOLLOWING UP TO MAKE SURE WE MAKE THE CHANGES NECESSARY THAT THIS NEVER HAPPENS AGAIN, WHETHER IT'S IN WATER AREA OR ANY AREA OF OUR STATE.

Justin Amash:

GOVERNOR, DID STATE EMPLOYEES INTENTIONALLY WITHHOLD INFORMATION FROM YOU?

Rick Snyder:

I DON'T BELIEVE THAT WAS THE CASE. WHAT I WOULD ALSO SAY IS WE HAD A REPORT FROM THE OFFICE OF AUDITOR GENERAL THAT RESPONDED TO SENATOR ANANICH, AND I KNOW YOU'RE FAMILIAR WITH SENATOR ANANICH, THAT ONE OF THE CONCLUSIONS WAS I DON'T BELIEVE THEY FOUND ANY WILLFUL MISREPRESENTATION.

Justin Amash:

AND WHAT ARE YOU DOING TO MAKE SURE THAT STATE EMPLOYEES COMMUNICATE WITH YOU, ESPECIALLY REGARDING ISSUES OF GREAT IMPORTANCE LIKE THE PEOPLE OF FLINT?

Rick Snyder:

I STOOD UP IN FRONT OF THE ENTIRE STATE OF MICHIGAN IN MY STATE OF THE STATE ADDRESS AND SAID THESE PEOPLE THAT MADE THESE TERRIBLE DECISIONS, THAT SHOWED A CLEAR LACK OF COMMON SENSE, FAILED US, BUT SINCE THEY WORK FOR ME, I AM RESPONSIBLE FOR THEIR ACTIONS, AND I TAKE THAT RESPONSIBILITY AND I KICK MYSELF EVERY SINGLE DAY ABOUT WHAT I COULD HAVE DONE TO DO MORE. BUT I TOLD THE PEOPLE OF MICHIGAN THAT THERE'S A COMMITMENT, A PASSIONATE COMMITMENT TO SAY WE ARE GOING TO CHANGE THE CULTURE IN THESE PLACES. I APOLOGIZED TO THE PEOPLE OF FLINT. THEY DESERVE THAT. I UNDERSTAND WHY THEY'RE ANGRY. IT'S TERRIBLE WHAT THEY'RE HAVING TO GO THROUGH. BUT I MADE A COMMITMENT TO FIX THE PROBLEM. I CAN'T TAKE SOME DAMAGE THAT'S BEEN DONE AS RANKING MEMBER CUMMINGS SAID, BUT THERE'S A LOT WE CAN DO TO HELP THE PEOPLE OF FLINT ADDRESS SO MANY ISSUES AND I AM ABSOLUTELY COMMITTED TO DO THAT, AND WE ARE FOLLOWING THROUGH AND GETTING THAT DONE. AND I'M GOING BACK TO FLINT TOMORROW TO ROLL UP MY SLEEVES AND KEEP WORKING THAT ISSUE.

Justin Amash:

GOVERNOR, WHAT IS THE STATE'S EXPECTED BUDGET SURPLUS AND HOW MUCH OF THAT MONEY WILL BE SPENT ON HELPING THE PEOPLE OF FLINT?

Rick Snyder:

IN TERMS OF -- I PRESENTED THE BUDGET IN FEBRUARY FOR THE STATE. IN TERMS OF SURPLUS, WE'RE ACTUALLY GOING THROUGH TWO OR THREE STEPS. I'VE ASKED FOR A TOTAL, INCLUDING TWO SUPPLEMENTALS OR THREE SUPPLEMENTALS THAT HAVE ALREADY BEEN PASSED BUT A TOTAL OF 232 MILLION DOLLARS TO HELP ADDRESS ISSUES IN FLINT, COVERING ALL AREAS, FROM THE WATER SYSTEM AND INFRASTRUCTURE, TO NUTRITION, TO HEALTH, TO WELL-BEING, TO ECONOMIC DEVELOPMENT, ALL THESE FIELDS TO DO WHATEVER WE CAN POSSIBLE IN TERMS OF IMPROVING THINGS IN FLINT. SEVERAL OF THESE HAVE ALREADY PASSED OUR LEGISLATURE.

IN ADDITION, I ASKED FOR 165 MILLION DOLLARS THAT WOULD HAVE BEEN A RAINY DAY FUND DEPOSIT TO GO INTO A STATE INFRASTRUCTURE FUND TO SAY THIS IS NOT AN ISSUE JUST FOR FLINT, BUT LET'S START PUTTING ASIDE THE LONG-TERM RESOURCES TO SAY WE HAVE AN

INFRASTRUCTURE PROBLEM IN THE STATE OF MICHIGAN. THAT'S A NATIONAL PROBLEM. LET'S GET THESE LEAD PIPES OUT OF THE GROUND. LET'S LOOK AT SETTING THE RIGHT STANDARDS. THAT'S WHY I CALLED THE FEDERAL LEAD AND COPPER RULE DUMB AND DANGEROUS. IT IS. AND IN MICHIGAN, I AM MAKING A COMMITMENT, I WILL BE PROPOSING LEGISLATION, I WILL BE PUSHING TO DO EVERYTHING TO PUT A MUCH MORE STRINGENT STANDARD IN BECAUSE THE PEOPLE OF OUR STATE AND OUR COUNTRY DESERVE BETTER THAN THEY'RE GETTING TODAY.

Justin Amash:

I HAVE A QUESTION FOR ADMINISTRATOR McCARTHY. IF SUSAN HEDMAN HAD NOT RESIGNED, WOULD YOU HAVE FIRED HER?

Gina McCarthy:

THAT WAS AN ISSUE I DIDN'T NEED TO FACE, SIR. AS YOU KNOW, SUSAN TOOK THE CHOICE TO SUBMIT HER RESIGNATION KNOWING THAT PEOPLE WOULD QUESTION WHETHER THAT MEANT SHE ACCEPTED SOME TYPE OF GUILT OR RESPONSIBILITY FOR THIS. SHE FULLY ACCEPTED RESPONSIBILITY FOR THE SITUATION AND SHE RESIGNED AND I ACCEPTED THAT RESIGNATION. I THOUGHT IT WAS THE RIGHT STEP FOR HER TO TAKE.

Justin Amash:

SO THE QUESTION REMAINS, THOUGH, WOULD YOU HAVE FIRED HER?

Gina McCarthy:

I -- I DIDN'T HAVE TO FACE THAT DECISION, SIR.

Justin Amash:

I YIELD BACK.

Jason Chaffetz:

THE GENTLEMAN'S TIME HAS EXPIRED. NOW RECOGNIZE THE GENTLEWOMAN FROM THE DISTRICT OF COLUMBIA, MS. NORTON, FOR FIVE MINUTES.

Eleanor Norton:

THANK YOU, MR. CHAIRMAN, I VERY MUCH APPRECIATE THIS HEARING AND I APPRECIATE BOTH OF YOU COMING. I WENT TO FLINT, MICHIGAN, ESPECIALLY SINCE THE DISTRICT OF COLUMBIA HAD ITS OWN CORROSION, LEAD CORROSION CRISIS ABOUT 15 YEARS AGO. I WAS IMPRESSED WITH THE MANY FEDERAL AGENCIES THAT WERE THERE, BUT I SEE RESPONSIBILITY ON THE PART OF THE FEDERAL AND THE STATE LEVELS, AND I THINK THIS HOUSE HAS FOUND THIS, AND I COMMEND THE HOUSE FOR PASSING A BILL FROM THE ENERGY AND COMMERCE COMMITTEE THAT SAYS THAT, IT'S PENDING IN THE SENATE, THAT THE EPA MUST NOTIFY RESIDENTS WHEN WATER SAMPLES SHOW LEAD LEVELS FOR THE HIGHEST 10% OF HOMES AT ABOVE 15 PARTS PER BILLION IF STATE AND LOCAL AGENCIES DON'T DO IT.

SO THIS PROTOCOL, THIS BANTER BETWEEN THE STATE AND THE FEDERAL AGENCIES IS VERY DISTRESSING WHEN YOU'RE TALKING ABOUT IRREVERSIBLE LEAD IN THE WATER. BUT, GOVERNOR SNYDER, YOU APPOINTED YOUR OWN TASK FORCE. IT APPEARS NOT TO HAVE MINCED ANY WORDS. IT'S A TASK FORCE THAT, TO YOUR CREDIT, YOU APPOINTED IN DECEMBER, 2015, AND IT SAYS THAT THE STATE OF MICHIGAN BEARS, AND HERE I'M QUOTING THEIR WORDS -- PRIMARY RESPONSIBILITY -- END QUOTE, FOR THE WATER CRISIS IN FLINT. DO YOU ACCEPT THESE, THIS CONCLUSION FROM YOUR OWN TASK FORCE, THE PEOPLE YOU, I TAKE IT, APPOINTED?

Rick Snyder:

CONGRESSWOMAN, I APPRECIATE YOU REFERENCING THAT GROUP. ACTUALLY I APPOINTED THEM IN OCTOBER WITHIN TWO WEEKS OF LEARNING OF THIS CRISIS BECAUSE I BELIEVE WE NEEDED THAT.

Eleanor Norton:

I HAVE TO GIVE YOU CREDIT BECAUSE THIS TASK FORCE -- THIS TASK FORCE SEEMS TO HAVE OPERATED VERY INDEPENDENTLY. AND HERE I'M QUOTING THEM AGAIN -- WE BELIEVE THE PRIMARY RESPONSIBILITY FOR WHAT HAPPENED IN FLINT RESTS WITH THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY. ALTHOUGH MANY INDIVIDUALS AND ENTITIES AT STATE AND LOCAL LEVELS CONTRIBUTED TO CREATING AND PROLONGING THE PROBLEM, THE MDEQ IS THE GOVERNMENT AGENCY THAT HAS RESPONSIBILITY TO ENSURE SAFE DRINKING WATER IN MICHIGAN. IT FAILED THAT RESPONSIBILITY -- END QUOTE.

Rick Snyder:

AND I ACCEPTED THE REPORT AND I TOOK IMMEDIATE ACTION.

Eleanor Norton:

THANK YOU VERY MUCH. I'M JUST TRYING TO MAKE CLEAR, AND TO YOUR CREDIT, YOU OUGHT TO WANT TO SPREAD THIS ON THE RECORD, BECAUSE THIS TASK FORCE -- AND HERE IS WHAT IS REALLY INTERESTING TO HEAR THEM SAY, AND HERE I'M QUOTING THEM: "FOUND THAT THERE WAS AGGRESSIVE DISMISSAL, BELITTLEMENT AND ATTEMPTS TO DISCREDIT THOSE EFFORTS AND THE INDIVIDUALS INVOLVED." DO YOU -- DO YOU AGREE WITH THIS FINDING OF YOUR OWN TASK FORCE?

Rick Snyder:

I DO. AND THOSE THINGS NEVER SHOULD HAVE HAPPENED AND THOSE FOLKS ARE NO LONGER WITH US.

Eleanor Norton:

THANK YOU, GOVERNOR. THIS QUOTE SEEMS TO INDICATE THAT THERE WAS AN ATTEMPT TO DISCREDIT THE WORK OF OTHERS WHO APPARENTLY ULTIMATELY PROVED TO BE RIGHT, AND AGAIN I'M GIVING YOU CREDIT FOR THIS TASK FORCE, BUT I THINK THIS TASK FORCE SHOWS THAT THE STATE HAS ACCEPTED THE RESPONSIBILITY. THE MOST SERIOUS FINDING WAS THAT THE TASK FORCE FOUND THAT -- THAT MICHIGAN ACTUALLY CAUSED THIS POISONING. IT SAID OFFICIALS, AND I QUOTE -- DID NOT REQUIRE -- REQUIRE -- THE TASK FORCE FOUND THAT THE LEAD AND COPPER RULE REQUIRED CORROSION CONTROL TREATMENT. THAT'S TO KEEP LEAD FROM LEACHING INTO THE WATER WHICH YOUR OFFICIALS, AND I QUOTE THEM, SAID DID -- IT WAS NOT REQUIRED WHEN THE SWITCH TO THE FLINT RIVER. THEY ARE SAYING THAT THEY FOUND IT WAS: QUOTE -- NOT NECESSARY ACCORDING TO THE TASK FORCE REPORT -- AND THAT THIS FAILURE: QUOTE -- LED DIRECTLY TO THE CONTAMINATION OF THE FLINT RIVER WATER SYSTEM.

IT SEEMS TO ME, GOVERNOR, THAT YOUR ADMINISTRATION HAS ALREADY TAKEN RESPONSIBILITY FOR WHAT HAPPENED AND THAT YOUR OWN TASK FORCE TAKES THAT RESPONSIBILITY. IT SEEMS TO ME HERE TODAY, EACH AND EVERY RESPONSE SHOULD BE TO ECHO YOUR OWN TASK FORCE, THAT THE RESPONSIBILITY LAY WITH THE STATE OF MICHIGAN. IT KNEW WHAT -- THE STATE KNEW WHAT TO DO IN TIME AND IT DID NOT KNOW -- IT DID NOT DO WHAT IT KNEW HAD TO BE DONE. AND I THANK YOU, MR. CHAIRMAN.

Jason Chaffetz:

THE GENTLEWOMAN YIELDS BACK. NOW RECOGNIZE THE GENTLEMAN FROM FLORIDA, MR. MICA, FOR FIVE MINUTES.

John Mica:

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I THINK A LOT MORE FAILED IN FLINT THAN THE WATER. IT'S A FAILED CITY. WE HAVE MANY OF THEM, NOT ONLY IN MICHIGAN, BUT ACROSS THE COUNTRY. SINCE WE STARTED THESE HEARINGS, IT'S AMAZING, I'VE TALKED TO STAFF, AND WE'VE GOTTEN INFORMATION THAT PROBABLY DOZENS OF COMMUNITIES ARE FACING THE SAME THING, AND THEY'RE COMING FORWARD AND SAYING THAT THEY HAVE UNSAFE DRINKING WATER AND HIGH LEVELS OF LEAD AND THEIR KIDS ARE BEING POISONED.

GOVERNOR, YOU DID TAKE SOME ACTION, AND SOME PEOPLE HAVE BEEN FIRED, IS THAT CORRECT?

Rick Snyder:

CORRECT.

John Mica:

I GUESS THE FLINT WATER HEAD, SEVERAL OTHERS, AND YOU SUSPENDED OTHER PEOPLE, IS THAT CORRECT?

Rick Snyder:

CORRECT.

John Mica:

AND YOU SAID EVERYONE SHARES SOME BLAME, INCLUDING YOURSELF, RIGHT?

Rick Snyder:

CORRECT

John Mica:

WHAT DISTURBS ME IS -- WELL, FIRST OF ALL, ADMINISTRATOR McCARTHY, YOU HAD THE ABILITY TO ACT WHEN YOU FIND OUT THAT THINGS AREN'T GOING RIGHT IN THESE SYSTEMS. YOU HAVE THE COMPLIANCE AUTHORITY UNDER LAW, DON'T YOU?

Gina McCarthy:

YES, SIR. YES, SIR.

John Mica:

AND WHO WAS FIRED OR HELD ACCOUNTABLE IN EPA?

Gina McCarthy:

WELL, SIR, YOU HAVE TO LOOK AT --

John Mica:

WAS ANYONE FIRED?

Gina McCarthy:

NO, SIR.

John Mica:

IN FACT, WHAT DISTURBS ME, I CHECKED TO SEE, LIKE HEDMAN, WHO WAS IN CHARGE -- SHE WAS UNDERNEATH YOU AS A REGIONAL ADMINISTRATOR.

Gina McCarthy:

REGIONAL ADMINISTRATOR HEDMAN, YES.

John Mica:

SHE WAS GETTING VACATION TIME BONUSES, GOT THE LAST ONE MAY 28th, WHILE -- THE REGIONAL ADMINISTRATOR'S GETTING VACATION TIME BONUSES WHILE THE KIDS ARE GETTING

POISONED. SHE FINALLY RESIGNED HERSELF. YOU NEVER FIRED ANYONE. YOU HAVE GREAT PEOPLE WORKING AT EPA.

Gina McCarthy:

THANK YOU.

John Mica:

THIS MR. DEL TORAL SHOULD GET A CONGRESSIONAL GOLD MEDAL. MRS. WALTERS BLEW THE WHISTLE. SHE CAME TO THE LOCAL AUTHORITIES. WE HAD THE MAYOR IN HERE. SHE TOLD ME IN MARCH OF 2015 SHE MET THE MAYOR AT THE LIBRARY AND HE PROMISED TO DO EVERYTHING. SHE WENT TO CITY HALL APRIL 3rd OR THE BEGINNING OF APRIL, AND NO ONE WOULD SEE HER. SHE WAS PUT OFF. AND TO THE DAY OF THE HEARING THE OTHER DAY, THE MAYOR HAD NEVER TALKED TO HER AFTER THAT. THIS -- AND I SAID THIS -- NOW YOU'RE PRETTY EXPERIENCED, YOU HEAD THE EPA. YOU CAN READ DEL TORAL'S REPORT. IT'S INCREDIBLY ACCURATE. THIS IS DATED IN JUNE, AND NOT A DAMN THING WAS DONE UNTIL, REALLY, UNTIL JANUARY OF THIS YEAR.

Gina McCarthy:

I THINK --

John Mica:

AND I WENT BACK AND ASKED MRS. WALTERS, I SAID, WELL, WHEN DID THEY FINALLY COME IN? BECAUSE THE MAYOR AND OTHERS AND YOUR EPA ADMINISTRATOR FROM THE DISTRICT SAID THAT, OH, WE ACTED IMMEDIATELY. THEY DIDN'T ACT. THEY GAGGED MR. DEL TORAL. DID YOU EVER SEE THIS REPORT, ADMINISTRATOR?

Gina McCarthy:

I DID SEE THAT REPORT, YES.

John Mica:

WHEN DID YOU SEE THE REPORT?

Gina McCarthy:

I DON'T RECALL THE EXACT DAY.

John Mica:

WELL, INTO JUNE, LAST SUMMER?

Gina McCarthy:

SIR, I WOULD SUGGEST THAT –

John Mica:

DID YOU SEE THIS REPORT? AGAIN, A HIGH SCHOOL STUDENT COULD TAKE THIS REPORT AND DETERMINE THAT KIDS WERE GETTING POISONED. HE CONFIRMED IT. HE WENT IN AND TESTED EVERYTHING, THE PIPES IN THE BUILDING, HE LOOKED AT THE LEAD LINES. HE DID A THOROUGH EXAMINATION. THEN HE DETAILED ALL THE THINGS WE'VE HEARD ABOUT THIS, THIS CALENDAR OF FAILURE OF FLINT, THE LEGIONELLA, ET CETERA, VIOLATIONS GOING BACK. AND YOU TOLD ME YOU HAD THE AUTHORITY, YOU HAVE THE COMPLIANCE AUTHORITY. DID YOU EVER SHUT THESE PROGRAMS DOWN OR GO AFTER THEM?

Gina McCarthy:

SIR, WE WENT AFTER –

John Mica:

YOU DID NOT.

Gina McCarthy:

OKAY.

John Mica:

YOU DID NOT. NO ONE ACTED. NOW I HEARD CALLS FOR RESIGNATION. I THINK YOU SHOULD BE AT THE TOP OF THE LIST.

Gina McCarthy:

MM-HMM.

John Mica:

AGAIN --

Gina McCarthy:

WELL, SIR, IF YOU LET ME ANSWER, I MIGHT BE --

John Mica:

THAT'S A LOCAL JOB, THAT THEY FAILED AT THE LOCAL LEVEL, THEY FAILED AT THE STATE LEVEL, AND WE FAILED AT THE FEDERAL LEVEL, AND WHO'S IN CHARGE? THE DISTRICT HEAD GETS A VACATION BONUS, THE KIDS GET LEAD POISON, AND YOU'RE STILL IN OFFICE. MR. CHAIRMAN, I YIELD BACK.

Jason Chaffetz:

GENTLEMAN YIELDS BACK.

Gina McCarthy:

THANKS FOR THE OPPORTUNITY TO ANSWER.

John Mica:

YOU'RE WELCOME

Jason Chaffetz:

DID YOU HAVE SOMETHING YOU WANTED TO SAY?

Gina McCarthy:

IT WOULD BE GOOD IF I COULD, SIR, IF YOU WOULDN'T MIND.

Jason Chaffetz:

SURE.

Gina McCarthy:

WELL, I THINK IT'S IMPORTANT TO KNOW THAT WHEN WE FOUND OUT FINALLY, BECAUSE THE MDEQ TOLD US, ON APRIL 24th, PRIOR TO THAT THAT THERE WAS NO CORROSION CONTROL TREATMENT, REVERSING WHAT THEY HAD EARLIER TOLD US, THAT THEY DID CORROSION CONTROL IN THE SYSTEM, THAT WE HAD ALREADY TOLD MDEQ THAT THEY ACTUALLY HAD TO REQUIRE THE CITY OF FLINT TO MOVE AHEAD WITH CORROSION CONTROL TREATMENT WELL IN ADVANCE OF THAT MEMO.

John Mica:

THIS - -

Jason Chaffetz:

NO, NO, LET HER FINISH.

Gina McCarthy:

THANK YOU. AND WE CONSISTENTLY SAID THE SAME THING. THAT IS A REPORT ON THREE HOMES IN THE SAME AREA. BECAUSE OF THE COMPLEXITY OF LEAD, WE DID NOT AND COULD NOT HAVE MADE A CONCERTED JUDGMENT ABOUT WHETHER IT WAS A SYSTEMIC PROBLEM. WHEN WE HAD THE INFORMATION, WHEN WE RECEIVED IT FROM MDEQ, WHICH WASN'T UNTIL JULY 21st, WE TOLD THEM WE'RE DONE TALKING, WE NOW KNOW IT'S A SYSTEMIC PROBLEM, YOU DO IT OR WE'LL DO IT, THEY SAID WE'LL DO IT. AND SINCE THAT POINT IN TIME, MDEQ SLOW WALKED EVERYTHING THEY NEEDED TO DO. THAT PRECLUDED US FROM BEING ABLE TO JUMP INTO THE RESCUE. THAT IS WHAT HAPPENED. AND IF PEOPLE ARE WORRIED ABOUT WHETHER WE SILENCED MIGUEL DEL TORAL, MIGUEL IS A HERO ON THIS. HE REMAINS A CENTRAL PART OF OUR DECISION-MAKING. HE'S ONE OF OUR EXPERTS WE RELY ON. THE SIMPLE FACT IS THAT MDEQ WAS THE ONE WHO TOLD EVERYBODY OUTSIDE THAT HE WAS A ROGUE EMPLOYEE TO DISCREDIT HIM, JUST AS THE MDEQ WAS DOING, AS THE GOVERNOR'S TASK FORCE SAID, IN TRYING TO DISCREDIT ANYBODY WHO SAID THERE WAS A PROBLEM WITH THAT DRINKING WATER SYSTEM. WE WERE STRONG-

ARMED, WE WERE MISLED, WE WERE KEPT AT ARM'S LENGTH. WE COULDN'T DO OUR JOBS EFFECTIVELY.

John Mica:

MR. CHAIRMAN, I'D JUST ASK THAT MR. DEL TORAL'S REPORT OF JUNE BE INCLUDED IN THE RECORD AT THIS POINT. THANK YOU, AND I YIELD BACK.

Jason Chaffetz:

WITHOUT OBJECTION, SO ORDERED. WOW, YOU JUST DON'T GET IT. YOU JUST DON'T GET IT. YOU STILL DON'T GET IT. I WILL NOW RECOGNIZE THE GENTLEMAN FROM VIRGINIA, MR. CONNOLLY.

Gerry Connolly:

WELL, MR. CHAIRMAN, THANK YOU. I GET IT. WE'RE TRYING TO MAKE SURE THAT BLAME IS SHIFTED HERE. IT'S INTERESTING, FOR A COMMITTEE THAT HAS PRACTICED ALICE IN WONDERLAND TECHNIQUES WITH MANAGEMENT, OFF WITH YOUR HEAD. SO WHEN THERE'S A PROBLEM AT OPM, OFF WITH THE HEAD OF THE HEAD OF OPM, OFF WITH THE HEAD OF THE CIO AT OPM, OFF WITH THE HEAD OF JOHN KOSKINEN, THE HEAD OF IRS, OFF WITH THE HEAD OF LOIS LERNER. BUT GOVERNOR SNYDER, APPARENTLY, MY FRIENDS ON THE OTHER SIDE OF THE AISLE WANT TO MAKE SURE YOUR HEAD IS SECURELY ON YOUR SHOULDERS.

GOVERNOR SNYDER, DO YOU BELIEVE IN THE PHILOSOPHY THAT GOVERNMENT SAYS WE OUGHT TO PUSH RESPONSIBILITY AND POWER TO THE LOWEST LEVEL WE CAN, AS CLOSE TO THE PEOPLE AS WE CAN?

Rick Snyder:

AS A GENERAL RULE, YES.

Gerry Connolly:

SO IN NOVEMBER, 2012, THE CITIZENS OF YOUR STATE REJECTED THE EMERGENCY MANAGER LAW YOU HAD ADVOCATED IN A REFERENDUM, IS THAT CORRECT?

Rick Snyder:

CORRECT.

Gerry Connolly:

AND YET, SIX WEEKS LATER, YOU REINTRODUCED LEGISLATION THAT WAS APPROVED BY THE REPUBLICAN-CONTROLLED LEGISLATURE FOR A NEW EMERGENCY MANAGER LAW, PA-436, IS THAT CORRECT?

Rick Snyder:

THERE WAS A LAW THAT TOOK INTO ACCOUNT THE CONCERNS OF THE CITIZENS AND IT WAS PASSED BY A DULY-ELECTED LEGISLATURE THAT REPRESENTS THE PEOPLE OF THE STATE OF MICHIGAN.

Gerry Connolly:

SO THAT LAW THEN ALLOWED YOU TO BYPASS THE LOCAL GOVERNANCE OF THE CITY OF FLINT AND TO APPOINT AN EMERGENCY MANAGER TO ACT FOR AND IN THE PLACE INSTEAD OF THE GOVERNMENT – OF THE GOVERNING BODY AND THE OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER OF THE LOCAL GOVERNMENT QUOTE/UNQUOTE, FROM THE LAW, IS THAT CORRECT?

Rick Snyder:

GOING BACK TO YOUR ORIGINAL QUESTION, YOU SAID GENERALLY. THIS IS A CASE WHERE THERE WAS FAILURE IN TERMS OF CITY MANAGEMENT.

Gerry Connolly:

I APPRECIATE IT BUT I'M JUST ASKING A YES OR NO HERE. DID YOU APPOINT AN EMERGENCY MANAGER PURSUANT TO THAT LAW?

Rick Snyder:

YES. YES.

Gerry Connolly:

AND THAT MEANT THE MAYOR AND CITY COUNCIL COULD NOT EXERCISE ANY POWERS UNLESS YOUR HAND-PICKED EMERGENCY MANAGER LET THEM, IS THAT CORRECT?

Rick Snyder:

INITIALLY, YES.

Gerry Connolly:

LAST WEEK OUR COMMITTEE STAFF TRAVELED TO FLINT, AND THEY CONDUCTED A TRANSCRIBED INTERVIEW OF THE LAST EMERGENCY MANAGER APPOINTED -- YOU APPOINTED, GERALD AMBROSE. BY THE WAY, YOU APPOINTED, NOT MS. McCARTHY. WE ASKED HIM IF HE CONSIDERED THE CITY COUNCIL IMPOTENT DURING HIS TENURE. HIS ANSWER, ON THE RECORD, WAS "ABSOLUTELY." DO YOU KNOW HOW MANY PAGES OF EDICTS WERE ISSUED BY YOUR APPOINTED EMERGENCY MANAGERS IN THIS TRAGIC TIME PERIOD, GOVERNOR?

Rick Snyder:

NO, BUT ALSO LET ME RESPOND TO YOUR COMMENT ABOUT AMBROSE.

Gerry Connolly:

HOLD ON. LET ME JUST SHOW YOU. BECAUSE I'VE ONLY GOT FIVE MINUTES. LADIES AND GENTLEMEN, HOLD THEM UP, PLEASE. THESE ARE THE STACKS OF EDICTS ISSUED BY YOUR EMERGENCY MANAGERS, NOT BY THE CITY COUNCIL OF FLINT. NOW DO YOU KNOW HOW MANY OF THOSE 8,000 PAGES DEALT WITH MEANINGFUL STEPS TO PROTECT THE CITIZENS OF FLINT FROM LEAD FLOWING THROUGH THEIR PIPES, GOVERNOR? YOUR APPOINTEES.

Rick Snyder:

NO.

Gerry Connolly:

NOT ONE. NOT ONE.

Rick Snyder:

CONGRESSMAN, I ENCOURAGE YOU TO GO LOOK AT PUBLIC ACT --

Gerry Connolly:

WAIT A MINUTE, GOVERNOR, IT'S MY FIVE MINUTES. I'M SORRY. I WISH I HAD TEN, THEN I'D GIVE YOU ALL THE TIME IN THE WORLD. THIS IS A FAILURE OF A PHILOSOPHY OF GOVERNANCE YOU ADVOCATED. THERE'S NO EVIDENCE, EVEN AFTER YOU WERE WARNED BY THE MAYOR OF FLINT, THEY HAD PROBLEMS AND HE BEGGED YOU TO COME TO FLINT. YOU IGNORED HIM. WE HAVE NO EVIDENCE OF YOU TRAVELING TO FLINT FOR SEVEN MONTHS, GOVERNOR. SEVEN MONTHS. I'M GLAD YOU'RE SORRY NOW. I'M GLAD YOU'RE TAKING ACTION NOW. BUT IT'S A LITTLE BIT LATE FOR THE KIDS IN FLINT WHOSE HEALTH HAS BEEN COMPROMISED, FOR PEOPLE WHOSE – WHOSE HEALTH AND IMMUNITY SYSTEMS WERE ALREADY COMPROMISED, FOR A CITY IN AMERICA THAT IS ON ITS KNEES BECAUSE OF YOUR EMERGENCY MANAGER'S DECISION TO SAVE 4 MILLION DOLLARS. AND NOW IT'S GOING TO COST A LOT MORE TO CLEAN UP.

AND THE TAINT AND THE STAIN THAT STATE GOVERNMENT HAS PUT ON THIS COUNTRY IN THE FORM OF FLINT WILL BE A LONG TIME BEING ERASED. YOU KNOW, AT SOME POINT, THE BUCK STOPS AT YOUR OFFICE, GOVERNOR, WITH YOUR DEPARTMENT OF ENVIRONMENTAL QUALITY THAT COLLAPSED, WITH YOUR EMERGENCY MANAGERS WHO WERE GUILTY OF HUBRIS. THEY KNEW BETTER THAN THE LOCAL ELECTED OFFICIALS OF FLINT, AND THEY IGNORED ALL THE WARNING SIGNS. THAT'S THE RECORD, GOVERNOR. THAT'S YOUR RECORD. AND AT SOME POINT, THE BUCK HAS TO STOP AT YOUR DESK. I YIELD BACK.

Jason Chaffetz:

GENTLEMAN'S TIME HAS EXPIRED. WE WILL NOW RECOGNIZE THE GENTLEMAN FROM TENNESSEE, MR. DES JARLAIS, FOR FIVE MINUTES.

Scott Des Jarlais:

THANK YOU, MR. CHAIRMAN, AND BEFORE I YIELD MY TIME TO MY GOOD FRIEND FROM MICHIGAN, MR. WALBERG, I WOULD RESPECTFULLY ASK ADMINISTRATOR McCARTHY TO CONSIDER SCRAPPING THE WATERS OF THE U.S. RULE AS IT'S CLEAR THAT EPA CANNOT CURRENTLY HANDLE THE ISSUES ON ITS PLATE. AND I NOW YIELD MY TIME TO THE GENTLEMAN FROM MICHIGAN.

Tim Walberg:

I THANK THE GENTLEMAN FROM TENNESSEE. ON SEPTEMBER 26, 2015, MS. McCARTHY, YOU RECEIVED AN E-MAIL FROM PETER GREVATT, DIRECTOR OF THE EPA'S OFFICE OF GROUNDWATER AND DRINKING WATER. THE WHOLE POINT OF THE E-MAIL IS ACTUALLY TO SHARE MARC EDWARDS' DOCUMENTATION OF THE FLINT DRINKING WATER PROBLEMS. MR. EDWARDS ENDS THE E-MAIL ASKING THE EPA TO, AND I QUOTE -- IMMEDIATELY TAKE DECISIVE ACTION ON THIS ISSUE TO PROTECT THE PUBLIC.

DID YOU READ THE SEPTEMBER 25th E-MAIL THAT INCLUDED MARC EDWARDS' REQUEST FOR ACTION?

Gina McCarthy:

I DID.

Tim Walberg:

DR. EDWARDS IS VERY FAMILIAR TO THIS COMMITTEE AND THE PEOPLE OF FLINT. DO YOU KNOW WHO MARC EDWARDS IS?

Gina McCarthy:

YES. YES, WE'VE MET.

Tim Walberg:

YOU'VE MET?

Gina McCarthy:

WE HAD A MEETING, YES.

Tim Walberg:

HOW LONG HAVE YOU KNOWN OF DR. EDWARDS AND HIS WORK ON THE WATER QUALITY?

Gina McCarthy:

IT'S JUST RELATED TO FLINT, SIR. WE ACTUALLY HAVE A CONTRACT WITH HIM TO DO WORK WITH US RIGHT NOW.

Tim Walberg:

DO YOU BELIEVE MARC EDWARDS IS AN EXPERT ON WATER TREATMENT AND CORROSION?

Gina McCarthy:

I THINK HE IS ONE EXPERT, YES. I WOULD ALSO ACKNOWLEDGE THAT EPA HAS A NUMBER OF EXPERTS.

Tim Walberg:

THE EDWARDS' E-MAIL GIVES, INCLUDING MR. DEL TORAL, THE EDWARDS' E-MAIL GIVES KEY POINTS, SUMMARY AT THE END, DOCUMENTING THAT THERE IS NO CORROSION CONTROL TREATMENT, THAT PEOPLE CAN'T AFFORD BOTTLED WATER, MDEQ IS CONTINUING TO INSIST THE WATER IS SAFE, AND THAT THEY KNOW OF A CHILD WITH ELEVATED BLOOD LEVELS ALREADY.

IF YOU RECEIVED AN E-MAIL DOCUMENTING ALL OF THESE PROBLEMS ON SEPTEMBER 25th, INCLUDING THE FACT THAT CHILDREN HAVE ELEVATED BLOOD LEAD LEVELS, WHY DIDN'T YOU ACT UNTIL JANUARY 21st, 2016?

Gina McCarthy:

SIR, YOU'RE INCORRECT IN SAYING –

Tim Walberg:

I AM NOT INCORRECT. WE HAVE E-MAILS TO DO THIS. WE HAVE RECORDS AS WELL.

Gina McCarthy:

CAN I POINT OUT –

Tim Walberg:

YOU CONTINUE TO NOT TAKE RESPONSIBILITY, INCLUDING WRITING ARTICLES ABOUT IT. DR. EDWARDS IS AN EXPERT ON THIS ISSUE.

Gina McCarthy:

YES.

Tim Walberg:

THE PEOPLE OF FLINT UNDERSTAND THAT. HE'S BEEN THERE. YOU DIDN'T EVEN SHOW UP UNTIL FEBRUARY OF THIS YEAR. AND I REMIND THE MEMBERS ON THE OTHER SIDE OF THE AISLE, THE GOVERNOR'S BEEN THERE MANY DAYS. THIS ADMINISTRATOR OF EPA DIDN'T SHOW UP UNTIL FEBRUARY. DR. EDWARDS SAID IN TESTIMONY BEFORE THIS COMMITTEE THAT SUSAN HEDMAN, WHO YOU WON'T FIRE, YOU WOULDN'T FIRE, YOU WOULDN'T EVEN GIVE AN ANSWER IF YOU WOULD, THAT HEDMAN'S RESPONSE WAS COMPLETELY UNACCEPTABLE AND CRIMINAL. THAT'S WHAT MR. EDWARDS SAID.

Gina McCarthy:

YES.

Tim Walberg:

PLEASE TELL THE PEOPLE OF FLINT SITTING BEHIND YOU AND THIS COMMITTEE WHY MARC EDWARDS IS WRONG.

Gina McCarthy:

WELL, MARC EDWARDS IS A GOOD SCIENTIST AND I RESPECT HIM. IF YOU LOOK AT THE TIMELINE OF WHEN WE RECEIVED THAT E-MAIL, YOU WILL FIND THAT THE CITY AND COUNTY HEALTH ADVISORY ABOUT THE FLINT WATER WENT OUT ON THE SAME DAY. YOU WILL FIND THAT OCTOBER 1, THEY WERE NOTICED TO HAVE NO DRINKING OF THAT WATER WITHOUT PROTECTION. YOU WILL FIND THAT ON OCTOBER 2nd, THE GOVERNOR PUT OUT A TEN-POINT PLAN. ON OCTOBER 3rd, THE FILTERS WERE BEING DISTRIBUTED. I CANNOT -- THERE IS NO SWITCH THAT I CAN TURN ON THAT WOULD HAVE --

Tim Walberg:

AND I'M HEARING NOTHING OF YOUR ACTION ON THAT, AND YOU HAVE THE LAW ON YOUR SIDE THAT SAYS IN ANY, ANY EVENT OF IMMINENT DANGER OR HEALTH RISK, YOU HAD THE RESPONSIBILITY TO ACT.

Gina McCarthy:

AT THAT POINT IN TIME, THE DAMAGE HAD BEEN DONE AND ALL –

Tim Walberg:

YOU WROTE AN OP-ED -- EXCUSE ME, I'M –

Gina McCarthy:

OKAY.

Tim Walberg:

I'LL GIVE YOU A CHANCE.

Gina McCarthy:

OKAY. THANK YOU.

Tim Walberg:

YOU WROTE AN OP-ED IN THE WASHINGTON POST.

Gina McCarthy:

YES.

Tim Walberg:

WHICH STATED THE EPA'S REGIONAL OFFICE WAS ALSO PROVIDED WITH CONFUSING, INCOMPLETE AND INCORRECT INFORMATION

Gina McCarthy:

YES.

Tim Walberg:

AS A RESULT, EPA STAFF MEMBERS WERE UNABLE TO UNDERSTAND THE SCOPE OF THE LEAD PROBLEM UNTIL MORE THAN A YEAR AFTER THE SWITCH TO UNTREATED WATER. DID THE EPA CONFIRM IN EARLY 2015 THAT FLINT'S WATER PIPES LACKED CORROSION CONTROL?

Gina McCarthy:

IN EARLY -- NO, SIR, I DID NOT KNOW THAT. THE STAFF WERE UNAWARE OF THAT.

Tim Walberg:

THEY WERE UNAWARE OF THAT?

Gina McCarthy:

YES. IN FACT, THEY WERE TOLD DIRECTLY BY MDEQ ON FEBRUARY 27 THAT FLINT HAS --

Tim Walberg:

WHAT ABOUT MR. DEL TORAL WHO WAS DISCIPLINED?

Gina McCarthy:

HE WAS NOT DISCIPLINED.

Tim Walberg:

OH, YES, HE WAS.

Gina McCarthy:

OKAY. WELL, HE WAS --

Tim Walberg:

THAT'S A MATTER OF RECORD AS WELL.

Gina McCarthy:

NO, I'M SORRY, SIR, IT ISN'T. IT'S A MATTER OF RECORD –

Tim Walberg:

AT TUESDAY'S HEARING, DR. EDWARDS SAID SOME OF THE DOCUMENTS HE RECEIVED FROM EPA, THROUGH FOIA, REQUESTS ARE NEARLY 90% REDACTED. DR. EDWARDS WAITED TEN YEARS IN SOME CASES TO RECEIVE A RESPONSE TO EPA FOIA REQUEST. HOW IS THIS ACCEPTABLE FROM AN EXPERT?

Jason Chaffetz:

GENTLEMAN'S TIME HAS EXPIRED BUT THE ADMINISTRATOR MAY ANSWER.

Gina McCarthy:

WELL, I WANTED YOU TO BE ALL CLEAR THAT THE EMERGENCY ORDER THAT I ISSUED IN JANUARY WAS BECAUSE OF CONTINUED FAILURE TO ADDRESS THE ISSUE. IF THERE WAS ANYTHING THAT I COULD HAVE DONE, ANY SWITCH THAT I HAD -- COULD TURN ON THAT WOULD HAVE PRECLUDED US OR ALLOWED US TO GO FURTHER THAN WHAT WAS ALREADY HAPPENING AT THAT TIME, I WOULD HAVE PULLED THAT SWITCH. WHAT WE NEEDED WAS EXACTLY STARTING. WERE WE LATE IN GETTING IT DONE? YES. ARE THERE CONSEQUENCES TO THAT? ABSOLUTELY. WE HAVE ACTUALLY -- OUR REGIONAL ADMINISTRATOR WORKED VERY HARD TO GET MDEQ TO DO THEIR JOB TO GET THESE ACTIONS IN PLACE. SO WHEN YOU'RE ASKING DID I RECEIVE AN E-MAIL ON A GIVEN DATE, I DID. THE ACTIONS WERE MOVING. THERE WAS NOTHING ELSE I COULD HAVE ORDERED THAT WOULD HAVE MADE THAT MOVE FASTER. BUT I DID ISSUE AN ORDER IN JANUARY, BECAUSE EVEN AFTER ALL OF THIS, THE ORDER THAT I ISSUED WAS QUESTIONED BY THIS STATE, BY MDEQ, BY THIS STATE, AS WAS THAT REALLY LEGALLY SOLID. UP UNTIL TODAY THEY CONTINUE TO DRAG THEIR FEET.

Jason Chaffetz:

GO AHEAD, GOVERNOR. GO AHEAD IF YOU WANT TO.

Rick Snyder:

YEAH, I'M SORRY, MR. CHAIRMAN, BUT YOU CAN ONLY TAKE SO MUCH AT SOME POINT. AND ALL I WOULD DO IS GO TO THE RECORD. AND WHAT I WOULD SUGGEST IS PEOPLE LOOK AT THREE E-MAILS. THERE'S AN E-MAIL GOING BACK TO JUNE 8th, '15 FROM JENNIFER CROOKS FROM THE EPA THAT'S AN AGENDA FOR MICHIGAN SEMI-ANNUAL CALL. THERE'S AN E-MAIL ON JULY 21st, '15 FROM TINKA HYDE, A BRIEFING PAPER WITH THE MDEQ TALKING ABOUT THE FEDERAL LEAD AND COPPER RULE, INCLUDING FLINT WATER. ON 9/10/15, THERE'S AN EPA E-MAIL TALKING ABOUT COMING UP WITH A JOINT STRATEGIC ACTION PLAN ABOUT THE EPA AND THE MDEQ WORKING TOGETHER. THEY WERE IN REGULAR DIALOGUE. THEY'RE TALKING ABOUT HOW TO DO THINGS TOGETHER, AND WHEN I READ THESE THINGS, I'M READY TO GET SICK. WE NEEDED URGENCY, WE NEEDED ACTION, AND THEY KEEP ON TALKING. AND IT'S NOT ABOUT FIGHTING. THEY'RE JUST NOT GETTING THE JOB DONE.

WE MESSED UP IN MICHIGAN TO BEGIN WITH BY DOING TWO STUDIES INSTEAD OF CORROSION CONTROLS. THAT FUNDAMENTALLY CAUSED THIS PROBLEM. I HAVE ACCEPTED RESPONSIBILITY BECAUSE THOSE PEOPLE WORK FOR ME. BUT IT'S SOMETHING DIFFERENT TO HAVE THIS CONTINUING DIALOGUE TO SAY IT WAS SOLELY US. THIS COULD HAVE BEEN STOPPED SOONER IF OTHER PEOPLE COULD HAVE ALSO SPOKEN UP. I'M ALWAYS GOING TO KICK MYSELF THAT OUR PEOPLE SHOULD HAVE SPOKEN UP, I SHOULD HAVE ASKED TOUGHER QUESTIONS, I SHOULD HAVE DONE MORE, BUT TO ALSO SAY THE EPA JUST DIDN'T GET INFORMATION? I JUST ASK YOU TO TAKE THE TIME TO GO LOOK AT THOSE THREE E-MAILS AND THAT WILL CLEAR THE RECORD UP.

Jason Chaffetz:

THANK YOU. APPRECIATE IT. I WILL NOW RECOGNIZE THE RANKING MEMBER MR. CUMMINGS FOR FIVE MINUTES.

Elijah Cummings:

LET'S TALK ABOUT E-MAILS, GOVERNOR SNYDER. YOU HAVE REPRESENTED TO THE PUBLIC THAT YOU WERE UNAWARE OF THE DISASTER BUILDING IN FLINT UNTIL SEPTEMBER, 2015. I FIND IT HARD TO BELIEVE THAT A CRISIS OF THIS MAGNITUDE COMPLETELY ESCAPED YOUR ATTENTION FOR SO LONG. IT IS CLEAR THAT YOUR SENIOR STAFF, PEOPLE WHO REPORT DIRECTLY TO YOU DAILY, WERE VERY AWARE OF WHAT WAS TAKING PLACE IN FLINT. OCTOBER 12, 2014, ONE OF YOUR TOP ADVISERS WROTE AN E-MAIL TO YOUR CHIEF OF STAFF, DENNIS MUCHMORE, SAYING THIS, AND I QUOTE -- AS YOU KNOW, THERE HAVE BEEN PROBLEMS WITH THE FLINT WATER

QUALITY SINCE THEY LEFT THE DWSD SYSTEM WHICH WAS A DECISION BY THE EMERGENCY MANAGER THERE. I THINK THAT WE SHOULD ASK THE EMERGENCY MANAGER TO CONSIDER COMING BACK TO THE DETROIT SYSTEM, IN FULL OR IN PART, AS AN INTERIM SOLUTION TO BOTH THE QUALITY AND NOW THE FINANCIAL PROBLEMS THAT THE CURRENT SOLUTION IS CAUSING. I SEE THIS AS AN URGENT MATTER TO FIX – END OF QUOTE.

GOVERNOR, DID YOUR CHIEF OF STAFF, WHO I ASSUME REPORTS DIRECTLY TO YOU, YOUR RIGHT-HAND MAN, DID HE TELL YOU THESE CONCERNS URGENTLY NEEDED TO BE FIXED IN OCTOBER, 2014? DID HE TELL YOU THAT?

Rick Snyder:

I DON'T RECALL. I RECALL DURING THAT TIME PERIOD WE HAD ISSUES, AND I GOT BRIEFINGS AND WE DISCUSSED ISSUES ABOUT COLOR AND ODOR OF THE WATER. THERE WAS ALSO A CONCERN ABOUT E. COLI.

Elijah Cummings:

OKAY, YOU SAID –

Rick Snyder:

SO THERE WERE SEVERAL ISSUES BUT NONE OF THEM RELATED TO LEAD, BECAUSE THESE –

Elijah Cummings:

BUT YOU KNEW THERE WAS A PROBLEM WITH THE WATER.

Rick Snyder:

AGAIN, I WAS –

Elijah Cummings:

YOU DID GET THE E-MAIL, DID YOU?

Rick Snyder:

I DID NOT GET THAT E-MAIL, TO MY KNOWLEDGE.

Elijah Cummings:

OKAY. I REMIND YOU YOU'RE UNDER OATH.

Rick Snyder:

TO MY KNOWLEDGE I DID NOT RECEIVE THAT.

Elijah Cummings:

OKAY, I HEAR YOU. IN FEBRUARY, 2015, YOUR CHIEF OF STAFF MADE THE FOLLOWING STATEMENT, AND I QUOTE -- AFTER ALL, IF THE GM REFUSES TO USE -- GM, AS IN GENERAL MOTORS -- REFUSES TO USE THE WATER IN THEIR PLANT AND OUR OWN AGENCIES ARE WARNING PEOPLE NOT TO DRINK IT, THE DIFFERENTIAL BETWEEN WHAT WE NOW COLLECT AND WHAT WE WOULD PAY DWSD IS NOT SIGNIFICANT. WE LOOK PRETTY STUPID HIDING BEHIND SOME FINANCIAL STATEMENT -- END OF QUOTE. DID YOU TALK TO HIM ABOUT THE CONCERNS IN FEBRUARY, 2015?

Rick Snyder:

I CAN'T RECALL SPECIFIC DISCUSSIONS, BUT WE HAD CONTINUING DIALOGUE ABOUT COLOR, ODOR ISSUES IN THE WATER. WE WERE TRACKING ISSUES THAT WERE RESOLVED ON E. COLI, ON TTHM. THE GM ISSUE WAS A MATTER OF CHLORIDE IN THE WATER. IT WAS ACCEPTABLE, ACCORDING TO OUR EXPERTS, FOR HUMAN CONSUMPTION. IT DID CREATE ISSUES --

Elijah Cummings:

ALTHOUGH -- ALTHOUGH IT WAS RUSTING AWAY BRAND-NEW -- THE WATER WAS RUSTING AWAY BRAND-NEW PARTS AT GM, IT WAS OKAY FOR HUMAN CONSUMPTION, THAT'S -- IS THAT YOUR -- AND I DON'T THINK THAT WAS MR. EARLEY'S TESTIMONY, BY THE WAY.

Rick Snyder:

TO PUT IT IN PERSPECTIVE, RANKING MEMBER CUMMINGS, THESE WERE THE KIND OF RED FLAGS, THOUGH, THAT I KICK MYSELF. I WISH I WOULD HAVE ASKED MORE QUESTIONS.

Elijah Cummings:

HOLD ON.

Rick Snyder:

I WAS GETTING ADVICE THAT THE –

Elijah Cummings:

NO, NO, I WANT YOU TO FINISH YOUR KICKS. ON MARCH 22nd, 2015, YOUR CHIEF OF STAFF OFFERED THE FOLLOWING ASSESSMENT ABOUT FLINT: QUOTE -- IT'S TOUGH FOR EVERYDAY PEOPLE TO LISTEN TO FINANCIAL ISSUES AND WATER MUMBO JUMBO WHEN ALL THEY SEE IS PROBLEMS. IF WE PROCRASTINATE MUCH LONGER IN DOING SOMETHING DIRECT, WE'LL HAVE REAL TROUBLE – END OF QUOTE.

GOVERNOR, DID YOUR CHIEF OF STAFF, YOUR RIGHT-HAND MAN, TALK TO YOU BACK IN MARCH?

Rick Snyder:

MY CHIEF OF STAFF, WE HAD ONGOING DISCUSSIONS. I CAN'T RECALL A SPECIFIC DISCUSSION IN MARCH. WE HAD ONGOING DISCUSSIONS AND HE WAS RIGHT TO RAISE CONCERNS.

Elijah Cummings:

ALL RIGHT.

Rick Snyder:

WE TOOK ACTIONS INCLUDING THE MAXIMUM GRANT WE ARE ALLOWED TO DO WAS A \$2 MILLION GRANT WE DID EARLIER IN THE YEAR TO HELP FLINT WITH WATER INFRASTRUCTURE. WE ALSO WERE WORKING ON GETTING FILTERS.

Elijah Cummings:

ALL RIGHT.

Rick Snyder:

WHEN (inaudible) CAME TO US –

Elijah Cummings:

I'M RUNNING OUT OF TIME AND I WANT TO BE OBEDIENT TO THE TIME RESTRAINTS. THE NEXT DAY, MR. MUCHMORE COMPLAINED OF THE LACK OF: QUOTE -- LACK OF EMPATHY FOR THE RESIDENTS – END OF QUOTE. AGAIN, THIS IS YOUR RIGHT-HAND MAN. AND HE SUBSEQUENTLY SAID THIS ON YOUR DEQ DIRECTOR, DAN WYANT, AND I QUOTE -- I REALLY DON'T THINK PEOPLE ARE GETTING THE BENEFIT OF THE DOUBT. NOW THEY ARE CONCERNED, RIGHTFULLY SO, ABOUT THE LEAD LEVEL STUDIES THEY ARE RECEIVING FROM THE DEQ SAMPLES. THESE FOLKS ARE SCARED AND WORRIED ABOUT THE HEALTH IMPACTS, AND THEY ARE BASICALLY GETTING BLOWN OFF BY US – END OF QUOTE.

GOVERNOR, DID YOU TALK TO YOUR CHIEF OF STAFF ABOUT THOSE CONCERNS?

Rick Snyder:

I HAD CONTINUING DIALOGUES WITH MY CHIEF OF STAFF, AND HE WENT OUT AND SOUGHT ADVICE OR EXPERTISE FROM THE CAREER BUREAUCRATS, NOT JUST IN ONE DEPARTMENT, BUT IN THE DEPARTMENT OF ENVIRONMENTAL QUALITY. THE WATER EXPERTS CONTINUED TO REAFFIRM THE WATER WAS SAFE. THE PEOPLE IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES KEPT ON SAYING THEY DIDN'T SEE AN ELEVATION IN BLOOD LEAD LEVELS, AND THEY WERE WRONG. THAT'S THE PROBLEM.

Elijah Cummings:

GOVERNOR, IT SEEMS LIKE THERE ARE TWO BASIC POSSIBILITIES. EITHER YOUR CHIEF OF STAFF TOLD YOU ABOUT THESE CONCERNS AND YOU DID NOTHING, OR HE DIDN'T TELL YOU AND YOU ARE AN ABSENTEE GOVERNOR. I YIELD BACK.

Jason Chaffetz:

THANK THE RANKING MEMBER. I'LL NOW RECOGNIZE MYSELF FOR FIVE MINUTES. GOVERNOR, YOU'VE APOLOGIZED, CORRECT?

Rick Synder:

CORRECT.

Jason Chaffetz:

HAVE THERE BEEN PEOPLE THAT HAVE BEEN FIRED?

Rick Snyder:

CORRECT.

Jason Chaffetz:

ANYBODY ALSO DISMISSED OR OTHERWISE RETIRE?

Rick Snyder:

YES.

Jason Chaffetz:

DID THE STATE OF MICHIGAN DO SOMETHING WRONG?

Rick Snyder:

YES.

Jason Chaffetz:

ADMINISTRATOR McCARTHY, DID THE EPA DO, IN YOUR MIND, DID THE EPA DO ANYTHING WRONG?

Gina McCarthy:

I DON'T KNOW WHETHER WE DID EVERYTHING RIGHT. THAT'S THE CHALLENGE THAT I'M FACING.

Jason Chaffetz:

THE CHALLENGE YOU'RE FACING RIGHT NOW IS MY QUESTION, AND MY QUESTION IS, DID THE EPA DO ANYTHING WRONG?

Gina McCarthy:

I THINK WE COULD HAVE BEEN -- I WOULD HOPE THAT WE WOULD HAVE BEEN MORE REGRESSIVE. I WOULD HOPE THAT WE WOULD HAVE ESCALATED THIS ISSUE. IF WE COULD HAVE DONE ABSOLUTELY ANYTHING TO STAND ON A ROOFTOP AND SCREAM ABOUT THE CHALLENGES WE'RE HAVING --

Jason Chaffetz:

SO YOU'RE JUST NOT -- HERE'S THE FUNDAMENTAL DIFFERENCE. FIRST OF ALL, WE HAVE JURISDICTION HERE IN CONGRESS ON THE EPA. I DON'T HAVE JURISDICTION ON THE GOVERNOR. I DON'T HAVE JURISDICTION ON -- I HAVE JURISDICTION TO CALL HIM UP HERE, AND REPUBLICANS DID CALL HIM UP HERE. HE VOLUNTEERED TO BE HERE. AND WE ARE INVESTIGATING THIS. THIS IS OUR THIRD HEARING ON THIS TOPIC. BUT HERE'S THE FUNDAMENTAL DIFFERENCE, AND I HOPE YOU AND I HOPE EVERYBODY UNDERSTANDS THIS. I SEE RESPONSIBILITY. I SEE PEOPLE THAT ARE GETTING FIRED. I SEE CHANGES. I SEE ADMISSION THAT THERE WAS FUNDAMENTAL WRONG THAT HAPPENED IN THE ORGANIZATION. BUT THEN WHEN I TURN TO THE EPA, HAS ANYBODY BEEN FIRED? THAT'S A QUESTION.

Gina McCarthy:

NO, SIR.

Jason Chaffetz:

HAS ANYBODY BEEN DISMISSED?

Gina McCarthy:

NO, SIR.

Jason Chaffetz:

WHEN THE EPA REGION 5 ADMINISTRATOR THERE, SUSAN HEDMAN --

Gina McCarthy:

MM-HMM.

Jason Chaffetz:

THE DAY YOU FINALLY DID TAKE DECISIVE ACTION, WHEN YOU WERE QUESTIONED ABOUT THAT, YOU SAID THAT HER ACT OF STEPPING DOWN WAS COURAGEOUS.

Gina McCarthy:

I DID.

Jason Chaffetz:

I'M GOING TO ASK YOU AGAIN, DID THE EPA DO ANYTHING WRONG?

Gina McCarthy:

THE EPA WORKED VERY HARD. LET ME MAKE ONE –

Jason Chaffetz:

OKAY.

Gina McCarthy:

LET ME MAKE –

Jason Chaffetz:

NO, NO, NO, BECAUSE I HAVE ANOTHER QUESTION FOR YOU.

Gina McCarthy:

THE –

Jason Chaffetz:

NO, HOLD ON.

Gina McCarthy:

OKAY.

Jason Chaffetz:

DID THE -- MARC EDWARDS HAS TESTIFIED HERE TWICE. HE DOESN'T HAVE A DOG IN THIS FIGHT OTHER THAN HE WANTS GOOD, QUALITY HEALTH FOR PEOPLE, AND HE WANTS GOOD, CLEAN WATER, AND HE HAPPENS TO KNOW THE SCIENCE BEHIND THE WATER. ON THOSE TWO HEARINGS, DID MR. EDWARDS SAY ANYTHING THAT YOU THINK WAS WRONG OR MAYBE -- OR INACCURATE? DO YOU THINK MR. EDWARDS SAID ANYTHING THAT WAS INACCURATE OR WRONG IN THOSE TWO TESTIMONIES?

Gina McCarthy:

I THINK HE WAS NOT AT ALL INFORMED ABOUT WHAT EPA DID. I THINK HE KNOWS NOTHING ABOUT THE LAW, WHICH HE READILY ADMITS.

Jason Chaffetz:

HE KNOWS NOTHING --

Gina McCarthy:

HE DOESN'T KNOW HOW WE'RE SUPPOSED TO WORK IN THE SYSTEM. HE DOESN'T UNDERSTAND THAT THE PROBLEM ITSELF WAS THE RESPONSIBILITY OF THE STATES. OVERSIGHT WAS OUR RESPONSIBILITY. WE TOOK THAT SERIOUSLY AND WE CONDUCTED IT. DOES THAT MEAN I DON'T HAVE REGRETS? BECAUSE I'D REALLY LIKE TO --

Jason Chaffetz:

NO, THAT'S A WHOLE DIFFERENT STANDARD. EVERYBODY CAN SAY THAT. THAT'S CHEAP, OH, YEAH, WE'VE JUST GOT REGRETS. NO, THAT'S CHEAP. THAT'S CHEAP.

Gina McCarthy:

WELL, SIR, YOU HAVE TO LOOK AT HOW THE LAW WORKS, AND WE DID --

Jason Chaffetz:

YEAH, YOU KNOW WHAT, AND IT FAILED. YOU FAILED. YOU HAVE -- YOU SAID: QUOTE -- IF THERE IS ANYTHING I COULD DO, IF THERE WAS ANY SWITCH I COULD PULL.

YOU HAD THAT UNDER THE LAW AND YOU DIDN'T DO IT.

Gina McCarthy:

NO, SIR, I DID NOT HAVE THAT UNDER THE LAW.

Jason Chaffetz:

YES, YOU DID. IF THERE IS AN IMMINENT THREAT -- IF THERE IS AN IMMINENT THREAT, YOU CAN PULL THAT SWITCH.

Gina McCarthy:

ONLY IF WE ALSO --

Jason Chaffetz:

AND YOU FINALLY DID IN JANUARY. ADMINISTRATOR, YOU ARE WRONG.

Gina McCarthy:

THERE IS TWO PARTS TO THAT, SIR. YOU SKIPPED THE SECOND.

Jason Chaffetz:

WHAT'S THE SECOND PART?

Gina McCarthy:

YOU NEED TO HAVE THE INFORMATION TO DETERMINE AN IMMINENT THREAT.

Jason Chaffetz:

SO WHY DO WE EVEN NEED AN EPA? IF YOU CAN'T DO THAT –

Gina McCarthy:

I'M SORRY.

Jason Chaffetz:

YOU WERE IN THOSE HOMES. NO, I AM ASKING THE QUESTIONS.

Gina McCarthy:

OKAY.

Jason Chaffetz:

YES, OKAY. IN FEBRUARY IS WHEN YOU FIRST ARRIVED ON THE SCENE, AND IT WASN'T UNTIL JANUARY OF THE NEXT YEAR THAT YOU ACTUALLY DID SOMETHING. THAT'S THE FUNDAMENTAL PROBLEM. DON'T LOOK AROUND LIKE YOU'RE MYSTIFIED. THAT'S WHAT HAPPENED. MIGUEL DEL TORAL SHOWED UP IN FEBRUARY. YOU DIDN'T TAKE ACTION. YOU DIDN'T. AND YOU COULD HAVE PULLED THAT SWITCH.

Gina McCarthy:

WE CONSISTENTLY TOOK ACTION FROM THAT POINT FORWARD, CONSISTENTLY.

Jason Chaffetz:

THERE ARE A LOT OF PEOPLE IN THIS AUDIENCE FROM FLINT. NOBODY BELIEVES THAT YOU TOOK ACTION. YOU HAD THOSE LEVERS THERE. MARC EDWARDS FROM VIRGINIA TECH, BLESS HIS HEART –

Gina McCarthy:

WE- -

Jason Chaffetz:

NO, JUST LISTEN FOR A SECOND.

Gina McCarthy:

OKAY.

Jason Chaffetz:

-- HAD THE OPPORTUNITY. THEY HAVE SAID THINGS LIKE -- WE FAILED TO GET EPA TO TAKE LEAD IN WATER RISKS SERIOUSLY. IT'S POSSIBLE -- AND ANOTHER QUOTE OF HIS -- AND THIS IS POSSIBLE BECAUSE THE EPA HAS EFFECTIVELY CONDONED CHEATING ON THE LEAD AND COPPER RULE MONITORING SINCE 2006.

HE READ YOUR OP-ED THAT YOU PUT OUT THAT WAS ONE OF THE MOST OFFENSIVE THINGS I COULD POSSIBLY IMAGINE, AND HE SAYS, ABOUT YOU, EPA ADMINISTRATOR, GINA McCARTHY, THAT EFFECTIVELY ABSOLVED EPA OF ANY WRONGDOING OR CREATED ANY ROLE IN CREATING THE FLINT DISASTER.

IF YOU WANT TO DO THE COURAGEOUS THING LIKE YOU SAID SUSAN HEDMAN DID, THEN YOU, TOO, SHOULD RESIGN. NOBODY'S GOING TO BELIEVE THAT. YOU HAVE THE OPPORTUNITY, YOU HAD THE PRESENCE, YOU HAD THE AUTHORITY, YOU HAD THE BACKING OF THE FEDERAL GOVERNMENT, AND YOU DID NOT ACT WHEN YOU HAD THE CHANCE. AND IF YOU'RE GOING TO DO THE COURAGEOUS THING, YOU, TOO, SHOULD STEP DOWN. MY TIME HAS EXPIRED. I WILL NOW RECOGNIZE GENTLEWOMAN FROM ILLINOIS, MS. DUCKWORTH.

Tammy Duckworth:

THANK YOU, MR. CHAIRMAN. I THINK THAT IF THE EPA ADMINISTRATOR SHOULD DO THE COURAGEOUS THING AND RESIGN, THEN SO SHOULD THE GOVERNOR. YOU KNOW, I HAVE BEEN DEEPLY TROUBLED BY THE TESTIMONY AND REVELATIONS THAT HAVE BEEN RAISED IN THIS SERIES OF HEARINGS ON THE WATER CRISIS. IT'S A KIND OF HUMAN SUFFERING THAT SHOULD NOT HAPPEN ANYWHERE, LET ALONE THE GREATEST NATION ON THE FACE OF THE EARTH. THE FAILURES AT EVERY LEVEL OF GOVERNMENT IN THIS DISASTER ARE ALARMING. I DON'T THINK THERE'S ANY DEBATE AT THIS POINT OR ANY QUESTION THAT IT IS THE SNYDER ADMINISTRATION'S DEPARTMENT OF ENVIRONMENTAL QUALITY THAT CREATED THIS CRISIS IN THE FIRST PLACE. HOWEVER, AS A MEMBER FROM ILLINOIS AND ONE OF THE STATES THAT FALLS UNDER THE EPA'S REGION 5 ALONGSIDE MICHIGAN, I'M ALSO EXTREMELY TROUBLED BY HOW THE

EPA ALSO FAILED IN ITS DUTY TO SERVE AS THE LAST LINE OF DEFENSE FOR THE CHILDREN OF FLINT. AND WHILE THE FLINT CRISIS HAS RIGHTFULLY GARNERED THE MOST ATTENTION LATELY, I'M DEEPLY CONCERNED THAT COMMUNITIES ALL AROUND THIS COUNTRY ARE AT SIMILAR RISK.

IN CHICAGO, WE HAD ONE OF THE GREATEST, BETTER QUALITY -- WE HAVE ONE OF THE BETTER QUALITY WATER SYSTEMS IN THE NATION, BUT WE ARE ALSO LEARNING THAT UNDER THE DEFICIENCIES IN THE LEAD AND COPPER RULES TESTING PROTOCOLS, OUR DEPARTMENT OF WATER MANAGEMENT IS CONDUCTING TESTING THAT, IN HIGH-RISK INSTANCES, AND I QUOTE -- SYSTEMATICALLY MISSES THE HIGH LEAD LEVELS AND POTENTIAL HUMAN EXPOSURE.

FURTHERMORE, A REPORT FROM THE CHICAGO TRIBUNE FOUND THAT SINCE 2003, MORE THAN HALF OF THE SAMPLING SITES TESTED BY THE CHICAGO DEPARTMENT OF WATER MANAGEMENT WERE IN HOMES OWNED BY DEPARTMENT EMPLOYEES AND MIGHT NOT BE LOCATED IN HIGH-RISK AREAS. SO, ADMINISTRATOR McCARTHY, WHEN WATER SYSTEMS SUCH AS IN FLINT OR CHICAGO ELECT TO USE THEIR OWN EMPLOYEES' HOMES AS SAMPLING TEST SITES WITH EMPLOYEES THEMSELVES ADMINISTERING THE TEST, WHAT SAFEGUARDS ARE IN PLACE TO ENSURE THAT THE RESULTS ARE NOT CORRUPTED OR SKEWED?

Gina McCarthy:

WELL, THERE ARE PROTOCOLS FOR THIS, AND ONE OF THE THINGS THAT -- THINGS I HAVE DONE IS TO SEND A LETTER TO EVERY GOVERNOR AND EVERY AGENCY THAT HAS PRIMACY ON THIS ACROSS THE U.S., TO HAVE THEM POST THEIR PROTOCOLS, TO EXPLAIN WHAT THEY SHOULD DO AGAIN, AND TO MAKE SURE THAT THEY'RE FOLLOWING THAT. WE'RE ALSO LOOKING AT HOW WE CAN STRENGTHEN LEAD AND COPPER RULE. IT CLEARLY NEEDS TO BE STRENGTHENED. AND I HAVE NEVER SUGGESTED THAT THE SYSTEM DIDN'T FEEL OR THAT EPA IS LOOKING AT ITS OWN PLACE IN THIS.

THE OFFICE OF THE INSPECTOR GENERAL IS LOOKING AND INVESTIGATING, AT MY REQUEST, TO MAKE SURE THAT WE DID EVERYTHING WE COULD WITH THE INFORMATION AVAILABLE TO US. BUT THE ONE THING I'M JUST TRYING TO MAKE VERY CLEAR IS WE DID NOT CREATE THIS PROBLEM. THE QUESTION IS, DID WE RUN IN AND TRY TO SOLVE IT AND WORK IT AS QUICKLY AS WE POSSIBLY COULD? AND WHAT ELSE COULD WE POSSIBLY HAVE DONE? AND I'VE BEEN TRYING TO LOOK AND ANSWER THAT QUESTION. AND ANYBODY WHO CAN TELL ME WHAT ELSE WE COULD HAVE DONE UNDER THE LAW, I WANT TO HEAR IT, OR EVEN UNDER COMMON SENSE, BECAUSE IT'S AN AREA WHICH I --

Tammy Duckworth:

ALL RIGHT. LET ME -- LET ME ANSWER THAT FOR YOU, BECAUSE I'M NOT ON YOUR SIDE IN THIS.

Gina McCarthy:

I REALIZE THAT.

Tammy Duckworth:

I'M CERTAINLY NOT ON THE GOVERNOR'S SIDE. I'M NOT ON YOUR SIDE AS WELL. THE ANSWER TO YOU IS WOULD YOU NOT RATHER HAVE JUMPED IN TOO SOON, DESPITE THE LAW, TO PROTECT THE CHILDREN OF FLINT AND BE HAULED INTO CONGRESS TO TESTIFY AND EXPLAIN ABOUT WHY YOU STEPPED IN TOO QUICKLY TO SAFEGUARD HEALTH AS OPPOSED TO WHY YOU DIDN'T ACT SOON ENOUGH?

Gina McCarthy:

GOVERNOR -- I MEAN, CONGRESSWOMAN, WE ACTUALLY DIDN'T UNDERSTAND OR KNOW THE FULL EXTENT OF THE PROBLEM UNTIL JULY, JULY OF LAST YEAR.

Tammy Duckworth:

BUT YOU STILL DID NOTHING.

Gina McCarthy:

NO, THAT IS NOT, CONGRESSWOMAN --

Tammy Duckworth:

LET'S GET BACK -- NO, NO, I'M TALKING HERE. LET'S GO BACK TO THE LAW. YOU SAID -- EARLIER YOU SAID THAT MDEQ WAS TELLING YOU THAT THEY WERE TAKING ACTION.

Gina McCarthy:

YES.

Tammy Duckworth:

SO YOU WAITED FOR THEM TO TAKE ACTION AND THEY SLOW-ROLLED EVERYTHING.

Gina McCarthy:

NO. CONGRESSWOMAN, JUST LET ME EXPLAIN. THERE ARE TWO TESTS THAT CONGRESS HAS GIVEN US BECAUSE CONGRESS WAS VERY CLEAR IN THE LAW AND ALSO IN THE CONGRESSIONAL RECORD THAT THEY WANTED US TO KEEP IN OUR LANE AND THEY DIDN'T WANT US TO STEP ON STATES' RIGHTS. TWO THINGS. I HAD TO HAVE THE DATA, WHICH I TOLD YOU I DIDN'T HAVE UNTIL JULY 21st, AND I HAD TO SHOW THAT THE STATE WASN'T TAKING APPROPRIATE ACTION. ON THE 21st, THEY SAID THEY WOULD. I HAD NO JUSTIFICATION LEGALLY. SO WHAT WE TRIED TO DO WAS TO GET INFORMATION INTO THE COMMUNITIES' HANDS. WE TRIED TO TELL THE PUBLIC THERE IS A PROBLEM HERE.

Tammy Duckworth:

OKAY. I ONLY HAVE 30 SECONDS LEFT SO I'M GOING TO TAKE MY 30 SECONDS. DO WE NEED TO CHANGE THE LAW? DO WE NEED TO CHANGE THE STATUTE SO THAT YOU WILL STEP FORWARD SOONER WHEN YOU HAVE AN EPIC FAILURE ON THE PART OF THE GOVERNOR OF A STATE, AS IS IN THE CASE OF GOVERNOR SNYDER'S ABSOLUTE FAILURE IN PROTECTING HIS CITIZENS IN MICHIGAN? DO WE NEED TO CHANGE THE LAW?

Gina McCarthy:

WELL, IT'S A VERY, VERY –

Tammy Duckworth:

WE ASKED THIS QUESTION OF THE EPA AS RECENTLY AS YESTERDAY, AND YOU DIDN'T ANSWER IT. AND SO, TELL ME, DO YOU NEED TO CHANGE -- WE NEED TO CHANGE THE LAW SO THAT YOU STEP IN SOONER?

Gina McCarthy:

IT IS A VERY HIGH HURDLE, BUT I WILL SAY IN 35 OR 36 YEARS ALMOST OF WORKING IN THIS BUSINESS, THIS IS THE FIRST TIME THAT I HAVE SEEN A STATE FAIL TO ABIDE BY RECOMMENDATIONS WE'RE GIVING THEM.

Tammy Duckworth:

YOU'RE NOT ANSWERING MY QUESTION.

Gina McCarthy:

BUT MOST STATES WORK COLLABORATIVELY WITH US. WE HAVE TO STRENGTHEN THE LEAD AND COPPER RULE FOR SURE.

Jason Chaffetz:

GENTLEWOMAN'S TIME HAS EXPIRED. MEMBERS ARE ADVISED THAT THERE IS A VOTE ON THE FLOOR. IT'S THE FIRST OF PROBABLY TWO VOTES. WE'RE GOING TO STAND IN RECESS AND RECONVENE NO SOONER THAN 10:45. COMMITTEE STANDS IN RECESS.

(RECESS.)

Jason Chaffetz:

COMMITTEE WILL COME TO ORDER. WE'LL NOW RECOGNIZE THE GENTLEMAN FROM GEORGIA, MR. HEISS, FOR FIVE MINUTES.

Jody Hice:

THANK YOU, MR. CHAIRMAN. ADMINISTRATOR McCARTHY, I AM SURE -- I'M ASSUMING THAT YOU EITHER SAW OR YOU WERE BRIEFED ON THE HEARING THAT WAS HELD BY THIS COMMITTEE THIS PAST TUESDAY, IS THAT CORRECT?

Gina McCarthy:

I WAS BRIEFED ON IT, YES, SIR.

Jody Hice:

OKAY. THEN I'M SURE YOU ARE AWARE THAT SUSAN HEDMAN, OF COURSE FORMER HEAD OF REGION 5, TESTIFIED UNDER OATH THAT SHE ACTED IMMEDIATELY UPON THE FINDINGS REGARDING THE PRESENT HIGH LEVEL OF LEAD IN THE WATER. HOWEVER, IN THE SAME HEARING, DR. EDWARDS, WHOM YOU JUST REFERRED TO MOMENTS AGO AS BOTH AN EXPERT AND A HERO IN THIS WHOLE MATTER, HE REPEATEDLY, TIME AND AGAIN, REFUTED HER

TESTIMONY AND THEREBY OBVIOUSLY THE ENTIRE REGION'S ACTIONS TO THIS THING, AND SO LET ME START RIGHT HERE. DO YOU BELIEVE THAT SUSAN HEDMAN PROVIDED THIS COMMITTEE WITH FALSE TESTIMONY ON TUESDAY?

Gina McCarthy:

TO THE BEST OF MY KNOWLEDGE, NO, SHE DID NOT.

Jody Hice:

OKAY. GOVERNOR, LET ME ASK YOU THE SAME QUESTION. HOW DO YOU FEEL ABOUT THE TESTIMONY FROM MS. HEDMAN IN REGARD TO THE EPA ACTING IMMEDIATELY UPON GETTING INFORMATION?

Rick Snyder:

CONGRESSMAN, I APPRECIATE – OH, I'M SORRY. CONGRESSMAN, I APPRECIATE YOUR QUESTION. THAT'S WHY I HAD THAT MOMENT WHERE I CITED THREE E-MAILS IN PARTICULAR THAT WERE EPA E-MAILS TO THE DEQ AND IT WAS TALKING ABOUT THEIR PARTNERSHIP TO WORK THESE ISSUES AND NO FLAG WAS GOING UP. AND I HEARD, I'M SORRY FOR A MOMENT, I HEARD THIS ENTIRE DISCUSSION ABOUT THE LAW AND THIS ISSUE ABOUT SAYING YOU COULDN'T DO THINGS OR COULDN'T DO THIS OR THAT BECAUSE OF THE LAW. I HAVE A REALLY SIMPLE QUESTION. WHY DIDN'T SUSAN HEDMAN JUST CALL DAN WYANT? WHY DIDN'T ADMINISTRATOR McCARTHY JUST GET ON THE PHONE AND CALL ME? THIS IS NOT TECHNICAL COMPLIANCE AGAIN. THIS IS THAT CULTURE THAT GOT US IN THIS MESS TO START WITH. WHERE IS COMMON SENSE?

Jody Hice:

ALL RIGHT. LET ME -- LET ME CONTINUE ON. THANK YOU FOR YOUR ANSWER. MS. McCARTHY, SO IS IT YOUR TESTIMONY THEN TODAY UNDER OATH THAT YOU BELIEVE THAT SUSAN HEDMAN AND REGION 5 DID ACT IMMEDIATELY AND DO EVERYTHING THEY COULD UPON HEARING THE INFORMATION?

Gina McCarthy:

THEY DID, AND THEY SOUGHT ADDITIONAL INFORMATION. THEY REACHED OUT CONSISTENTLY FROM APRIL ON WHEN THEY FOUND OUT THERE WAS NO CORROSION CONTROL.

Jody Hice:

WE HAVE CONFLICTING INFO ON THAT, BUT THAT IS YOUR TESTIMONY UNDER OATH.

Gina McCarthy:

I'D JUST LIKE EVERYBODY TO LOOK AT THE ENTIRE E-MAIL RECORD, NOT JUST --

Jody Hice:

WE ARE. SPEAKING OF E-MAILS, IN SEPTEMBER OF LAST YEAR YOU WERE PRAISING SUSAN HEDMAN AND OTHER EPA OFFICIALS FOR THEIR WORK ON THE FLINT WATER CRISIS. DO YOU BELIEVE THAT THAT PRAISE OF MS. HEDMAN WAS WARRANTED?

Gina McCarthy:

I DO.

Jody Hice:

OKAY. I HAVE HERE TWO LETTERS, ONE WRITTEN TO -- WELL, WRITTEN FROM, IN FACT, MR. KILDEE, WRITTEN TO YOU IN SEPTEMBER, AND IT WAS ASKING YOU, BEGGING YOU, PLEASE GET INVOLVED IN THIS SITUATION. ARE YOU FAMILIAR WITH THAT LETTER?

Gina McCarthy:

YES, SIR.

Jody Hice:

OKAY. YOU DID NOT RESPOND TO THAT LETTER. SUSAN HEDMAN RESPONDED, I'M ASSUMING ON YOUR BEHALF?

Gina McCarthy:

YES.

Jody Hice:

DID YOU AUTHORIZE HER TO DO SO?

Gina McCarthy:

I DID.

Jody Hice:

OKAY. HER RESPONSE BASICALLY JUST FLUFFED OFF THE ENTIRE THING. AND BY THE WAY, MR. CHAIRMAN, I WOULD LIKE BOTH OF THESE LETTERS TO BE SUBMITTED FOR THE RECORD.

Jason Chaffetz:

WITHOUT OBJECTION, SO ORDERED.

Jody Hice:

AND ALL OF THIS IS TAKING PLACE IN SEPTEMBER AT THE TIME THAT YOU WERE PRAISING. DID YOU AT THE SAME TIME PRAISE DEL TORAL?

Gina McCarthy:

I ACTUALLY DID NOT KNOW MIGUEL DEL TORAL AT THAT POINT IN TIME.

Jody Hice:

SO YOU WERE NOT AWARE OF THE REPORT OR ANY -- IN SEPTEMBER?

Gina McCarthy:

I WAS AWARE OF THE REPORT. I DID NOT KNOW HIM IN PARTICULAR.

Jody Hice:

OKAY. BUT YOU WERE AWARE OF WHAT HE HAD BROUGHT FORTH AND YOU'VE REFERRED TO HIM AS A ZERO BUT YOU WERE NOT PRAISING HIM BUT YOU WERE PRAISING SUSAN HEDMAN AT THE TIME?

Gina McCarthy:

IF YOU READ IT, IT'S TO HER AND HER TEAM, AND HE WAS A VITAL MEMBER OF THAT TEAM.

Jody Hice:

SO ARE YOU AWARE OF ANY RETALIATION AGAINST DEL TORAL?

Gina McCarthy:

NO, I'M NOT, SIR.

Jody Hice:

SO -- AND YET WE HAVE -- WE HAVE TESTIMONY OR WE HAVE -- WE HAVE RECORDS THAT WOULD REFLECT THAT HE CERTAINLY WAS RETALIATED AGAINST AND WAS FEARFUL OF GREATER RETALIATION BUT YOU'RE SAYING YOU HAVE NO KNOWLEDGE OF THAT WHATSOEVER?

Gina McCarthy:

I DO NOT BELIEVE THAT HE WAS RETALIATED AGAINST. I HAVE NO INFORMATION THAT INDICATES THAT HE WAS.

Jody Hice:

OKAY. MR. CHAIRMAN, I'LL CEDE WITH FURTHER QUESTIONS. MY TIME HAS EXPIRED. THANK YOU. I'LL SUBMIT THESE.

Jason Chaffetz:

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

Robin Kelly:

THANK YOU, MR. CHAIR. THANK THE WITNESSES FOR BEING HERE. GOVERNOR, I JUST HAD A

QUESTION. ARE THERE ANY ARRANGEMENTS BEING MADE FOR THE PEOPLE OF FLINT TO GET THEIR MONEY BACK FOR PAYING FOR WATER THAT OBVIOUSLY IS DAMAGING? IS THERE --

Rick Snyder:

CONGRESSWOMAN, THAT PROCESS HAS ALREADY BEEN SET UP. THE APPROPRIATION'S BEEN MADE. WE MADE A CALCULATION. AGAIN, PEOPLE SHOULDN'T HAVE TO PAY FOR THAT WATER.

Robin Kelly:

I AGREE.

Rick Snyder:

SO WHAT WE DID IS WE DID AN ANALYSIS TO SHOW -- THERE'S A WATER AND SEWER BILL. THE SEWER PIECE IS A SEPARATE ISSUE, BUT WITH RESPECT TO THE WATER BILL, WE TRIED TO DO A CALCULATION, AND WE ROUGHLY SAID ABOUT HALF THE WATER WAS FOR DRINKING, COOKING, THOSE KINDS OF ACTIVITIES. THE REST IS FOR FLUSHING YOUR TOILET, DOING YOUR LAUNDRY. WE ROUNDED UP TO 65 PERCENT. WE WENT BACK IN THE RECORDS TO APRIL OF 2014 THROUGH THE PERIOD, AND AGAIN WE, FOR OUR MATH, WE USED THE END OF APRIL 20, '16. I'M NOT SAYING IT WILL BE DONE BY THEN AND WE'LL ADD MONTHS IF WE NEED TO. WE DID THE CALCULATION, AND 65 PERCENT OF THE WATER PORTION OF THE WATER AND SEWER BILL AMOUNTED TO 30 MILLION DOLLARS, ROUGHLY. I WENT AND ASKED FOR SUPPLEMENTAL APPROPRIATION.

THE LEGISLATORS WERE VERY SUPPORTIVE. WE'VE GOT THAT IN PLACE. NOW WE'RE WORKING WITH THE CITY, WHICH ACTUALLY RUNS THE UTILITY, TO HAVE SOME SOFTWARE PROGRAMMING DONE SO WE CAN APPLY IT AS A CREDIT ON THEIR BILL, AND THE WAY IT SHOULD WORK IS AS WE GET THIS SET UP --

Robin Kelly:

I JUST WANTED TO --

Rick Snyder:

I'M SORRY. WE ARE WORKING HARD TO GET THIS TAKEN CARE OF.

Robin Kelly:

AS THE CHAIR OF THE HEALTH BRAINTRUST WITH THE CONGRESSIONAL BLACK CAUCUS, YOU KNOW, PART OF MY MISSION IS TO LOOK OUT FOR HEALTH CARE FOR UNDERSERVED COMMUNITIES, LOW INCOME COMMUNITIES AND COMMUNITIES OF COLOR, AND I HAVE TO TELL YOU THIS REALLY REEKS OF ENVIRONMENTAL DISCRIMINATION, IN MY OPINION.

ADMINISTRATOR MCCARTHY, I WANT TO ASK ABOUT THE STATE'S REPEATED REFUSAL TO IMPLEMENT CORROSION CONTROL WHICH THE GOVERNOR'S OWN TASK FORCE CONCLUDED LED TO THE MASS POISONING OF FLINT'S RESIDENTS. LET'S WALK THROUGH THIS QUICKLY. GOVERNOR SNYDER'S ADMINISTRATION MADE THE SWITCH TO THE FLINT RIVER IN APRIL, 2014. THEY INITIALLY TOLD THE EPA THEY HAD CONTROL -- CORROSION CONTROL IN PLACE, IS THAT RIGHT?

Gina McCarthy:

THAT'S CORRECT.

Robin Kelly:

OKAY. BUT THAT WAS WRONG. THEY DIDN'T HAVE IT. ACCORDING TO THE GOVERNOR'S OWN TASK FORCE, THEY TOLD THE CITY IT WAS: QUOTE -- NOT NECESSARY. THE EPA DISCOVERED THIS, AND ON APRIL 24 OF 2015, EPA OFFICIAL MIGUEL DEL TORAL SENT THE E-MAIL TO GOVERNOR SNYDER'S ADMINISTRATION EXPRESSING CONCERN THAT THEY HAD NOT STARTED IMPLEMENTING CORROSION CONTROL. HE WROTE, AND I QUOTE -- AS FAR AS TREATMENT DETERMINATION, THERE ARE ONLY TWO SCENARIOS FOR A LARGE SYSTEM TO BE DEEMED TO HAVE OPTIMIZED CORROSION CONTROL WITHOUT TREATMENT AND FLINT DOES NOT APPEAR TO MEET EITHER. IS THAT CORRECT?

Gina McCarthy:

THAT IS CORRECT.

Robin Kelly:

OKAY. HERE'S WHERE I GET REALLY CONCERNED. EVEN THOUGH THE EPA TOLD GOVERNOR SNYDER'S ADMINISTRATION TO IMPLEMENT CORROSION CONTROL, THEY DIDN'T DO IT. MONTHS WENT BY WITH NO ACTION BY THE STATE. FINALLY, ON AUGUST 17TH, 2015, THE MICHIGAN

DEPARTMENT OF ENVIRONMENTAL QUALITY TOLD FLINT, AND I QUOTE -- THE CITY MUST NOW RECOMMEND A TREATMENT TO FULLY OPTIMIZE CORROSION CONTROL TREATMENT WITHIN SIX MONTHS.

SO THE STATE'S RESPONSE DIDN'T HAPPEN UNTIL AUGUST. THAT WAS FOUR MONTHS AFTER THE EPA WARNED GOVERNOR SNYDER'S ADMINISTRATION THAT THEY HAD TO DO SOMETHING. IS THAT RIGHT?

Gina McCarthy:

THAT'S CORRECT.

Robin Kelly:

ALSO TO ME SIX MONTHS SEEMS A RIDICULOUSLY LONG TIME TO WAIT WHEN LEAD HAS BEEN LEACHING FROM THE PIPES OVER THE YEAR AND PEOPLE THROUGHOUT FLINT WERE GETTING POISONED. DO YOU AGREE?

Gina McCarthy:

YES, I DO.

Robin Kelly:

THAT SIX MONTHS IS WAY TOO LONG TO WAIT. AS IT TURNS OUT, THE STATE NEVER IMPLEMENTED CORROSION CONTROL PRIOR TO THE SWITCH-BACK TO THE DETROIT RIVER IN OCTOBER. AND IN DECEMBER, THE GOVERNOR'S OWN TASK FORCE, AS WE HEARD, CONCLUDED THAT THE ACTIONS OF THE GOVERNOR SNYDER'S ADMINISTRATION, AND I QUOTE -- LED DIRECTLY TO THE CONTAMINATION OF THE FLINT WATER SYSTEM. DO YOU AGREE WITH THAT FINDING?

Gina McCarthy:

YES.

Robin Kelly:

I KNOW PEOPLE HAVE ASKED IF YOU HAVE ANY REGRETS OR IF YOU WISH THE EPA HAD DONE

ANYTHING DIFFERENTLY. IN THIS CASE, IT SEEMS LIKE GOVERNOR SNYDER AND HIS ADMINISTRATION WERE FIGHTING YOU AT EVERY TURN. THEY WERE COMPLETELY UNABLE TO HANDLE THE CRISIS. LOOKING BACK, DO YOU REGRET THAT YOU DIDN'T RECOGNIZE THE UTTER DYSFUNCTION IN THE STATE SOONER SO YOU COULD STEP IN AND TAKE AWAY CONTROL FROM GOVERNOR SNYDER AND HIS ADMINISTRATION?

Gina McCarthy:

I THINK THERE WERE DOTS THAT WE COULD HAVE CONNECTED. I THINK WE SPENT WAY TOO LONG TRUSTING THE STATE THAT THEY WERE DOING THE RIGHT THING. WE BEGGED TO PROVIDE THEM TECHNICAL ASSISTANCE BEGINNING IN MARCH. WE BEGGED THEM BEGINNING IN APRIL TO DO CORROSION CONTROL. WE BEGGED THEM AT THE CITY LEVEL AND THE STATE LEVEL WITH PERSONAL COMMUNICATIONS, AS WELL AS PROFESSIONAL.

Robin Kelly:

BECAUSE YOU'RE HEARING IT TODAY AND I'VE HEARD THAT, YOU KNOW, ACCUSATIONS THAT EPA WAS TOO SLOW IN RESPONDING TO THE FLINT CRISIS, I AGREE THE EPA SHOULD HAVE ACTED MORE QUICKLY TO RESCUE THE PEOPLE OF FLINT FROM THIS MISMANAGEMENT OF THE GOVERNOR AND HIS ADMINISTRATION, BUT IT IS THE STATE THAT HAS THE PRIMARY AUTHORITY TO ENFORCE THE SAFE DRINKING WATER ACT. CORRECT?

Gina McCarthy:

THAT'S CORRECT. AND THE HURDLE TO HAVE DONE THAT, WE DIDN'T HAVE THE DATA UNTIL JULY 21ST TO TELL US THE SCOPE OF THE PROBLEM AND WE DIDN'T HAVE AN ABILITY THEN BECAUSE THEY KEPT SAYING THEY WERE GOING TO FIX IT. THAT'S THE WAY THE LAW REQUIRES US TO ACT.

Robin Kelly:

THANK YOU. AND I ALSO FEEL IT'S VERY IRONIC THAT MICHIGAN'S SLOGAN WAS PURE MICHIGAN BECAUSE THAT WAS NOT THE CASE. THANK YOU. I YIELD BACK.

Jason Chaffetz:

GENTLEWOMAN YIELDS BACK. NOW RECOGNIZE THE GENTLEMAN FROM ALABAMA, MR. PALMER, FOR FIVE MINUTES. MR. PALMER IS OVER HERE.

Gary Palmer:

THANK YOU, MR. CHAIRMAN. I NEED MY NOTEBOOK.

Gina McCarthy:

OH, I'M SORRY. THANK YOU. COULDN'T FIND THEM.

Gary Palmer:

MR. CHAIRMAN, I JUST GOT MY NOTEBOOK BACK. MAY I YIELD AND COME BACK?

Jason Chaffetz:

YES, LET'S ACTUALLY RECOGNIZE THE GENTLEMAN FROM ARIZONA.

Paul Gosar:

THANK YOU, CHAIRMAN. I THINK MR. WELCH --

Jason Chaffetz:

MR. MEADOWS IS FIRST.

Paul Gosar:

OKAY. WELL, MS. MCCARTHY, HOW SERIOUS DO YOU CONSIDER LEAD POISONING OF HUMANS, ESPECIALLY CHILDREN?

Gina McCarthy:

IT'S ONE OF THE MOST SERIOUS THINGS THAT WE FACE, SIR.

Paul Gosar:

WOW, OKAY, SO LET'S GO BACK, BECAUSE IN JULY, 2015, FLINT MAYOR DAYNE WALLING

E-MAILED EPA REGION 5 ADMINISTRATOR SUSAN HEDMAN ABOUT A LEAKED INTERNAL MEMO THAT WAS SENT BY EPA EMPLOYEE MIGUEL DEL TORAL TO A FLINT RESIDENT. THE MEMO REVEALED THAT FLINT'S WATER TESTED HIGH FOR LEAD AND DEL TORAL RECOMMENDED THAT THE EPA INTERVENE. ADMINISTRATOR HEDMAN REPLIED THAT THE MEMO SHOULD NOT HAVE BEEN LEAKED, CALLED IT A PRELIMINARY DRAFT REPORT AND DID NOTHING TO ADDRESS THE SERIOUS THREAT THAT LEAD HAD CREATED FOR THE CITIZENS OF FLINT.

WHEN YOU WERE MADE AWARE OF THESE COMMUNICATIONS BETWEEN MS. HEDMAN AND MAYOR WALLING, DID YOU ASK MS. HEDMAN TO RESIGN?

Gina McCarthy:

I DO NOT BELIEVE THAT SHE INDICATED THAT ANY MEMO WAS LEAKED.

Paul Gosar:

NO, NO.

Gina McCarthy:

ACTUALLY --

Paul Gosar:

NO, THIS IS FACTUAL. SO, I MEAN --

Gina McCarthy:

I'M TRYING TO JUST GET THE FACTS.

Paul Gosar:

THE FACTS ARE HERE. SO, I MEAN, KNOWING THIS, DID YOU ASK HER TO RESIGN?

Gina McCarthy:

NO, SIR, BECAUSE --

Paul Gosar:

I MEAN, SO WHY NOT FIRE HER?

Gina McCarthy:

SIR --

Paul Gosar:

I MEAN YOU KNOW THE SERIOUSNESS OF THIS ISSUE AND YET YOU STILL DON'T DO THAT. IN FACT, I'M GOING TO QUOTE YOU. YOU PRAISED HER WHEN SHE -- WHEN SHE RESIGNED.

Gina McCarthy:

SHE WAS --

Paul Gosar:

I MEAN --

Gina McCarthy:

SHE WAS NOT CRITICIZING -- SHE WAS NOT CRITICIZING MIGUEL'S REPORT. SHE WAS INDICATING THAT IT WAS INTERIM, THERE WAS MORE DATA TO BE DONE, AND SHE WAS GIVING A HEADS-UP BECAUSE SHE KNEW THAT IT HAD GONE PUBLIC.

Paul Gosar:

OKAY. SO YOU KNOW ABOUT THE SERIOUSNESS OF LEAD POISONING AND YET THIS IS THE ACTION YOU TAKE?

Gina McCarthy:

THIS --

Paul Gosar:

ONCE AGAIN, I'M GOING TO STEP YOU BACK. YOU MADE ANOTHER COMMENT HERE EARLIER THAT IS INSULTING TO US. CONGRESS IS SPECIFIC ON THIS ABOUT STATES' RIGHTS AND NOT STEPPING ON THEM.

Gina McCarthy:

YES.

Paul Gosar:

I WANT YOU TO GO BACK AND START LOOKING AT YOUR EDICT IN REGARDS TO WATERS OF THE U.S. LET'S KEEP GOING. IS THAT A SERIOUS RESPONSE REALLY IN REGARDS TO -- YOUR RESPONSE WITH MS. HEDMAN, IS THAT SERIOUSLY A RESPONSE FOR SOMEBODY WHO UNDERSTANDS THAT -- THE COMPLEXITY AND SERIOUSNESS OF LEAD POISONING? THAT'S -- THAT'S AN APPROPRIATE RESPONSE?

Gina McCarthy:

SHE DID NOTHING TO DISCREDIT --

Paul Gosar:

THAT'S MY POINT. SHE DID NOTHING. THE POINT IS YOU KNOW BETTER. SHE KNOWS BETTER. ALL WE -- THIS IS NOT MY FIRST RODEO WITH YOU. OVER AND OVER AGAIN WE'VE DONE IT. I MEAN REMEMBER SOUTHWEST COLORADO AND THE INEPTITUDE THAT YOU ACTUALLY HAD THERE, TOO?

THERE'S A RESPONSIBILITY. I'M LOOKING AT THE GENTLEMAN NEXT TO YOU THAT'S TAKING RESPONSIBILITY. I'M LOOKING AT SOMEBODY ELSE, I WANT TO SEE RESPONSIBILITY, TOO, AND THE AMERICAN PEOPLE DESERVE, DEMAND IT.

I MEAN ALL I'VE SEEN, I'VE SEEN THE CHAIRMAN OVER AND OVER AGAIN, YOU STILL DON'T GET IT. MEMBER AFTER MEMBER, YOU STILL DON'T GET IT. YOU HAVE BRED A CULTURE AT EPA THAT IS BUILT OF FRAUD, DENIAL, INCOMPETENCE AND BUREAUCRATIC NEPOTISM. THAT'S WHAT YOU'VE DONE.

Gina McCarthy:

WELL, SIR, I'M NOT TRYING TO SHIFT RESPONSIBILITY --

Paul Gosar:

YES, YOU HAVE. THIS WHOLE HEARING THAT'S ALL YOU'VE DONE. YOU'VE NEVER TAKEN ACCOUNTABILITY FOR ANY OF THE PROBLEMS AT THE EPA. IT'S COULD WE HAVE DONE SOMETHING BETTER. DO YOU ADMIT WRONG? MAYBE WE COULD HAVE DONE SOMETHING A LITTLE BIT FASTER. THE TIMELINES ARE VERY -- ARE VERY FLUID AND VERY FACTUAL. SO LET ME ASK YOU ANOTHER QUESTION. I'M GOING TO GO BACK TO ANOTHER THING. THE COMMITTEE HAS MADE MULTIPLE REQUESTS FOR EPA DOCUMENTS RELATING TO FLINT. WHEN DO YOU EXPECT THOSE REQUESTS TO BE FULLY COMPLIED WITH?

Gina McCarthy:

SIR, WE'RE WORKING ON ALL OF THE REQUESTS.

Paul Gosar:

GIVE ME A DATE. I MEAN -- I MEAN, YOU ARE -- YOU ARE A PROFESSIONAL AT SLOW-WALKING AND DELAYING INFORMATION THAT IS PERTINENT TO THIS INVESTIGATION OVER AND OVER AGAIN.

SOME OF THE DOCUMENT PRODUCTIONS HAVE BEEN REDACTED. WILL YOU PROVIDE THIS COMMITTEE WITH THE FULL, UNREDACTED COPIES OF THOSE DOCUMENTS?

Gina McCarthy:

WELL, WE RELEASED JUST 30,000 DOCUMENTS, SIR. WE'LL KEEP RELEASING THOSE AND I'LL BE HAPPY TO --

Paul Gosar:

NO, I ASKED -- NO, NO, NO, I ASKED YOU A QUESTION. SPECIFIC TERMS, ARE YOU GOING TO RELEASE UNREDACTED FORMS OF THESE -- OF THESE E-MAILS?

Gina McCarthy:

OF COURSE WE'LL RESPOND TO CONGRESS AND ALLOW YOU TO DO YOUR JOB AS WELL.

Paul Gosar:

YEAH, YEAH.

Gina McCarthy:

I JUST CAN'T GIVE YOU A SCHEDULE, SIR, WITH --

Paul Gosar:

THAT'S THE SAME OLD -- SAME OLD CRAP THAT WE HEAR OVER AND OVER AGAIN. AND THAT IS NOT WHAT THE PRESIDENT PROMISED US. HE SAID, MOST TRANSPARENT ADMINISTRATION, PERIOD. AND THAT INCLUDES YOU. I MEAN, I'M SICK OF THIS, AND AMERICA SHOULD BE SICK OF THIS BUREAUCRATIC NEPOTISM, AND YOU'RE THE CULTURE OF THE PROBLEM. I SEE SOMEBODY WHO'S ADDRESSING IT RIGHT HERE AS GOVERNOR OF MICHIGAN BUT I DON'T SEE ANYTHING COMING FROM YOUR PART OF THIS PROBLEM. IT DOESN'T CONDONE THAT. NOT ONLY AM I ASKING YOU TO BE FIRED, IF YOU'RE NOT GOING -- IF YOU'RE NOT GOING TO RESIGN, YOU SHOULD BE IMPEACHED. I YIELD BACK.

Jason Chaffetz:

GENTLEMAN YIELDS BACK. NOW RECOGNIZE THE GENTLEWOMAN FROM MICHIGAN, MS. LAWRENCE, FOR FIVE MINUTES.

Brenda Lawrence:

THANK YOU, MR. CHAIR. I WANT TO SAY AS A MEMBER OF CONGRESS REPRESENTING A PART OF MICHIGAN, THIS IS VERY PERSONAL. IT'S A SAD DAY FOR ME. GOVERNOR SNYDER, YOU HAVE STATED THAT STATE OFFICIALS DID NOT TELL YOU ABOUT THESE PROBLEMS. AS A MATTER OF FACT, IN YOUR STATEMENT, YOU SWORE ON OATH, YOU SAID IT WASN'T UNTIL OCTOBER THAT YOU WERE AWARE OF THE PROBLEMS. BUT, GOVERNOR, DESPITE THE HUGE NEWS STORIES THAT WERE REPORTED FAR AND WIDE, LET ME SHOW YOU SOME OF THOSE HEADLINES.

ON JUNE 2ND, 2014, ONLY MONTHS AFTER SWITCHING TO THE FLINT WATER, NBC-25 STATED -- FLINT RESIDENTS AVOIDING THE TAP, DRINKING BOTTLED WATER INSTEAD. ON JUNE 30TH, 2014, NBC-25 READ THE HEADLINE STORIES -- SEWAGE RELEASED INTO THE FLINT RIVER DUE TO PUMP FAILURE. IT CONTINUES. IN A LITTLE OVER A MONTH, DETROIT METRO TIMES RAN --

FLINT RESIDENTS CONCERNED OVER DISCOLORED WATER. AND IT CONTINUES. ON SEPTEMBER 7, 2014, MICHIGAN LIVE RAN -- FLINT EXPANDS BOIL WATER ADVISORY AFTER MORE POSITIVE TESTS FOR TOTAL BACTERIA. AND THEN IT CONTINUES. ON JANUARY THE 2ND, 2015, MICHIGAN LIVE REPORTED -- CITY WARNS OF POTENTIAL HEALTH RISKS AFTER FLINT WATER TEST REVEALED TOO MUCH BACTERIA. IT CONTINUES. MARCH, 2015, THE DETROIT NEWS SAID -- FLINT COUNCIL VOTES FOR DETROIT WATER. MAYOR AND EM ARE OPPOSED.

DID ANY OF THESE REPORTS AND STORIES EVER GET REPORTED TO YOU, DID YOU EVER OBSERVE THEM? BECAUSE ACCORDING TO YOUR STATEMENT UNDER OATH, IT WAS NOT UNTIL OCTOBER THAT YOU BECAME AWARE.

Rick Snyder:

THERE'S A DIFFERENCE IN TERMS OF WHAT I BECAME AWARE OF. I WAS AWARE OF WATER PROBLEMS AND I WAS INVOLVED IN HAVING DISCUSSIONS TO ADDRESS THOSE IN TERMS OF THE RESOURCES WE HAD CURRENTLY AVAILABLE TO US. IN TERMS OF GOING BACK TO YOUR LIST, THE COLOR AND ODOR OF THIS WATER WAS NOT GOOD, AND I -- YOU DON'T WANT TO SEE PEOPLE DRINK THAT IF YOU CAN HELP THAT, BUT WE DIDN'T HAVE ALL THE RESOURCES WE NEEDED TO DO THAT AND THEY WERE WORKING ON THESE ISSUES. IN TERMS OF E. COLI, IN TERMS OF OTHER ISSUES, WE WOULD CONTINUALLY GO THROUGH IN TERMS OF --

Brenda Lawrence:

MR. SNYDER --

Rick Snyder:

-- MY ADMINISTRATION ASKING --

Brenda Lawrence:

I WANT TO ADD ANOTHER -- ADD ANOTHER ARTICLE, THE NATIONAL JOURNAL WHICH I HOLD UP HERE --

Rick Snyder:

YEAH.

Brenda Lawrence:

-- IT SAYS -- MICHIGAN GOVERNOR SNYDER CONCEDED MONDAY THAT HIS ADMINISTRATION'S HANDLING OF THE FLINT WATER CRISIS IS A STAIN ON HIS LEGACY, AND I QUOTE -- I'M NOT SURE OF THE SPECIFIC DATES IN TERMS OF SAYING THERE ARE -- THERE IS ANY LEAD IN THE WATER SOMETIME DURING 2015. AGAIN, THEY PRESENTED SOME OF THE INFORMATION ABOUT HAVING TO DO WITH A SECOND SET OF TESTS.

GOVERNOR SNYDER, WE ALL KNOW THAT WHEN WE ARE ELECTED TO AN OFFICE, WE TAKE AN OATH, AND WE ARE EMPOWERED BY THE ELECTORATE TO HIRE STAFF. DO YOU HAVE REGULAR STAFF MEETINGS WITH THOSE WHO REPORT TO YOU?

Rick Snyder:

I HAVE REGULAR DISCUSSIONS AND I GET BRIEFINGS FROM STAFF MEETINGS.

Brenda Lawrence:

DURING THESE BRIEFINGS, ARE YOU SAYING THAT THE PEOPLE YOU ENTRUSTED AND YOU PAY A SALARY WITH THE TAXPAYERS' MONEY, THAT THEY FAILED TO INFORM YOU OF A HEALTH CRISIS IN YOUR STATE?

Rick Snyder:

I WILL ACTUALLY SHARE THE DOCUMENT WITH YOU, CONGRESSWOMAN. THIS IS MY BRIEFING OF SEPTEMBER 28TH, '15. THIS WAS AFTER --

Brenda Lawrence:

BEFORE THAT TIME. BEFORE THAT TIME --

Rick Snyder:

THIS IS THE --

Brenda Lawrence:

-- ALL THE TIME THESE HEADLINES ARE GOING --

Rick Snyder:

THIS BRIEFING --

Brenda Lawrence:

-- YOU DID NOT -- YOU DID NOT HAVE ANY MEMBER, WHEN YOU HAVE MR. MUCHMORE, WHO IS YOUR CHIEF OF STAFF, SIR, THIS IS DATED JULY 22ND, TELLING OTHER MEMBERS OF YOUR CIRCLE, SIR, THAT I REALLY DON'T THINK PEOPLE ARE GETTING THE BENEFIT OF THE DOUBT. NOW THEY ARE CONCERNED AND RIGHTFULLY SO ABOUT THE LEAD STUDIES. SIR, THIS WAS JANUARY THE 22ND, THE 22ND, AND YOU'RE SAYING, UNDER OATH, THAT IT WASN'T UNTIL OCTOBER.

Rick Snyder:

CONGRESSWOMAN --

Brenda Lawrence:

IT WAS NOT UNTIL OCTOBER. GOVERNOR, YOU'RE MY GOVERNOR. THIS COULD HAVE BEEN MY CITY. AND, GOVERNOR, I JUST, I, FOR THE LIFE OF ME, I CANNOT UNDERSTAND THAT YOU AS A GOVERNOR, WHO LED ON THE -- ON THE PREMISE OF OPERATING AS A BUSINESS, YOU ARE GOING TO OPERATE AS GOVERNOR, AS A GOVERNMENT, THAT YOU MET WITH YOUR STAFF AND THEY REFUSED TO BRING YOU UP TO DATE, REFUSED TO BRING YOU IN OR YOU REFUSED TO ENGAGE.

THIS IS A SAD DAY IN THIS -- IN THIS COUNTRY, AND I AM -- I'M JUST SAD ABOUT THIS, GOVERNOR. I'M VERY SAD ABOUT THIS. AND ACCOUNTABILITY, ACCOUNTABILITY FOR THOSE THAT YOU HELD ACCOUNTABLE, YOU SAID YOU FIRED OR THEY RESIGNED, WHAT DOES ACCOUNTABILITY LOOK LIKE FOR YOU?

Jason Chaffetz:

GENTLEWOMAN'S TIME HAS EXPIRED BUT THE GOVERNOR MAY ANSWER.

Rick Snyder:

CONGRESSWOMAN, THIS IS A SAD EVENT.

Brenda Lawrence:

SO SAD.

Rick Snyder:

IT'S A TRAGEDY THAT NEVER SHOULD HAVE HAPPENED, AND I UNDERSTAND WHY THE PEOPLE OF FLINT, THEY SHOULD BE ANGRY. IN TERMS OF LOOKING AT THIS, I KICK MYSELF EVERY DAY ASKING WHAT MORE QUESTIONS COULD I ASK, WHAT WE COULD HAVE DONE. WE HAD A LOT OF DISCUSSIONS ABOUT WATER DURING THAT ENTIRE PEOPLE IN LINE WITH THE HEADLINES YOU SAID, BUT AS WE GO BACK, THE EXPERTS OVER AND OVER AGAIN, WE WERE TOLD THE WATER WAS SAFE. THAT WAS WRONG. AND I DIDN'T -- IT WASN'T JUST ONE DEPARTMENT. AS IT CONTINUED ON, WE GOT INFORMATION NOT ONLY FROM THE DEQ BUT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES THAT THEY DIDN'T SEE ELEVATED LEVELS OF LEAD. THAT WAS WRONG.

DR. MONA SPOKE UP. SO WE HAD CASES WHERE IT TOOK OUTSIDE EXPERTS. THAT'S TRAGIC. WE FAILED AT DOING WHAT SHOULD HAVE HAPPENED IN TERMS OF CAREER BUREAUCRATS THAT WERE EXPERTS, QUOTE/UNQUOTE, EXPERTS THAT, TO BE OPEN WITH YOU, I GET SO MAD THAT I NEVER SHOULD HAVE BELIEVED THEM. AND IT ULTIMATELY CAME DOWN TO FINALLY SAYING, AFTER THOSE REPORTS CAME OUT IN SEPTEMBER FROM DR. MONA ATTISHA-HID -- HANNA, AND FROM PROFESSOR EDWARDS, I SAID, WE HAVE TO HAVE A CALL. THAT CALL WAS ON SEPTEMBER 28TH.

I'M HAPPY TO HAVE THIS IN THE RECORD. IT'S TRAGIC TO HAVE IT IN THE RECORD. IT'S TO SAY HERE'S MY BRIEFING FROM THE NIGHT BEFORE AND IT'S INFORMATION FROM BOTH THOSE DEPARTMENTS DISMISSING PEOPLE, NOT TALKING ABOUT THE REAL ISSUE, AND WHEN WE GOT ON THAT CALL, NO, THAT WAS ENOUGH. BUT IT WAS LATER THAN IT SHOULD HAVE BEEN. I WISH IT WOULD HAVE BEEN FAR EARLIER.

SO THE ISSUE WAS IS I TOOK IMMEDIATE ACTION. DEQ STARTED TALKING ABOUT THERE COULD REALLY BE A LEAD PROBLEM. WE HAD TO CONFIRM THE DATA ON THE BLOOD LEVEL TEST. THEY CAME BACK AND SAID DR. MONA'S WORK WAS CORRECT. AND THEN WE HAD -- THEN WE RAMPED INTO ACTION IN TERMS OF FILTERS, OPPORTUNITIES TO DO THINGS, AND THAT STILL WASN'T

ENOUGH. EVERY DAY I GET UP, I THINK WHAT CAN WE DO.

Brenda Lawrence:

THERE IS A CULTURE --

Jason Chaffetz:

THE GENTLEWOMAN --

Brenda Lawrence:

THERE IS --

Jason Chaffetz:

THE GENTLEWOMAN --

Brenda Lawrence:

-- A CULTURE --

Jason Chaffetz:

THE GENTLEWOMAN --

Brenda Lawrence:

-- IN THE --

Jason Chaffetz:

THE GENTLEWOMAN --

Brenda Lawrence:

-- STATE GOVERNMENT --

Jason Chaffetz:

THE GENTLEWOMAN --

Brenda Lawrence:

-- THAT REFUSED --

Jason Chaffetz:

THE GENTLEWOMAN WILL SUSPEND.

Brenda Lawrence:

-- TO GIVE YOU --

Jason Chaffetz:

THE GENTLEWOMAN WILL SUSPEND.

Brenda Lawrence:

-- THE INFORMATION AND WE HAVE TO ACCOUNT FOR THAT.

Jason Chaffetz:

THE GENTLEWOMAN WILL SUSPEND. WE'VE BEEN GOING -- I APPRECIATE THE EMOTION AND THE CONNECTION TO MICHIGAN BUT THE GENTLEWOMAN'S TIME IS EXPIRED. WE'VE DEALT WITH THIS --

Brenda Lawrence:

AND I YIELD BACK.

Jason Chaffetz:

THE GENTLEWOMAN YIELDS BACK. GOVERNOR, DID YOU FINISH THAT QUESTION OR CAN WE GO TO --

Rick Snyder:

YES. THANK YOU.

Jason Chaffetz:

OKAY. WE'LL GO NOW TO MR. PALMER OF ALABAMA FOR FIVE MINUTES.

Gary Palmer:

THANK YOU, MR. CHAIRMAN. I WANT TO FOLLOW UP ON SOME QUESTIONS THAT HAVE BEEN ASKED AND ONE OF THEM HAD A POINT THAT WAS MADE, AND YOU WERE ASKED, GOVERNOR SNYDER, HOW DID THIS ESCAPE YOUR ATTENTION, AND I JUST WANT TO POINT OUT THAT YOUR EXECUTIVE RESPONSIBILITIES INCLUDE FISCAL MANAGEMENT AND ADMINISTRATIVE OVERSIGHT OVER MULTIPLE AGENCIES. I THINK THERE ARE 18 AGENCIES IN MICHIGAN. AMONG THOSE ARE EDUCATION,

MEDICAID, PUBLIC SAFETY, HEALTH AND HUMAN SERVICE, THAT SORT OF THING. THIS IS IN NO WAY EXCUSING YOU FROM THE FAILURE TO PROTECT THE PEOPLE OF FLINT, MICHIGAN, BUT WHAT I WANT TO ASK AND I WANT TO KNOW, MS. MCCARTHY, YOU HAVE ONE AGENCY, ONE AGENCY TASKED WITH PROTECTING THE PUBLIC IN TERMS OF ENVIRONMENTAL ISSUES. HOW DID THIS ESCAPE YOUR ATTENTION?

Gina McCarthy:

THE ISSUE WAS CALLED TO MY ATTENTION ON SEPTEMBER 3RD. PRIOR TO THAT, IT WAS CALLED TO SUSAN HEDMAN'S ATTENTION, LET'S SEE, ON -- IN LATE JUNE AND SUSAN TOOK ACTION. PRIOR TO THAT, THE AGENCY WAS DIRECTLY INVOLVED. I DON'T WANT ANYONE TO THINK THAT ANUARY OF THIS YEAR WAS THE BEGINNING OF OUR INVOLVEMENT. WE ACTUALLY HEARD FROM PEOPLE BACK WHEN THE SWITCH WAS MADE AND WE RELIED --

Gary Palmer:

MA'AM.

Gina McCarthy:

-- TOO HEAVILY ON THE JUDGMENT OF THE MDEQ AND THE FACT THAT THEY WERE ACTING AS A PARTNER WITH OTHER STATES AND --

Gary Palmer:

MA'AM, WE JUST WANT TO POINT OUT, THOUGH, THAT YOU WERE -- YOU SENT AN E-MAIL FEBRUARY 26, ACTUALLY TWO DAYS BEFORE MR. SNYDER MADE HIS CALL TO TAKE IMMEDIATE ACTION, AND IT APPEARS HE TOOK IMMEDIATE ACTION, AND YOU WROTE TO -- AND SAID THIS, THAT -- THAT THESE HEDMAN AND GREVATT E-MAILS RAISED MY LEVEL OF CONCERN, AND THEN YOU SUGGESTED THAT THEY TAKE OPTIONS TO INTERVENE, BUT IT WASN'T UNTIL JANUARY 21ST THAT YOU ISSUED AN ORDER DEMANDING ACTION.

Gina McCarthy:

THERE IS -- THERE IS DIFFERENT LEVELS OF ENGAGEMENT AND INTERVENTION. THIS AGENCY AGGRESSIVELY INTERVENED FROM DAY 1.

Gary Palmer:

THAT'S NOT -- THAT'S NOT THE INFORMATION THAT WE'VE GOT AND THAT'S NOT WHAT WE'RE HEARING FROM OTHER FOLKS.

Gina McCarthy:

I APPRECIATE, SIR, THAT, BUT THAT IS A FAILSAFE. THAT IS A VERY HIGH HURDLE FOR THE AGENCY TO TAKE. WE DID TAKE THAT WHEN WE THOUGHT THAT ALL OF THE OTHER STEPS WEREN'T WORKING AND WE TOOK THE STEP THAT WAS AVAILABLE TO US IN JANUARY, BUT IT WASN'T AS IF WE DIDN'T OFFER OR INTERVENE OR PROVIDE ADVICE IN A WAY THAT THE STATUTE --

Gary Palmer:

THERE WASN'T A SENSE OF URGENCY HERE.

Gina McCarthy:

OH, THERE WAS A SENSE OF URGENCY.

Gary Palmer:

YOU HAD -- YOU HAD A PAPER, MR. MICA BROUGHT THAT UP, YOU HAD A RESEARCH DOCUMENT.

Gina McCarthy:

YES.

Gary Palmer:

A REPORT FROM MR. DEL TORAL?

Gina McCarthy:

YES.

Gary Palmer:

AND YOU DENY THAT -- THAT -- THAT HE WAS TREATED LIKE A WHISTLE BLOWER, AND WE BELIEVE THAT HAPPENED. WE'VE ALSO SEEN E-MAILS FROM -- FROM EPA OFFICIALS TO EPA OFFICIALS, ON THEIR PERSONAL E-MAIL, BY THE WAY, WHICH APPARENTLY THAT'S OKAY AT THE EPA, YOU USE YOUR PERSONAL E-MAIL AND TEXTING, AND IT ALSO WENT TO -- TO DEQ, GOVERNOR SNYDER, SAYING THAT THE EPA WAS GOING TO PROVIDE COVER SO THAT THEY COULD LITERALLY SAY THEY DIDN'T GET THE REPORT. WE'VE GOT THE E-MAIL. SO IT APPEARS TO ME THAT NOT ONLY DID YOU NOT TAKE ACTION, THERE WAS A COVER-UP GOING ON THAT INVOLVED BOTH THE STATE OF MICHIGAN AND THE EPA. BUT I -- I THINK FUNDAMENTALLY THE PROBLEM IS WITH THE EPA IN NOT TAKING ADEQUATE ACTION ON REVISING THE LEAD AND COPPER RULE. YOU GUYS HAVE A HISTORY OF COVERING UP.

YOU COVERED UP THE TOXIC RELEASE IN GEORGIA, YOU TRIED TO COVER UP THE TOXIC RELEASE -- YOUR RESPONSIBILITY TO THE TOXIC RELEASE IN COLORADO. THERE'S A PATTERN HERE. AND I JUST, FOR THE LIFE OF ME, CANNOT UNDERSTAND WHY THE FEDERAL GOVERNMENT HAS THE PUBLIC TRUST TO PROTECT THE PEOPLE OF THIS COUNTRY AND WE FAIL TIME AND TIME AND TIME AGAIN, AND AGAIN, THE STATE OF MICHIGAN IS CULPABLE IN THIS, AND I APPRECIATE THE FACT THAT YOU'VE TAKEN RESPONSIBILITY, BUT THERE'S A WHOLE LOT MORE HERE. AND I'M GOING TO ASK YOU ONE -- ONE QUESTION. THIS IS A YES OR NO, SO DON'T FILIBUSTER THE ANSWER. IF SUSAN HEDMAN HAD NOT RESIGNED, WOULD YOU HAVE FIRED HER? THAT'S A YES OR NO, MS MCCARTHY.

Gina McCarthy:

I DIDN'T NEED TO FACE THAT ANSWER -- THAT QUESTION.

Gary Palmer:

NO, NO, THAT'S A YES OR NO.

Gina McCarthy:

THAT'S THE BEST ANSWER I CAN GIVE.

Gary Palmer:

THAT'S NOT A GOOD ANSWER.

Gina McCarthy:

OKAY.

Gary Palmer:

WOULD YOU HAVE FIRED HER? CAN YOU NOT HOLD ANYONE RESPONSIBLE FOR THESE ACTIONS?
IS IT -- ARE YOU INCAPABLE OF THAT?

Gina McCarthy:

I ACTUALLY WILL, BUT THE FAILURES THAT I'VE IDENTIFIED --

Gary Palmer:

WHEN?

Gina McCarthy:

THE FAILURES SO FAR THAT I UNDERSTAND WERE A FAILURE ON OUR PART BECAUSE THE
REGION ACTUALLY TRUSTED --

Gary Palmer:

YOU'RE FILIBUSTERING.

Gina McCarthy:

-- THE STATE --

Gary Palmer:

GOVERNOR SNYDER, I'VE GOT ONE LAST QUESTION FOR YOU. MICHIGAN HAS A 600 MILLION DOLLAR SURPLUS AND OVER 380 MILLION IN AN EMERGENCY FUND. DO YOU HAVE THE RESOURCES TO FIX THIS PROBLEM?

Rick Snyder:

WE'RE DEVOTING 232 MILLION DOLLARS IS THE APPROPRIATION I'M ASKING FOR FOR FLINT.

THERE'S A HUGE NUMBER OF ACTIONS. WE'VE ALREADY GOTTEN 67 MILLION OF THAT APPROVED THROUGH OUR LEGISLATURE AND PUTTING A HUNDRED -- I'M ASKING FOR 165 MILLION DOLLARS TO GO IN A STATEWIDE INFRASTRUCTURE FUND TO DEAL WITH NOT ONLY FLINT BUT OTHER COMMUNITIES AS A -- A CATALYST TO START THIS DISCUSSION, SO WE'VE MADE A HUGE COMMITMENT, AND I'M ON THE GROUND THERE TAKING ACTIONS WITH A GREAT TEAM OF PEOPLE BECAUSE THEY DESERVE A FIX.

AND I APPRECIATE THIS COMMITTEE DOING HEARINGS ON WHY. BE OPEN WITH YOU, MY HEART AND FOCUS IS WHAT CAN I DO EVERY DAY TO MAKE FLINT A BETTER PLACE TO HELP UP MAKE UP FOR THIS TRAGEDY.

Gary Palmer:

THANK YOU, MR. CHAIRMAN.

Jason Chaffetz:

GENTLEMAN, YOUR TIME HAS EXPIRED. WE WILL NOW RECOGNIZE THE GENTLEWOMAN FROM NEW JERSEY, MS. WATSON COLEMAN, FOR FIVE MINUTES.

Bonnie Watson Coleman:

THANK YOU, MR. CHAIRMAN. ONE QUICK STATEMENT TO MS. MCCARTHY. WE'RE FINDING OUT THAT EVEN IN THE STATE OF NEW JERSEY WE HAVE ISSUES WHERE HIGH LEAD CONTENT EXISTS AND CHILDREN ARE BEING EXPOSED. I DON'T KNOW WHAT YOU'RE DOING, BUT I HOPE THAT WHEN I CALL BACK TO NEW JERSEY, YOU ALL ARE DOING SOMETHING THERE.

Gina McCarthy:

WE SURE ARE.

Bonnie Watson Coleman:

THANK YOU. GOVERNOR, HOW LONG HAVE YOU WORKED WITH YOUR CHIEF OF STAFF? HOW LONG HAS HE BEEN YOUR CHIEF OF STAFF?

Rick Snyder:

I HAVE A RELATIVELY NEW CHIEF OF STAFF.

Bonnie Watson Coleman:

WELL, THE CHIEF OF STAFF THAT WAS IN THE POSITION WHEN ALL OF THIS OCCURRED, HOW LONG HAD YOU WORKED WITH THAT CHIEF OF STAFF?

Rick Snyder:

HE JOINED ME WHEN I TOOK OFFICE IN JANUARY OF 2011.

Bonnie Watson Coleman:

2011. AND BEFORE THAT, DID YOU HAVE ANY RELATIONSHIP WITH THIS CHIEF OF STAFF?

Rick Snyder:

NO.

Bonnie Watson Coleman:

AND DO YOU KNOW THE FIRST TIME THIS CHIEF OF STAFF HAD ANY KNOWLEDGE OF SERIOUS WATER PROBLEMS IN FLINT, MICHIGAN, THE FIRST TIME HE KNEW?

Rick Snyder:

I CAN'T ANSWER THAT QUESTION. I DON'T KNOW A SPECIFIC DATE.

Bonnie Watson Coleman:

DO YOU RELY UPON YOUR CHIEFS OF STAFF, LIKE MOST OF US RELY UPON OURS, ALMOST WITH OUR LIVES TO GIVE US HEADS-UP AND TO -- TO MAKE SURE THAT NOTHING CONFRONTS US THAT WOULD EMBARRASS US OR PUT US IN -- IN A BAD POSITION? DID YOU HAVE THAT KIND -- DID YOU HAVE THAT KIND OF RELATIONSHIP WITH YOUR CHIEF OF STAFF?

Rick Snyder:

I DO. CHIEFS OF STAFF IS CRITICAL PEOPLE. THEY'RE PART OF THE TIME FOR GOOD, BAD, WHATEVER, BUT THEY'RE PART OF --

Bonnie Watson Coleman:

WOULD YOU REALLY HAVE US BELIEVE THAT YOUR CHIEF OF STAFF NEVER PULLED YOUR COATTAIL IN CONVERSATION IN YOUR OFFICE, ON THE PHONE OR WHATEVER ABOUT WHAT WAS HAPPENING IN FLINT, MICHIGAN, AND THE COMPLAINTS THAT WERE ARISING FROM BOTH THE RESIDENTS, FROM OTHER OFFICIALS, AS WELL AS WHAT WAS BEING REPORTED IN THE MEDIA?

Rick Snyder:

CONGRESSWOMAN, AS I SAID BEFORE, WE ACTUALLY HAD DISCUSSIONS ON WATER ISSUES IN FLINT. IN TERMS OF GOING THROUGH ISSUES ON TOPICS, NONE OF THESE ISSUES DEALT WITH THE LEAD ISSUE UNTIL MUCH LATER IN THE PROCESS BECAUSE OUR EXPERTS AT DEQ SAID --

Bonnie Watson Coleman:

EVEN IF YOU WEREN'T --

Rick Snyder:

-- THERE WAS NOT A PROBLEM.

Bonnie Watson Coleman:

-- DEALING WITH THE LEAD ISSUES, DID YOU REALLY DEAL WITH OTHER ISSUES THAT PRESENTED A HEALTH CONDITION TO THE PEOPLE --

Rick Snyder:

YEAH.

Bonnie Watson Coleman:

-- THAT WERE DRINKING THAT NASTY WATER?

Rick Snyder:

THERE WAS ONE CONCERN -- THERE WERE MULTIPLE CONCERNS. THE ONE THAT AROSE THAT ACTUALLY WAS A MAJOR ISSUE WAS TTHF, TRIHALOMETHANE.

Bonnie Watson Coleman:

I KNOW -- I KNOW WHAT IT IS.

Rick Snyder:

SO WE HAD TO ADDRESS THAT ISSUE. AND WE TRIED TO -- WE WORKED TO GET RELIEF TO THE CITY OF FLINT SO --

Bonnie Watson Coleman:

I THINK THERE'S A LOT OF DISCUSSION THAT TAKES PLACE BUT I DON'T SEE THAT A LOT OF WORK WAS DONE BECAUSE I DON'T SEE THAT A LOT OF ACCOMPLISHMENT TOOK PLACE. LET ME GO TO SOMETHING ELSE. YOU CAMPAIGNED ON REINVENTING GOVERNMENT AND YOU SAID THE GOVERNMENT SHOULD BE RUN LIKE A BUSINESS. YOUR ADMINISTRATION AND THE EMERGENCY MANAGERS YOU APPOINTED TO CONTROL THE CITY OF FLINT GAMBLED WITH THE HEALTH AND

WELFARE OF THE PEOPLE IN YOUR CITY IN ORDER TO SAVE MONEY. AND SO THE PEOPLE, THROUGH NO FAULT OF THEIR OWN, ARE NOW PAYING THAT PRICE.

GOVERNOR, I WANT TO KNOW, I WANT TO KNOW, DID THAT EMERGENCY MANAGEMENT SYSTEM FAIL UNDER YOUR LEADERSHIP IN THIS INSTANCE?

Rick Snyder:

IN THIS INSTANCE, IT WOULD BE MUCH TO THE CASE AS I HAVE IS YOU WISH THEY WOULD HAVE ASKED MORE QUESTIONS, THEY WOULD HAVE --

Bonnie Watson Coleman:

SO IS THAT A YES OR A NO?

Rick Snyder:

IN THIS PARTICULAR CASE, WITH RESPECT TO THE WATER ISSUE, THAT WOULD BE A FAIR CONCLUSION.

Bonnie Watson Coleman:

IT WOULD SEEM TO ME THAT'S A VERY IMPORTANT ISSUE SINCE IT NEGATIVELY IMPACTS THE HEALTH AND WELL-BEING OF CHILDREN, PERHAPS EVEN INTO THEIR ADULT LIVES, IMPACTING THEIR ABILITY TO LEARN AND TO -- TO BE SUCCESSFUL IN LIFE. YOUR OWN FORMER ADVISOR, DENNIS SCHOMACK, LEARNED THE LESSON BECAUSE HE SAID -- GOVERNMENT IS NOT A BUSINESS AND IT CANNOT RUN LIKE ONE. THE PEOPLE OF FLINT GOT STUCK ON THE LOSING END OF DECISIONS DRIVEN BY SPREADSHEETS OF WATER QUALITY AND PUBLIC HEALTH. WERE YOU WRONG TO RUN THAT GOVERNMENT LIKE A BUSINESS?

Rick Snyder:

IN TERMS OF RUNNING IT LIKE A BUSINESS, A GOVERNMENT IS NOT A BUSINESS.

Bonnie Watson Coleman:

IT ISN'T. SO WHY WOULD YOU SAY IT SHOULD BE RUN LIKE ONE?

Rick Snyder:

IN TERMS OF ACCOUNTABILITY AND MEASUREMENTS AND DELIVERING REAL RESULTS TO PEOPLE, AND IN TERMS OF NOT JUST FLINT BUT THE STATE OF MICHIGAN, I'M VERY PROUD WE DID THINGS LIKE HEALTHY MICHIGAN, BRINGING MEDICAID EXPANSIONS TO CITIZENS, BRINGING HEALTHY KIDS DENTAL TO HELP KIDS WITH DENTAL CARE.

Bonnie Watson Coleman:

YOU KNOW, YOU COULD JUST GO RIGHT ON AND TALK ABOUT ALL THE THINGS YOU WANT TO TALK ABOUT. I'M GOING TO ASK THE QUESTIONS I WANT TO ASK. WHEN THE ELECTED LEADERS OF FLINT WANTED TO SWITCH BACK TO SAFE WATER DRINKING FROM THE DETROIT SYSTEM, YOUR HAND-PICKED EMERGENCY MANAGER OVERRULED THEM SAYING: QUOTE -- IT WOULD BE INCOMPREHENSIBLE.

DO YOU AGREE THAT IT WOULD HAVE BEEN INCOMPREHENSIBLE OR DO YOU AGREE THAT THAT WAS A MISTAKE?

Rick Snyder:

IN RETROSPECT, YOU WISH THERE WOULD HAVE BEEN A CHANGE BACK. THE CHALLENGE WOULD HAVE BEEN IN FUNDING THE COST. IT WOULD HAVE BEEN PRESENTED A --

Bonnie Watson Coleman:

WELL, LET'S TALK ABOUT THE COST. YOU HAD THE MONEY, YOU AMASSED A BUDGET SURPLUS, SO WHY WOULDN'T YOU THINK THAT IT WAS WORTHY TO APPLY THOSE RESOURCES IN THIS SITUATION?

Rick Snyder:

I'M SURE YOU'RE QUITE FAMILIAR, BEING IN CONGRESS, THAT THE CHIEF EXECUTIVE, THE GOVERNOR OR THE PRESIDENT DOESN'T SIMPLY SPEND MONEY. WE NEED AUTHORIZATION FROM THE LEGISLATURE. I HAD NO AUTHORITY TO DO THAT.

Bonnie Watson Coleman:

WOULD YOU GO TO THE LEGISLATOR AND ASK FOR THE AUTHORITY AT THAT TIME?

Rick Snyder:

WE WENT -- WE WENT AND GOT TWO MILLION DOLLARS, A MAXIMUM GRANT WE COULD, IN TERMS OF HELPING WITH WATER INFRASTRUCTURE IN FLINT.

Jason Chaffetz:

THE GENTLE --

Bonnie Watson Coleman:

YOU KNOW --

Jason Chaffetz:

THE GENTLE --

Bonnie Watson Coleman:

YOU KNOW --

Jason Chaffetz:

THE GENTLEWOMAN'S TIME HAS EXPIRED.

Bonnie Watson Coleman:

WELL, THANK YOU, MR. CHAIRMAN, BECAUSE THE ONLY QUESTION -- THE ONLY THING --

Jason Chaffetz:

THE GENTLEWOMAN'S --

Bonnie Watson Coleman:

-- I'D LIKE TO SAY IS THAT IT SEEMS TO ME --

Jason Chaffetz:

THE GENTLEWOMAN --

Bonnie Watson Coleman:

-- THE BUCK STOPS THERE --

Jason Chaffetz:

THE GENTLEWOMAN'S WILL SUSPEND.

Bonnie Watson Coleman:

-- WITH MR. SNYDER.

Jason Chaffetz:

THE GENTLEWOMAN WILL SUSPEND.

Bonnie Watson Coleman:

(INAUDIBLE)

Jason Chaffetz:

GENTLEWOMAN'S TIME IS EXPIRED. WE WILL NOW RECOGNIZE THE GENTLEMAN FROM NORTH CAROLINA, MR. MEADOWS, FOR FIVE MINUTES.

Mark Meadows:

THANK YOU, MR. CHAIRMAN. TO BOTH OF YOU, I'M TROUBLED TODAY BECAUSE OF THE TESTIMONY WE HAD JUST A COUPLE OF DAYS AGO WHICH WOULD INDICATE THAT EVEN THOUGH THERE'S ENOUGH BLAME TO GO AROUND, THERE WERE A NUMBER OF TIMES WHERE PEOPLE ACTED LIKE IT WASN'T THEIR -- THEIR FAULT. GOVERNOR, YOUR EMERGENCY MANAGEMENT TESTIMONY FROM THE WITNESS HERE WAS TROUBLING BECAUSE HE ACTED LIKE, WELL, YOU KNOW, I DIDN'T KNOW, I DIDN'T --

AND SO, GOVERNOR, DO YOU BELIEVE THAT THERE WERE PEOPLE WHO MADE MISTAKES WITHIN YOUR AGENCY AT -- AT MULTIPLE LEVELS IN TERMS OF ADDRESSING THE HEALTH AND WELFARE OF THE PEOPLE OF FLINT?

Rick Snyder:

YES.

Mark Meadows:

OKAY. THANK YOU. MS. MCCARTHY, I'M GOING TO ASK YOU THE SAME QUESTION, BECAUSE THE WITNESS THAT RESIGNED INDICATED THAT THERE WAS NOTHING THAT THEY COULD HAVE DONE DIFFERENTLY AND THERE WAS NO FAULT ON HER PART OR THE PART OF THE EPA AS IT RELATED TO THIS UNBELIEVABLE, HORRIFIC EVENT. SO DO YOU BELIEVE THAT THE EPA IS PARTIALLY AT FAULT?

Gina McCarthy:

I BELIEVE THAT WE COULD HAVE TAKEN DIFFERENT ACTION AND BEEN MORE AGGRESSIVE.

Mark Meadows:

THAT'S NOT THE QUESTION. ARE YOU PARTIALLY AT FAULT? YES OR NO.

Gina McCarthy:

I'M NOT PLAYING A BLAME-SHIFTING GAME SO IT WOULD BE VERY EASY FOR ME TO --

Mark Meadows:

SO YOU DO AGREE THAT YOU'RE PARTIALLY AT FAULT?

Gina McCarthy:

WE -- THE SYSTEM FAILED. WE WERE PART OF THAT SYSTEM.

Mark Meadows:

ALL RIGHT. LET ME GO -- DO YOU -- BOTH OF THEM INDICATED THAT THE RULES WITH REGARDS TO COPPER AND LEAD ARE SOMEWHAT AMBIGUOUS, THAT THEY NEEDED A LITTLE BIT MORE CLARITY. WE'VE HEARD THAT. WOULD YOU AGREE WITH THAT, GOVERNOR?

Rick Snyder:

I -- I WOULD GO MUCH FARTHER THAN THAT. IT'S A DUMB AND DANGEROUS RULE.

Mark Meadows:

OKAY. ALL RIGHT. MS. MCCARTHY, WOULD YOU AGREE THAT THE RULES, THE CURRENT RULES AS THEY ARE ARE AMBIGUOUS, NEED MORE CLARIFICATION?

Gina McCarthy:

THEY DEFINITELY NEED CLARIFICATION. THEY NEED TO BE STRENGTHENED AND WE'RE TAKING A LOOK AT THAT BUT --

Mark Meadows:

SO LET ME STOP YOU THERE, BECAUSE IF YOU'RE TAKING A LOOK AT IT, HERE'S MY CONCERN. BECAUSE WHEN ANYBODY SAYS THERE'S NOTHING AT FAULT, WE STARTED DOING SOME RESEARCH. CLEAN WATER SAFETY -- CLEAN WATER DRINKING SAFETY ACT OF 1991 REQUIRED RULES TO BE UPDATED EVERY SIX YEARS.

Gina McCarthy:

YES.

Mark Meadows:

DO YOU KNOW HOW MANY TIMES IT'S BEEN UPDATED FULLY SINCE 1991?

Gina McCarthy:

I DON'T KNOW HOW MANY TIMES.

Mark Meadows:

I DO. THE ANSWER IS ZERO. ZERO. IN TERMS OF FULLY UPDATED, IT'S ZERO. IT WAS MODIFIED SLIGHTLY IN 2007. AND SO HERE WE HAVE THIS SAFE DRINKING WATER STANDARDS THAT NEEDED TO BE UPDATED AND YET THE EPA DID NOTHING ABOUT IT. NOW I COULD GO FURTHER TO SAY, WELL, MAYBE THE EPA DIDN'T KNOW, BUT WE DID A LITTLE RESEARCH ON THAT, TOO, AND TO QUOTE -- THE GEAO, IN 2006, SAID INDEED THAT YOU NEEDED TO UPDATE YOUR RULES.

ARE YOU AWARE THAT THE GEAO HAS A PROBLEM WITH THE COPPER AND LEAD RULES?

Gina McCarthy:

I AM AWARE THAT THEY WERE LAST UPDATED IN 2007 UNDER THE PRIOR ADMINISTRATION.

Mark Meadows:

OKAY.

Gina McCarthy:

THAT'S WHAT I'M AWARE OF.

Mark Meadows:

ALL RIGHT. SO LET ME ASK YOU EVEN FURTHER, BECAUSE I WENT TO YOUR DOCUMENTS WHICH WERE ACTUALLY REGULATION DOCUMENTS SAYING WHEN YOU WERE GOING TO UPDATE THE RULES, AND SO IN 2010, YOU SAID THAT YOU WERE GOING TO HAVE A PROPOSED RULE IN 2012 AND A FINAL RULE IN 2013, LONG BEFORE THIS PROBLEM WOULD HAVE HAPPENED IF YOU'D JUST HAD STUCK WITH YOUR ORIGINAL TIMEFRAME. THE PROBLEM IS, IS I CAN GO THROUGH MULTIPLE PAPERS HERE AND I CAN FIND THAT YOU NEVER -- YOU JUST KEPT CHANGING THE GOALPOST IN TERMS OF THE RULES. AND IN FACT, EVEN AS RECENT AS THIS LAST FALL, YOU CHANGED IT AGAIN TO SAY THAT NOT ONLY ARE YOU GOING TO DO A RULE SOMETIME IN THE FUTURE IN 2018, YOU DON'T EVEN TALK ABOUT A FINAL RULE.

NOW DO YOU NOT SEE A PROBLEM WITH THE FACT THAT THE LAW REQUIRES YOU TO DO A NEW RULE EVERY SIX YEARS, AT LEAST REVISIT IT, AND THAT YOU HAVEN'T REVISITED IT IN 10 YEARS, AND THAT YOU KEEP CHANGING THE GOALPOST? DO YOU NOT SEE SOME FAULT THERE?

Gina McCarthy:

WELL, THE REVISIONS ACTUALLY STARTED IN EARNEST IN 2012 OR 2013.

Mark Meadows:

BUT YOU SAID --

Gina McCarthy:

WE ARE TRYING --

Mark Meadows:

YOUR OWN DOCUMENT, YOU SAID YOU WERE GOING TO HAVE THEM DONE IN 2013.

Gina McCarthy:

WE HAVE -- WE HAVE A STAKEHOLDER GROUP THAT'S VERY ACTIVELY TOLD US THAT WE CANNOT MAKE TWEAKS TO THIS, WE HAVE TO MAKE SOME SUBSTANTIVE CHANGES, ISSUES THAT WOULD HAVE BEEN HELPFUL IN THIS CASE. THAT DOES TAKE MORE TIME THAN MAKING SMALL TWEAKS AND -- AND THAT IS WHAT WE'RE WORKING ON NOW, AND I'M GLAD WE KNOW EVEN MORE TODAY THAN WE DID BEFORE. WE'RE GOING TO TAKE A LOOK AT IT.

Mark Meadows:

LET ME TELL YOU WHY I'M CONCERNED WITH THAT. IN THE SAME TIME ABOUT THE SMALL TWEAKS?

Gina McCarthy:

YES.

Mark Meadows:

THE EPA HAS PASSED 3,571 RULES IN THAT TIMEFRAME WHILE THE PEOPLE OF FLINT, AND MAYBE WASHINGTON DC, ARE WAITING ON A FINAL RULE. YOU -- YOU HAVE THE WRONG PRIORITIES, MS. MCCARTHY.

Gina McCarthy:

IF THEY HAD -- IF THEY HAD PROPERLY IMPLEMENTED THE LAW AS IT CURRENTLY EXISTS, WE WOULDN'T BE SITTING HERE TODAY. AS IT CURRENTLY EXISTS, WE WOULDN'T BE SITTING HERE TODAY.

Jason Chaffetz:

YOU'RE IN CHARGE. YOU'RE THE ADMINISTRATOR.

Gina McCarthy:

ACTUALLY, THE STATE IS IN CHARGE.

Jason Chaffetz:

YOU'RE IN CHARGE OF THE LEAD AND COPPER RULE. YOU'RE IN CHARGE OF THE LEAD. YOU THINK THE GOVERNOR IS IN CHARGE OF LEAD AND COPPER RULE? YOU'RE IN CHARGE OF THE LEAD AND COPPER RULE. YOU'RE WRITING THE RULE.

Gina McCarthy:

I'M TELLING YOU THAT WE DIDN'T NEED ANY CHANGE TO THE RULE IN ORDER TO HAVE PREVENTED THIS PROBLEM FROM HAPPENING. IT WAS THE WAY IN WHICH MDEQ ACTUALLY INTERPRETED IT AND IMPLEMENTED IT THAT WAS THE PROBLEM. MDEQ HAS SAID IT, THE GOVERNOR'S TASK FORCE HAS SAID IT.

Jason Chaffetz:

YOU'RE WRONG. WE'RE GOING TO -- WE'RE GOING TO COME BACK TO THIS. WE WILL RECOGNIZE THE GENTLEMAN FROM PENNSYLVANIA, MR. BOYLE, FOR FIVE MINUTES.

Brendan Boyle:

THANK YOU. THANK YOU, MR. CHAIRMAN. GOVERNOR SNYDER, OVER THE PAST TWO YEARS, YOU AND THE INDIVIDUALS YOU HAND-PICKED TO CARRY OUT YOUR ADMINISTRATION'S ACTIONS MISSED SO MANY OPPORTUNITIES ALONG THE WAY TO PROTECT THE PEOPLE OF FLINT. WHEN

THE WATER CHANGED COLOR TO BROWN AND ORANGE, YOUR ADMINISTRATION SAID THE WATER WAS SAFE. WHEN PEOPLE REPORTED RASHES, HAIR LOSS, ODOR AND EVEN SEWAGE, YOUR ADMINISTRATION SAID THE WATER WAS SAFE. WHEN E. COLI AND FECAL BACTERIA WERE FOUND IN THE WATER AND BOIL WATER ALERTS WERE DISTRIBUTED, YOUR ADMINISTRATION SAID THE WATER WAS SAFE. WHEN A HARMFUL BYPRODUCT OF DISINFECTION IN THE WATER BEGAN TO SPIKE AFTER THE SWITCH, YOUR ADMINISTRATION SAID THE WATER WAS SAFE. WHEN LEGIONNAIRES -- WHEN LEGIONNAIRES' DISEASE BEGAN TO INFECT AND LATER KILL NUMEROUS CITIZENS, YOUR ADMINISTRATION SAID THE WATER WAS SAFE. GOVERNOR, DON'T YOU HAVE A MORAL RESPONSIBILITY TO RESIGN?

Rick Snyder:

MY COMMITMENT IS TO FIX THE PROBLEM. THIS IS A CASE WHERE WE SHOULD HAVE DEMANDED MORE ANSWERS. I SAID THAT IN MY OPENING STATEMENT.

Brendan Boyle:

AND DON'T YOU HAVE --

Rick Snyder:

AGAIN --

Brendan Boyle:

-- A MORAL RESPONSIBILITY AS THE GOVERNOR OF AN ADMINISTRATION THAT FAILED AND POISONED ITS OWN PEOPLE, DON'T YOU HAVE THE MORAL RESPONSIBILITY TO RESIGN?

Rick Snyder:

WHAT I WOULD SAY IS IS WHEN YOU HAVE EXPERTS THAT YOU RELIED ON, THEY FAILED, THEY WORK FOR ME, SO YOU HAVE A RESPONSIBILITY FOR THAT. I KICK MYSELF EVERY DAY WISHING I WOULD HAVE DEMANDED MORE ANSWERS AND ASKED MORE QUESTIONS. BUT PUT IT IN CONTEXT,

WHEN SOMETHING BAD HAPPENS, AND THIS IS A TERRIBLE TRAGEDY, THIS HAS BEEN THE HUMBLING EXPERIENCE OF MY LIFE, IS I DON'T BELIEVE THE RIGHT ANSWER IS --

BRANDON BOYLE:

I BELIEVE FOR THE CITIZENS OF FLINT IT IS FAR WORSE THAN JUST A HUMBLING EXPERIENCE.

Rick Snyder:

-- TO WALK AWAY FROM IT. I WANT A COMMITMENT -- I'M MAKING A COMMITMENT TO SOLVE THIS PROBLEM BECAUSE --

Brendan Boyle:

LET ME --

Rick Snyder:

-- THE PEOPLE DESERVE BETTER.

Brendan Boyle:

LET ME -- I THINK THAT ANSWER SPEAKS FOR ITSELF. I THINK THAT ULTIMATELY WHEN PEOPLE ARE AT THE HEAD OF A GOVERNMENT, THEY HAVE TO TAKE RESPONSIBILITY FOR THEIR ADMINISTRATION'S FAILURES. BUT MS. MCCARTHY, I WANT TO SWITCH TO YOU, BECAUSE WHILE THIS HAS BEEN POSSIBLY THE LARGEST AND MOST GLARING FAILURE OF GOVERNMENT SINCE HURRICANE KATRINA, I AM CONCERNED ABOUT THE EXTENT TO WHICH THIS COULD BE A CANARY IN A COAL MINE. SO LET ME ASK YOU SPECIFICALLY ABOUT MY OWN HOME STATE OF PENNSYLVANIA. IN 2014, THE PENNSYLVANIA DEPARTMENT OF HEALTH IDENTIFIED 18 CITIES IN MY STATE THAT HAVE HIGHER LEAD EXPOSURE THAN FLINT DOES. SO WHAT IS THE EPA DOING NOW OUTSIDE OF FLINT TO ENSURE THAT OTHER LOCALITIES DON'T END UP IN EXACTLY THE SAME SITUATION?

Gina McCarthy:

WELL, THANK YOU FOR RAISING THAT, BECAUSE -- BECAUSE THAT'S ONE OF THE ISSUES THAT HAS A SPOTLIGHT ON IT. WE SHOULD TRY TO MAKE SOMETHING GOOD HAPPEN OF THIS. WE ACTUALLY -- I HAVE WRITTEN TO EVERY GOVERNOR AND TO EVERY PRIMACY AGENCY, THE ONES THAT ARE RESPONSIBLE FOR IMPLEMENTING AND ENFORCING THE SAFE DRINKING WATER ACT, TO ASK THEM TO LOOK AT ALL THEIR PROTOCOLS, TO LOOK AT -- AT WHAT THEIR GUIDANCE IS, TO EXPLAIN TO THEM WHAT WE KNOW THEY SHOULD BE DOING, TO ACTUALLY POST THEIR

PROTOCOLS, TO RELOOK -- RELOOK AND CONFIRM TO US THAT THEY'RE IMPLEMENTING THE LAW AS IT HAS BEEN INTENDED. WE EVEN WENT FURTHER TO SUGGEST THAT EVERY TEST THEY TAKE SHOULD BE POSTED ON THE WEB. THEY SHOULD POST EVERY LEAD LINE ON THE WEB.

I KNOW THAT PEOPLE HAVE LOST FAITH IN GOVERNMENT AS A RESULT OF THIS. THE BEST WAY WE CAN HELP THEM AND US IS TO HAVE EVERYTHING BE SO TRANSPARENT THAT INDIVIDUALS CAN HOLD US ACCOUNTABLE.

ONE OF THE CHALLENGES WE FACED HERE, CONGRESSMAN, IS WE JUST COULDN'T GET A STRAIGHT ANSWER ANYWHERE. PEOPLE DON'T DESERVE THAT OUT OF THEIR GOVERNMENT. I WILL TAKE RESPONSIBILITY FOR NOT PUSHING HARD ENOUGH BUT I WILL NOT TAKE RESPONSIBILITY FOR CAUSING THIS PROBLEM. IT WAS NOT EPA AT THE HELM WHEN THIS HAPPENED.

Brendan Boyle:

THANK YOU, AND I YIELD BACK.

Jason Chaffetz:

THANK YOU, GENTLEMAN. NOW RECOGNIZE THE GENTLEMAN FROM WISCONSIN, MR. GROTHMAN, FOR FIVE MINUTES.

Glenn Grothman:

RIGHT. I KNOW IT'S DIFFICULT TO GET GOVERNMENT TO WORK FOR A VARIETY OF REASONS. THAT'S WHY SOME OF US LIKE LESS GOVERNMENT BECAUSE IT'S VERY HARD TO GET IT TO WORK. I GUESS MY FIRST QUESTION IS FOR GOVERNOR SNYDER. LIKE EVERY GOVERNOR, YOU INHERIT, AND IN YOUR CASE YOU SAID WELL OVER 40,000 EMPLOYEES. YOU DIDN'T PICK THOSE EMPLOYEES. FREQUENTLY BECAUSE OF THE POLITICAL CLOUT, EVEN IF YOU HAVE AN EMPLOYEE OVER A PERIOD OF TIME WHO'S LAZY OR NOT DOING THEIR JOB, IT'S DIFFICULT TO GET RID OF THOSE EMPLOYEES. YOU HAVE GOTTEN RID OF SEVERAL THEM. I MISSED A COUPLE OF THE COMMENTS HERE, BUT IN GENERAL, IF YOU GO THROUGH THE FIVE OR SIX EMPLOYEES YOU FEEL WERE MOST CALLOUS AND UNCARING, WERE THEY POLITICAL APPOINTEES OR WERE THEY CIVIL SERVANTS YOU INHERITED?

Rick Snyder:

NOW WITH RESPECT TO, AGAIN, I USE THE WORD IN QUOTES, CONGRESSMAN, "EXPERTS" THAT WERE IN THE WATER SAFETY DIVISION, I BELIEVE ON AVERAGE YOU'LL FIND THEIR EXPERIENCE WAS SOMEWHERE BETWEEN 20 -- 20 SOME YEARS TO 30 YEARS OF GOVERNMENT EXPERIENCE.

Glenn Grothman:

SO, YOU KNOW, YOU CAN BE AN EXPERT BUT IF YOU DON'T CARE, IT DOESN'T MATTER HOW EXPERT YOU ARE OR HOW MANY CLASSES YOU'VE TAKEN IN SCHOOL. SO IN OTHER WORDS, LARGELY THE PEOPLE THAT YOU GOT RID OF IT WERE PEOPLE THAT HAD BEEN AROUND THERE FOR 20 YEARS, CIVIL SERVICE PROTECTION, THAT SORT OF THING?

Rick Snyder:

YES. THE HEAD OF THE WATER DIVISION THAT WAS TERMINATED HAD 28 YEARS OF EXPERIENCE.

Glenn Grothman:

I KNOW IT'S VERY DIFFICULT FOR A GOVERNOR TO COME IN THERE AND CLEAN HOUSE WITH CIVIL SERVANTS. I'M SORRY IT HAD TO BE SUCH A TRAGEDY TO BRING THEIR INCOMPETENCE TO LIGHT. QUESTION FOR Gina McCarthy. IT SEEMS TO ME BEFORE THIS HEARING, THE MOST CALLOUS GOVERNMENT EMPLOYEE WE'VE HAD BEFORE IT IS SUSAN HEDMAN. WE FOUND OUT YESTERDAY THAT SHE ACTUALLY HAD BEEN REACHED OUT AND GRABBED BY YOUR PREDECESSOR, SECRETARY JACKSON. I WISH SECRETARY JACKSON COULD BE HERE TO EXPLAIN WHAT IN THE WORLD SHE WAS DOING HIRING SUSAN HEDMAN.

BUT AS YOU LOOK THROUGH THE PEOPLE IN YOUR AGENCY THAT MADE HUGE MISTAKES, I DON'T SEE HOW YOU CAN DENY THEY MADE HUGE MISTAKES, COULD YOU RATTLE OFF THE PEOPLE WHO YOU FEEL ARE MOST RESPONSIBLE FOR THIS MESS? DEL TORAL, HE WASN'T A POLITICAL APPOINTEE.

HE WAS AN EXAMPLE OF A GOOD CIVIL SERVANT WHO WAS AROUND THERE, YOU KNOW, FIGHTING TO GET THE ANSWERS OUT HERE, AS FAR AS I CAN SEE, WHEN SUSAN HEDMAN WAS TRYING TO KEEP THEM IN THE DARK. BUT WOULD YOU RATTLE OFF THE PEOPLE YOU FEEL ARE MOST AT FAULT IN THE EPA?

Gina McCarthy:

NO, SIR, I THINK THAT THAT WOULD BE ONE OF THE EASIEST THINGS I COULD DO IS TO FIND A

COUPLE OF CAREER BUREAUCRATS TO PIN THE PROBLEM ON.

Glenn Grothman:

I DON'T THINK CAREER BUREAUCRATS --

Gina McCarthy:

THAT'S NOT MY JOB AND I'M NOT GOING TO DO THAT.

Glenn Grothman:

WELL, I DON'T THINK IT WAS CAREER BUREAUCRATS, I THINK IT WAS SUSAN HEDMAN, BUT GO AHEAD.

Gina McCarthy:

WELL, SUSAN HEDMAN DIDN'T KNOW ABOUT THIS ISSUE UNTIL LATE IN JUNE. SHE TOOK IMMEDIATE ACTION. SHE ACTUALLY WORKED -- WAS IT JUNE OR JULY? I FORGET. I APOLOGIZE. SHE TOOK IMMEDIATE ACTION TO REACH OUT. SHE EVEN PUT A DEATH STATEMENT OUT THAT GOT PICKED UP IN LOCAL NEWSPAPERS ABOUT THE LEAD CONCERNS. WE DID EVERYTHING ACCORDING TO THE NUMBERS. AND THE REASON WHY I AM SO IMPRESSED WITH SUSAN IS THAT SHE IMMEDIATELY CAME AND RESIGNED, BECAUSE SHE COULD HAVE WAITED TO TRY TO FIND SOMEBODY TO BLAME IT ON. BUT INSTEAD, SHE WANTED FULL ATTENTION ON FLINT AND THE ABILITY TO EPA TO HELP RESOLVE THAT SITUATION AND SHE RESIGNED.

Glenn Grothman:

WAIT, MAYBE I MISSED SOMETHING. WHEN DID SHE RESIGN?

Gina McCarthy:

SHE RESIGNED IN -- IN LATE JANUARY.

Glenn Grothman:

THAT'S NOT IMMEDIATE.

Gina McCarthy:

BECAUSE SHE WAS WORKING THE ISSUE.

Glenn Grothman:

THAT'S AFTER SIX MONTHS.

Gina McCarthy:

I'M SORRY, SIR, SHE WAS WORKING THE ISSUE EVERY DAY. THE QUESTION WAS DID WE HAVE TOO MUCH INTERACTION WITH THE STATE, TRUSTING INDIVIDUALS WHO WERE NOT GIVING US THE RIGHT INFORMATION, BUT SHE WORKED REALLY HARD. IN FACT, IT WAS SUSAN WHO FORCED OUR WAY ONTO THE TASK FORCE SO WE COULD BE HELPFUL IN DESIGNING A STRATEGY MOVING FORWARD.

Glenn Grothman:

IT WAS --

Gina McCarthy:

IT WAS SUSAN WHO SUGGESTED NOT TO GO BACK TO THE DETROIT WATER. IT WAS SUSAN WHO SUGGESTED THAT BOTTLED WATER WOULD BE NECESSARY. SO SHE WAS TAKING THE STEPS SHE NEEDED TO TRY TO RESOLVE THE PROBLEM.

Glenn Grothman:

IT WOULD SEEM TO ME THAT IF THE DEL TORAL MEMO WAS MADE PUBLIC, THAT WOULD HAVE RAISED THE SENSE OF CRISIS --

Gina McCarthy:

SIR, IT WAS MADE PUBLIC. IT WAS PUBLIC THE DAY HE SENT IT OUT. THE ONLY THING --

Glenn Grothman:

WELL, OKAY.

Gina McCarthy:

-- SHE WAS REACTING TO WAS THE FACT THAT IT WAS --

Glenn Grothman:

WE HAVE THE MEMO, AND RATHER THAN SAYING THAT THE MEMO, WAS, OH, RATHER THAN DOWNPLAYING THE MEMO, HIGHLIGHTING THE MEMO.

Gina McCarthy:

WELL, SIR, IF YOU LOOK AT THE ENTIRE CHAIN OF E-MAILS, YOU WILL SEE THAT MIGUEL WAS THE PERSON THAT EVERYBODY IN THAT REGION TURNED TO FOR ADVICE ON HOW TO HANDLE THIS.

HE WAS PART OF OUR TASK FORCE. HE WAS PART OF THE DECISIONS EVERY STEP OF THE WAY. WE IN NO WAY SIDELINED HIM. IT IS ACTUALLY SOMETHING THAT MDEQ STARTED BY SAYING HE WAS SOME KIND OF A ROGUE EMPLOYEE. IT WAS SUSAN HEDMAN THAT CALLED MDEQ AND SAID TO STOP DOING THAT, THAT IS NOT THE CASE, HE'S PART OF OUR TEAM AND A VALUABLE MEMBER.

Glenn Grothman:

I JUST THINK IT'S INCREDIBLE THAT OF ALL THESE PEOPLE WENT THROUGH, YOU STILL CAN'T IDENTIFY ANY PEOPLE THAT DID A BAD JOB. I MEAN THAT'S AMAZING TO ME BUT --

Gina McCarthy:

SIR, I HAVE -- I HAVE ASKED THE OFFICE OF THE INSPECTOR GENERAL TO GIVE THEIR EYES ON IT. I CAN'T POSSIBLY KNOW EVERYTHING THAT HAPPENED. DO I THINK THE SYSTEM FAILED? YES. DO I THINK EPA COULD HAVE BEEN MORE AGGRESSIVE IF WE KNEW WE WEREN'T GETTING THE RIGHT INFORMATION? ABSOLUTELY. EVEN WHEN WE FIGURED THAT OUT, WE TALKED TO THE STATE FOR TOO LONG. IT SHOULD HAVE BEEN ELEVATED. I WOULD HAVE LOVED TO HAVE AN OPPORTUNITY TO INTERVENE IN A MORE AGGRESSIVE WAY.

Jason Chaffetz:

WOW. ALL RIGHT. MS. MALONEY OF NEW YORK WE RECOGNIZE FOR FIVE MINUTES.

Carolyn Maloney:

ADMINISTRATOR MCCARTHY, WOULD YOU PLEASE CHECK ON THE LEVEL OF LEAD IN NEW YORK CITY'S WATER AND GET BACK TO ME? AND I AM GRATEFUL THAT THERE ARE PROFESSIONAL EMPLOYEES WORKING FOR THE HEALTH AND TO PROTECT THE HEALTH OF THE AMERICAN PEOPLE, AND I WANT TO THANK YOU FOR THE JOB THAT YOU'RE DOING.

Gina McCarthy:

THANK YOU.

Carolyn Maloney:

THE -- THE PEOPLE -- PEOPLE IN FLINT WERE DRINKING HIGH LEVELS OF LEAD IN THEIR WATER AND -- AND, GOVERNOR SNYDER, YOU UTTERLY FAILED IN YOUR RESPONSIBILITY TO PROTECT THEM. EARLIER YOU TESTIFIED THAT WE NEEDED ACTION, WE NEEDED ACTION BY THE EPA, WE NEEDED ACTION BY THE CITY COUNCIL, BUT EVEN AFTER YOU FOUND OUT THAT THERE WERE PROBLEMS, THAT IT WAS IN PAPER IN FRONT OF YOU WITH YOUR STAFF, ONCE YOU KNEW, EVEN WHEN YOU KNEW, YOU DELAYED AND YOU PUT PEOPLE'S LIVES IN DANGER.

ON APRIL 25TH, 2015, EPA OFFICIAL MIGUEL DEL TORAL SENT AN E-MAIL TO PAT COOK AT MDEQ ON THE STATE LEVEL EXPRESSING CONCERNS THAT NO CORROSION CONTROL WAS BEING USED IN FLINT AND HE WROTE, AND I QUOTE -- I'M WORRIED. I'M WORRIED THAT THE WHOLE TOWN MAY HAVE MUCH HIGHER LEAD LEVELS THAN THE COMPLIANCE RESULTS INDICATED. AND I'D LIKE HIS NOTE PUT IN THE RECORD, PLEASE. BUT GOVERNOR SNYDER, YOU DIDN'T ADD CORROSION CONTROL IN APRIL. YOU DIDN'T ADD IT IN MAY. YOU DIDN'T ADD IT ALL SUMMER LONG, AND YOU DIDN'T ADD IT IN OCTOBER. AND EVEN WHEN YOU SWITCHED BACK TO THE -- TO THE DETROIT WATER, YOU DIDN'T ADD IT THEN. SO YOU NEVER ADDED CORROSION CONTROL THE ENTIRE TIME THAT YOUR CITIZENS WERE DRINKING OUT OF THE FLINT RIVER. AND ISN'T THAT TRUE? YES OR NO. YES OR NO.

Rick Snyder:

IN TERMS OF --

Carolyn Maloney:

YES OR NO. GET BACK TO ME IN WRITING IF YOU CAN'T ANSWER YES OR NO RIGHT NOW.

Rick Snyder:

THERE SHOULD HAVE BEEN CORROSION CONTROLS AND COMMON SENSE FROM DAY 1. THEY WERE NOT THERE.

Carolyn Maloney:

OKAY. THEY WERE NOT THERE.

Rick Snyder:

THEY WERE THERE WHEN --

Carolyn Maloney:

EXCUSE ME. I'M ASKING THE QUESTIONS. I ASKED FOR YES OR NO. GET BACK TO ME IN WRITING, AND I CAN GIVE YOU A PAPER TRAIL THAT FOR SIX MONTHS YOU KNEW AND YOU DIDN'T DO ANYTHING ABOUT IT. AND EPA, IT WAS EPA THAT WARNED YOU. IT WAS EPA THAT WARNED THE STATE. AND I FIND THAT UNCONSCIONABLE, AND I'M ASKING YOU TO WARN ME IF THERE'S ANY PROBLEM IN THE STATE OF NEW YORK, PLEASE, AND I'M GRATEFUL WE HAVE PROFESSIONALS WHO CAN DO THIS, WHO CAN ACT, AND THEY DID ACT.

NOW LET ME TURN TO ANOTHER DELAY, THE OCTOBER 2ND, 2015, YOU UNVEILED YOUR SO-CALLED COMPREHENSIVE ACTION PLAN TO ADDRESS FLINT'S WATER CRISIS BUT YOU DIDN'T DECLARE A STATE OF EMERGENCY UNTIL JANUARY 5TH, 2016. ISN'T THAT RIGHT? WHEN DID YOU -- IT WAS JANUARY 16TH. AND -- AND THAT WAS THREE MONTHS LATER AND I FIND THAT UNCONSCIONABLE. AND YOU -- YOU ABSOLUTELY DIDN'T CALL THE NATIONAL GUARD IN UNTIL EVEN LATER, UNTIL JANUARY 12TH. AND, GOVERNOR SNYDER, ON NOVEMBER 13TH, 2015, THE DEPUTY STATE DIRECTOR, MICHIGAN STATE POLICE SENT AN E-MAIL TO ONE OF YOUR LEGAL COUNSELS WITH THE SUBJECT LINE, "DECLARATION QUESTIONS." HE WROTE, AND I QUOTE -- AS YOU KNOW, THE GOVERNOR CAN DECLARE AT ANY TIME FOR ANY REASON A STATE OF EMERGENCY.

THAT E-MAIL WAS SENT IN NOVEMBER. YET YOU STILL WAITED TWO MORE MONTHS BEFORE YOU

DECLARED THE EMERGENCY, AND HOW CAN YOU EXPLAIN THAT TO THE PEOPLE OF FLINT WHO ARE NOW INCREDIBLY SICK?

THE TRUTH IS IS THAT YOU DRAGGED YOUR FEET BECAUSE YOU DIDN'T WANT TO TAKE RESPONSIBILITY. IN FACT, THAT VERY SAME E-MAIL FROM THAT LAST NOVEMBER LAYS OUT CLEARLY, IT STATES, AND I QUOTE, THIS IS -- THE STATE WILL FORMALLY OWN THE EVENT IF WE PUT A GOVERNOR'S DECLARATION IN PLACE. THIS COULD BE VIEWED AS THE STATE HAVING OWNED UP TO HOW THE WATER ISSUE WAS CAUSED -- END QUOTE.

AND GOVERNOR SNYDER, YOUR PEOPLE KNEW IN APRIL THAT YOU SHOULD BE USING CORROSION CONTROL BUT YOU DID NOTHING FOR SIX MONTHS. YOU DRAGGED YOUR FEET IN DECLARING AN EMERGENCY BASED ON POLITICAL AND FINANCIAL CONCERNS. AND SAY WHATEVER YOU WANT, SAY WHATEVER YOU WANT ABOUT BEING IN THE DARK, ABOUT THE WARNING SIGNS, BUT EVEN WHEN YOU DID KNOW, EVEN WHEN YOU DID KNOW, YOU DID NOTHING. SO YOUR DELAY SICKENED AN UNTOLD NUMBER OF ADDITIONAL PEOPLE. I BELIEVE THIS IS A NATIONAL DISGRACE AND A NATIONAL SCANDAL AND I THINK WE ALL SHOULD LEARN FROM IT.

Jason Chaffetz:

GENTLEWOMAN YIELDS BACK. THE GENTLEWOMAN'S TIME IS EXPIRED. WE NOW RECOGNIZE THE GENTLEMAN FROM GEORGIA, MR. CARTER, FOR FIVE MINUTES.

Earl "Buddy" Carter:

THANK YOU, MR. CHAIRMAN. MS. MCCARTHY, I'M A FRESHMAN. I'VE BEEN HERE FOR 16 MONTHS NOW AND -- AND I STRUGGLE SOMETIMES WITH ACRONYMS. CAN YOU HELP ME OUT? EPA, WHAT DOES THAT P STAND FOR?

Gina McCarthy:

PROTECTION.

Earl "Buddy" Carter:

PROTECTION? PROTECTION?

Gina McCarthy:

YES.

Earl "Buddy" Carter:

I THOUGHT THAT WAS THE CASE SO JUST A SECOND AGO I LOOKED UP THE DEFINITION OF PROTECTION. IT SAYS A PERSON TO PREVENT SOMEONE OR SOMETHING FROM SUFFERING HARM OR INJURY. YOU WOULD AGREE WITH THAT? YES?

Gina McCarthy:

SOUNDS RIGHT.

Earl "Buddy" Carter:

SOUNDS RIGHT. SO ENVIRONMENTAL PROTECTION AGENCY?

Gina McCarthy:

CORRECT.

Earl "Buddy" Carter:

MRS. -- MS. MCCARTHY, I'M CORRECT WHEN I SAY THAT EPA HAS THE AUTHORITY TO WARN THE PUBLIC WHEN THERE'S CONTAMINATION IN THE DRINKING WATER THAT POSES IMMEDIATE THREAT TO HUMAN HEALTH, IS THAT CORRECT?

Gina McCarthy:

YES.

Earl "Buddy" Carter:

YES. SO YOU'RE AWARE OF THE JUNE, 2015 MEMO FROM -- FROM MIGUEL DEL TORAL? YOU'RE AWARE OF THAT, CORRECT, OF THAT MEMO?

Gina McCarthy:

YES.

Earl "Buddy" Carter:

YES, OKAY. SO MR. DEL TORAL, WE HAVE ESTABLISHED AND WE ESTABLISHED IT TWO DAYS AGO WHEN MS. HEDMAN IS HERE, HE IS A DRINKING WATER SPECIALIST?

Gina McCarthy:

YES.

Earl "Buddy" Carter:

IN FACT, HE WAS A MEMBER, A KEY MEMBER OF THE REGION 5 SAFE DRINKING WATER TASK FORCE. YET WHEN MR. DEL TORAL REPORTED THE HIGH LEVELS OF LEAD IN FLINT'S DRINKING WATER, THE EPA, THE ENVIRONMENTAL PROTECTION AGENCY, THEY DIDN'T DO THAT, THEY DIDN'T PROTECT THE PUBLIC, THEY DIDN'T WARN THE PUBLIC. INSTEAD, MS. HEDMAN, SHE HAD A BUNCH OF EXCUSES, NONE OF THEM WHICH I BELIEVE, BUT SHE HAD A LOT OF EXCUSES AS TO WHY THE EPA, THE ENVIRONMENTAL PROTECTION AGENCY, DIDN'T TAKE ANY ACTION. NONE OF THEM -- NONE OF THEM WOULD HAVE PREVENTED -- NONE OF THEM WOULD HAVE PREVENTED THE EPA FROM STANDING UP AND SAYING, HEY, DON'T DRINK THAT WATER, IT'S GOT LEAD IN IT, STOP, DON'T DRINK IT. NONE OF -- NONE OF THE EXCUSES SHE HAD WOULD HAVE PREVENTED EPA FROM DOING THAT, BUT EPA DID NOT DO THAT. THEY DID NOT PROTECT. THEY DID NOT --

THEY DID NOT PREVENT SOMEONE OR SOMETHING FROM SUFFERING HARM.

Unidentified Speaker:

WILL THE GENTLEMAN YIELD?

Earl "Buddy" Carter:

I DO NOT YIELD. MRS. MCCARTHY, YOU HAD AN OP-ED IN THE WASHINGTON POST?

Gina McCarthy:

YES.

Earl "Buddy" Carter:

AND YOU STATED THAT THE EPA REPEATEDLY AND URGENTLY TOLD THE STATE OF MICHIGAN TO ACT WITH A SENSE OF URGENCY AND INFORM THE PUBLIC, IS THAT CORRECT?

Gina McCarthy:

THAT'S CORRECT.

Earl "Buddy" Carter:

YET, AS I UNDERSTAND IT, YOU MEAN TO SAY THAT -- THAT YOU REPEATEDLY TOLD THE STATE OF MICHIGAN TO WARN THE PUBLIC ABOUT THE TOXIC LEVELS OF LEAD IN FLINT'S PUBLIC WATER, IN THEIR WATER, IS THAT CORRECT?

Gina McCarthy:

WE REPEATEDLY TOLD THEM THAT THEY HAD TO BEGIN CORROSION CONTROL.

Earl "Buddy" Carter:

YOU KNOW, A LITTLE WHILE AGO YOU ASKED -- YOU SAID, YOU KNOW, I WISH WE COULD HAVE DONE SOMETHING DIFFERENT?

Gina McCarthy:

YES.

Earl "Buddy" Carter:

WHETHER IT'D BEEN BY THE LAW OR JUST COMMON SENSE. WOULD COMMON SENSE NOT HAVE TOLD YOU HEY, HEY, STOP DRINKING THE WATER?

Gina McCarthy:

NOT AT THAT POINT IN TIME.

Earl "Buddy" Carter:

NOT AT THAT POINT IN TIME? AT WHAT POINT IN TIME?

Gina McCarthy:

THE CHALLENGE WAS THAT YOU'RE REFERENCING A REPORT, THAT IF YOU LOOK AT THE FINAL, CLEARLY INDICATES THAT IT WAS MOST LIKELY A LOCALIZED ISSUE. I CANNOT MAKE --

Earl "Buddy" Carter:

SO WHAT MS. HEDMAN DID, SHE SOUGHT A LEGAL OPINION. THAT MAKES US ALL FEEL BETTER. MY GOODNESS.

Gina McCarthy:

THAT'S NOT WHAT SHE DID, SIR.

Earl "Buddy" Carter:

SHE DID. SHE SOUGHT A LEGAL OPINION ON THIS.

Gina McCarthy:

NO.

Earl "Buddy" Carter:

AND I KNOW EVERYBODY HERE FEELS MUCH BETTER ABOUT THAT, BECAUSE THE ENVIRONMENTAL PROTECTION AGENCY, WE'RE GOING TO MAKE SURE WE GOT A LEGAL OPINION FIRST BEFORE WE TELL THESE PEOPLE STOP DRINKING THAT WATER.

Gina McCarthy:

THIS -- THIS REPORT WAS DONE AFTER WE HAD BEEN WORKING WITH THE STATE TO TELL THEM CONSISTENTLY THAT THEY HAD TO START CORROSION CONTROL, BUT I CANNOT, NOR COULD --

Earl "Buddy" Carter:

BUT CORROSION --

Gina McCarthy:

-- MS. HEDMAN, MAKE THE DECISION --

Earl "Buddy" Carter:

MS. MCCARTHY, CORROSION CONTROL?

Gina McCarthy:

DID I SAY -- I SAID CORROSION CONTROL. RIGHT?

Earl "Buddy" Carter:

YES, YOU DID.

Gina McCarthy:

OKAY.

Earl "Buddy" Carter:

OKAY. BUT THAT'S NOT WHAT WE'RE CONCERNED ABOUT. BECAUSE AT THIS POINT WE KNOW THERE'S LEAD IN THE WATER.

Gina McCarthy:

WE KNEW THAT --

Earl "Buddy" Carter:

WE'VE GOT TO STOP IT.

Gina McCarthy:

-- IT WAS IN A LOCALIZED AREA, AND WE WERE CONCERNED ABOUT IT BEING --

Earl "Buddy" Carter:

THIS -- THIS DIDN'T COME FROM JUST SOME MEMBER. THIS CAME FROM A DRINKING WATER SPECIALIST.

Gina McCarthy:

YES, AND HIS ADVICE WAS HEEDED.

Earl "Buddy" Carter:

HIS ADVICE WAS HEEDED IMMEDIATELY?

Gina McCarthy:

WE DID EVERYTHING --

Earl "Buddy" Carter:

WASN'T --

Gina McCarthy:

-- WE HAD AVAILABLE TO US.

Earl "Buddy" Carter:

EVERYTHING THAT YOU HAD TO AVAILABLE TO YOU?

Gina McCarthy:

YES.

Earl "Buddy" Carter:

SO YOU'RE TELLING ME YOU GOT ON TV AND SAID DON'T DRINK THE WATER, THERE'S LEAD IN THE WATER, DON'T DRINK IT?

Gina McCarthy:

NO, BECAUSE THE ONLY THING WE KNEW, THERE WAS LEAD IN THREE, IN A VERY LOCALIZED AREA. HAD I MADE THE ASSUMPTION, USING A PRESUMPTION, LIKE A PRECAUTIONARY PRINCIPLE --

Earl "Buddy" Carter:

MS. MCCARTHY, I'M SORRY, I'M NOT WITH YOU ON THIS, BECAUSE AGAIN, ENVIRONMENTAL PROTECTION AGENCY. SOME -- YOU'RE TRYING TO PREVENT SOMEONE OR SOMETHING FROM SUFFERING HARM.

Gina McCarthy:

BUT WE --

Earl "Buddy" Carter:

WHY DON'T WE CHANGE THE ACRONYM. I MEAN COME ON, LET'S JUST CHANGE IT TO SOMETHING ELSE. LET'S TAKE PREVENTION OUT OF THIS.

Gina McCarthy:

SIR, THE STATE GIVE THE STATE -- THE LAW DID GIVE THE STATE PRIMARY AUTHORITY.

Earl "Buddy" Carter:

THE LAW. THE LAW. I DON'T THINK ANYBODY HERE CARES ABOUT THE LAW.

Jason Chaffetz:

THE GENTLEMAN - THE GENTLEMAN'S TIME HAS EXPIRED. THE GENTLEMAN IS YIELDING BACK. WE NOW RECOGNIZE THE GENTLEWOMAN FROM NEW MEXICO, MS. LUGAN GRISHAM, TO YOUR FAR LEFT.

Michelle Grisham:

THANK YOU. THANK YOU, MR. CHAIRMAN, AND THIS IS A REALLY TOUGH HEARING FOR ALL OF US, RIGHT, AND AS BOTH SIDES TRY TO TACKLE THIS PROBLEM, BECAUSE OUR REAL ISSUE HERE IS TO FIGURE OUT HOW WE PREVENT IT FROM HAPPENING EVER AGAIN AND SECONDLY WHAT WE CAN DO ABOUT RESTORING FAITH TO THE -- TO THE -- OUR CONSTITUENTS WHO DON'T BELIEVE EITHER OF YOU. RIGHT? AND THERE'S PLENTY OF REASON FOR THEM NOT TO BELIEVE EITHER OF YOU.

NOW, GOVERNOR, I WORKED FOR THREE GOVERNORS. I WAS -- THOSE GOVERNORS WERE JUST AS UNLUCKY AS I WAS AS THEIR APPOINTEE, TWO DIFFERENT PARTIES, 17 YEARS, AND I'LL TELL YOU WHAT, I GOT PLENTY OF E-MAILS AND CALLS FROM GOVERNORS WHO TOLD ME TO LIGHT A FIRE UNDER MY DEPARTMENT AND MOVE QUICKLY TO ADDRESS PROBLEMS. SO I'M HAVING TROUBLE WITH "I WASN'T REALLY SURE," AND I WILL TELL YOU AS A MEMBER OF CONGRESS WHEN THERE WAS A VETERAN'S WAIT LIST, MY HOSPITAL SAID WE DON'T HAVE THAT, I DIDN'T BELIEVE THEM. I WAS RIGHT. I WENT DOWN THERE AND GOT IT MYSELF.

WHEN OUR SOCIAL SECURITY OFFICE, I WAS HAVING MILLIONS OF COMPLAINTS, THAT MIGHT BE A BIT OF EXAGGERATION, BUT THOUSANDS. THE SOCIAL SECURITY OFFICE TOLD ME EVERYTHING WAS FINE. SO I WENT DOWN THERE AND GOT IN LINE. IT WASN'T FINE. THEY WERE HARMING PEOPLE. ALL RIGHT?

YOU HAVE AN OBLIGATION, THE BOTH OF YOU BUT, GOVERNOR, PARTICULARLY YOU, BECAUSE THESE ARE CONSTITUENTS IN YOUR CONTROL WITH YOUR CABINET. I WAS THE HEALTH SECRETARY. WHEN WE HAD ANY ALERT, WE GOT ON IT. YOU SAID YOU WERE THE COMMON SENSE GOVERNOR IN YOUR -- YOUR CAMPAIGN. WHEN YOU KNEW IN THE FALL OF 2014 THAT YOU HAD FECAL CHLOROFORM WAS DETECTED IN THE FLINT WATER, THERE WERE BOIL WATER ALERTS, WHAT CAUSED YOU, WITH EVERYTHING ELSE THAT YOU SAW IN THE PRESS, IN ADDITION TO YOUR OWN STAFF, NOT TO HAVE A COMMON SENSE APPROACH AND JUST FIX IT? BECAUSE I -- I DON'T UNDERSTAND.

Rick Snyder:

THAT ISSUE DID GET RESOLVED IN TERMS OF THE CHLOROFORM, E. COLI ISSUE. AGAIN, THIS IS WHERE YOU LOOK BACK AT HINDSIGHT. AGAIN, I WISH WE WOULD HAVE ASKED A LOT HARDER QUESTIONS. DAN WYANT, THE HEAD OF THE DEPARTMENT --

Michelle Grisham:

SO WHAT ARE WE GOING TO DO WITH GOVERNORS IN YOUR SITUATION? BECAUSE IF THEY -- IF THEY SAY LATER, I WISH I HAD DONE MORE, YOU KNOW WHAT, THERE WERE WARNING SIGNS, WE

DID A LITTLE BUT NOT ENOUGH, AND THE SAME, THE SAME WITH THE FEDERAL GOVERNMENT, WHAT DO WE DO SO THAT EVERYBODY SITTING HERE TODAY IS CLEAR THAT WHEN THERE'S A WARNING SIGNAL, NO MATTER HOW SMALL, AND HERE THEY WEREN'T SMALL, THEY WERE NOT SMALL, THEY WERE HUGE, THEN WHAT DO WE DO AS POLICY MAKERS TO MAKE SURE THAT MY CONSTITUENTS IN MY STATE AND ALL OVER THE COUNTRY WHO HAVE SIMILAR ISSUES THAT ARE READY TO HAVE THE SAME CONSEQUENCES, THAT THEY'RE GOING TO BELIEVE THEIR STATE OFFICIALS AND THEIR ELECTED OFFICIALS AND THEIR APPOINTEES, BECAUSE THAT'S REALLY WHAT I WANT TO DO GOING FORWARD. HOW DO I DO THAT, SIR?

Rick Snyder:

IN MY STATE OF THE STATE ADDRESS, I STOOD UP AND SAID THESE WERE FAILURES, WE NEED THAT URGENCY, I DEMAND THAT PEOPLE BRING ME THESE ISSUES. AND IN TERMS OF ISSUES LIKE FLINT GIVING --

Michelle Grisham:

HOW MANY STAFF HAVE YOU HELD ACCOUNTABLE, HOW MANY RE-TRAININGS HAVE YOU HAD, HOW MANY WATER TESTS ARE YOU DOING? LOOK, I GOT A JET FUEL PROBLEM IN MY DISTRICT. EVERYBODY WAS WORKING ON IT. I WENT TO THE PENTAGON. NOW THEY'RE ACTUALLY PULLING IT OUT OF THE WATER AND TREATING IT AND TREATING IT, I MEAN OUT OF THE AQUIFER, BECAUSE I'M NOT A JET FUEL EXPERT BUT I'M PRETTY SURE IT SHOULDN'T BE IN MY DRINKING SUPPLY. SO FOR 15 YEARS, BUREAUCRATS AND OTHER LEADERS JUST LET IT SIT THERE WHILE THEY STUDIED IT. SO WHAT EXACTLY, GIVE ME A LIST OF THE THINGS THAT YOU'RE DOING RIGHT NOW TO ADDRESS THESE CONSTITUENTS WHO HAVE BEEN ACTUALLY HARMED, WHO COULD BE HARMED, EVERY WATER SYSTEM IN YOUR STATE, HOW MUCH MONEY HAVE YOU IDENTIFIED AND APPROPRIATED TO MAKE SURE THAT YOU'RE DEALING WITH THIS PRODUCTIVELY.

Rick Snyder:

ONE OF THE THINGS INCLUDED IN YOUR EXHIBITS IS ACTUALLY AN EXCERPT FROM A REPORT THAT I HELPED CREATE AND WE TRACK INFORMATION ON FLINT ON A DAILY BASIS THAT GETS AGGREGATED. IT TALKS ABOUT EVERY ACTIVE WATER CUSTOMER, IT TALKS ABOUT HOW MANY --

Michelle Grisham:

TELL ME THE CONSTITUENTS THAT YOU RESPONDED TO BASED ON THAT REPORT.

Rick Snyder:

THE CONSTITUENTS, WE'RE OUT TO TALK TO EVERY PERSON IN FLINT.

Michelle Grisham:

YOU'RE TALKING TO THEM?

Rick Snyder:

IN TERMS OF A VISIT TO THEIR HOME --

Michelle Grisham:

YOUR RESPONSE TODAY IS TO KNOW WHO IS AFFECTED MAYBE AND THEN TO TALK TO THEM?

Rick Snyder:

NOT MAYBE. IT'S TO GO TO THEIR HOMES TO ACTUALLY HAVE AN OPPORTUNITY TO ASK WOULD YOU LIKE A FILTER, WOULD YOU LIKE A WATER TEST, HOW CAN WE HELP SUPPORT YOU IN TERMS OF GIVING WATER. AGAIN, WE HAVEN'T HIT EVERY HOME BUT WE'RE ACTUALLY TRACKING --

Michelle Grisham:

SO LET ME ASK YOU THIS QUESTION. I THINK THAT'S NOT -- AND THIS IS MY OPINION AS SOMEONE WHO DOES THIS KIND OF WORK FOR MY WHOLE CAREER. WE WOULD JUST FIX THE WATER SYSTEM SO IT'S ALL SAFE. BUT WHAT DO YOU DO WITH SOMEONE LIKE MY MOM WHO'S GOT A COGNITIVE IMPAIRMENT AND YOU GO TO HER HOUSE AND YOU ASK HER? WHAT ABOUT THAT CONSTITUENT?

Rick Snyder:

WE ASK THEM TO DIAL 211 OR GET IN CONTACT SO WE CAN HELP THEM BRING WATER TO THEM.

Michelle Grisham:

I THINK I HAVE MY ANSWER, SIR. I DON'T.

Jason Chaffetz:

GENTLEWOMAN'S TIME IS EXPIRED. WE NOW RECOGNIZE THE GENTLEMAN FROM TENNESSEE, MR. DUNCAN, FOR FIVE MINUTES.

John Duncan, Jr.:

GOVERNOR SNYDER, I THINK EVERYONE SHOULD RESPECT THE APOLOGY THAT YOU'VE OFFERED BECAUSE I BELIEVE THAT EVERYONE REALIZES THERE WERE MISTAKES MADE AT EVERY LEVEL HERE, LOCAL, THE LOCAL LEVEL, THE STATE LEVEL, THE FEDERAL LEVEL. I THINK, SIR, YOU HAVE ACCEPTED FAR MORE BLAME FOR THIS PROBLEM THAN YOU HAVE DESERVED. I CAN TELL YOU THAT SEVERAL YEARS AGO IN ANOTHER COMMITTEE I CHAIRED, THE WATER RESOURCES AND ENVIRONMENT SUBCOMMITTEE FOR SIX YEARS, AND I TRAVELED ALL OVER THIS COUNTRY, AND I CAN ASSURE YOU THAT THIS IS A PROBLEM WITH OUR CLEAN WATER AND WASTEWATER INFRASTRUCTURE THAT'S BEEN BUILDING UP FOR MANY, MANY YEARS. MANY OF THE SYSTEMS IN THE NORTHEAST, THE MIDWEST ARE 75 OR 100 YEARS OLD, AND THIS IS -- AND WHERE IT'S ESPECIALLY ACUTE IS IN THE HIGH-TECH -- PEOPLE HAVE BEEN MOVING FOR MANY YEARS FROM THE HIGH-TECH STATES TO THE LOW-TECH STATES, AND THEY'VE BEEN MOVING -- I UNDERSTAND THAT FLINT'S POPULATION WAS 193,000 IN 1970 AND NOW IT'S 99,000, AND WHAT'S UNFORTUNATELY HAPPENED, NOT JUST IN FLINT BUT IN MANY CITIES, THE HIGHER INCOME PEOPLE HAVE BEEN THE FIRST ONES TO MOVE AND IT'S LEFT THESE CITIES WITH NOT ENOUGH MONEY TO DO ALL THE THINGS THAT THEY NEED TO DO. AND THEN I PERSONALLY HAVE HATED TO SEE IT AND HAVE SPOKEN OUT FOR YEARS AGAINST THE FACT THAT WE'VE SPENT TRILLIONS OVER THE LAST 15 YEARS IN A FAILED EFFORT TO REBUILD THE MIDDLE EAST AND WE HAVEN'T DONE ENOUGH FOR OUR OWN COUNTRY. BUT DO YOU REALIZE, SIR, THAT THIS IS A PROBLEM OF VERY LONG-STANDING THAT WAS THERE LONG BEFORE YOU TOOK OFFICE?

Rick Snyder:

IN TERMS OF WE HAVE A NUMBER OF URBAN AND ACTUALLY RURAL AREAS THAT HAVE MAJOR CHALLENGES, AND THAT'S WHY I'VE TRIED TO WORK HARD TO IMPROVE THOSE PLACES, AND AGAIN, THAT'S THINGS GETTING SUCH AS HEALTHY MICHIGAN TO GET HEALTH CARE TO PEOPLE, IN TERMS OF HEALTHY KIDS DENTAL, A PROGRAM TO BRING DENTAL CARE, IN TERMS OF PATHWAYS TO POTENTIAL, A PROGRAM WHERE WE PUT CASE WORKERS IN LOCAL SCHOOLS. GREAT START IS A PROGRAM WE HAVE TO COMPLIMENT HEAD START WHERE WE'RE BRINGING OPPORTUNITIES FOR PRESCHOOL TO KIDS ALL OVER MICHIGAN. WE'VE CREATED COMMUNITY VENTURES, A PROGRAM WHERE WE PUT OVER 400 SOME PEOPLE IN PERMANENT JOBS IN FLINT

IN TERMS OF PEOPLE THAT WERE STRUCTURALLY UNEMPLOYED BECAUSE THE FEDERAL PROGRAMS WEREN'T DOING ENOUGH.

WE'RE GOING TO ADD TO THAT, TO GO TO SUPPLEMENT THAT IS WE NEED PROGRAMS LIKE EARLY ON TO HELP KIDS WHEN THEY'RE BORN, TO GET AN ASSESSMENT OF WHERE THEY'RE AT, TO DO DEVELOPMENTAL CHILDHOOD. THESE ARE ALL THE KIND OF PROGRAMS. I APPRECIATE YOUR COMMENT. SOME OF THESE ARE IN RESPONSE TO LEAD, MANY OF THESE WE WERE DOING, BUT THE THING IS LET'S DO THINGS HERE THAT NOT ONLY CAN HELP MITIGATE THE LEAD, WE CAN'T TAKE THAT BACK, BUT WE CAN DO EVERY MITIGATION WE CAN, BUT WE CAN ALSO HELP WITH OTHER ISSUES SO WE CAN CREATE AN ENVIRONMENT OF SUCCESS.

John Duncan, Jr.:

LET ME -- LET ME MENTION ONE OTHER THING.

Rick Snyder:

YEAH.

John Duncan, Jr.:

YOU MENTIONED THE, WHAT WAS IT, 267 MILLION OR SOMETHING?

Rick Snyder:

232.

John Duncan, Jr.:

232 MILLION. MY GUESS IS THAT THERE'S VERY FEW CITIES ANYWHERE AROUND THE SIZE OF FLINT THAT ARE GETTING THAT KIND OF MONEY OR THAT KIND OF ATTENTION TO THEIR SYSTEMS, AND I'M GLAD THAT IT'S HAPPENING, BUT BEFORE MY TIME RUNS OUT, I DO WANT TO SAY THAT I CHAIR NOW, IN THIS CONGRESS, THE CLEAN WATER CAUCUS, AND WE'VE BEEN -- EVERYBODY'S BEEN TRYING TO BEND OVER BACKWARDS TO PLACE BLAME SOMEPLACE OR ANOTHER, AND AS I SAID, THERE ARE MANY PEOPLE WHO SHOULD BE ACCEPTING RESPONSIBILITY FOR THIS OTHER THAN YOU, BUT THERE ARE TWO BILLS THAT I HAVE, HR-499, WHICH IS THE SUSTAINABLE -- SUSTAINABLE WATER INFRASTRUCTURE INVESTMENT ACT, AND HR-4468, THE WATER INFRASTRUCTURE TRUST FUND ACT TO SET UP A TRUST FUND FOR

WASTEWATER AND CLEAN WATER WATER SYSTEMS. IF PEOPLE WANT TO DO MORE THAN JUST PLACE BLAME, THAT IF THEY WANT TO ACTUALLY TRY TO DO SOMETHING TO HELP NOT JUST FLINT BUT CITIES ALL OVER THIS COUNTRY, THEN I -- I WOULD APPRECIATE IF THEY WOULD TALK TO ME ABOUT THESE BILLS. I YIELD THE BALANCE OF MY TIME TO THE CHAIRMAN.

Jason Chaffetz:

I THINK WE WILL GO TO THE NEXT SPEAKER UNLESS YOU HAVE SOMETHING ELSE.

John Duncan, Jr.:

THAT'S ALL RIGHT.

Jason Chaffetz:

GIVEN THE TIME, THE GENTLEMAN YIELDS BACK. WE'LL RECOGNIZE THE GENTLEMAN FROM VERMONT, MR. WELCH.

Peter Welch:

THANK YOU VERY MUCH. I THANK THE ADMINISTRATOR FOR BEING HERE, I THANK YOU, GOVERNOR, FOR BEING HERE. YOU'RE WITNESSING THE KIND OF USUAL SCENE HERE IN WASHINGTON WHERE WE'RE TRYING TO FIGURE OUT WHO TO BLAME THE MOST, BUT WE'VE GOT A REAL PROBLEM. WE'VE GOT A REAL PROBLEM. AND, GOVERNOR, OBVIOUSLY YOU'VE GOT MAJOR RESPONSIBILITY AND I WANT TO FOCUS ON THE SOLUTION. AND A LOT OF GOVERNORS, I THINK, IF THEY HAD THIS PROBLEM, THEY'D BE OUT THERE DIGGING TRENCHES AND REPLACING PIPES. YOU HAVE REQUESTED FROM THE MICHIGAN LEGISLATURE A LITTLE OVER 200 MILLION DOLLARS, IS THAT CORRECT?

Rick Snyder:

YEAH, 232 MILLION DOLLARS, 67 MILLION OF WHICH HAS ALREADY BEEN APPROPRIATED.

John Duncan, Jr.:

SO YOU'VE GOT 67 MILLION. NOW IS IT THE INTENTION, IN USING THIS MONEY, IN ADDITION

TO DEALING WITH INFRASTRUCTURE ISSUES, TO ADDRESS THE HEALTH NEEDS OF THESE CHILDREN WHO HAVE BEEN PERMANENTLY INJURED AS A RESULT OF INGESTING LEAD IN THE WATER?

Rick Snyder:

ABSOLUTELY.

John Duncan, Jr.:

EXPLAIN TO ME WHAT THE PLAN IS FOR MENTAL HEALTH, EXPLAIN TO ME WHAT THE PLAN IS FOR COGNITIVE DISABILITIES, EXPLAIN TO ME WHAT THE PLAN IS FOR DAY CARE, EXPLAIN TO ME WHAT THE PLAN IS TO ASSIST THESE PARENTS WHOSE KIDS ARE IN THEIR ARMS, ARE NOT WHOLE LIKE THEY WOULD BE, WHOSE FUTURE IS COMPROMISED, AND THESE PARENTS, IN THE MIDST OF CONTENDING WITH THIS, HAVE TO FIGURE OUT HOW TO GO TO WORK AND THEIR KIDS NEED THEM AT HOME. SO MY QUESTION IS, IF YOU ACKNOWLEDGE THAT THOSE ARE REAL ISSUES AS A RESULT OF INGESTING THE LEAD, WHAT IN THE 238 MILLION DOLLARS IS GOING TO ADDRESS THOSE ONGOING NEEDS?

Rick Snyder:

YEAH, AND CONGRESSMAN, WHAT I'D SAY IS IT'S WORSE THAN YOU STATED IT, IN MY VIEW. I APPRECIATE ALL THOSE THINGS, BUT IN TERMS OF WHAT WE'RE DOING, IN TERMS OF PHYSICAL, SOCIAL AND EDUCATIONAL WELL-BEING, OF THE 232, 63 MILLION DOLLARS, WE'VE IDENTIFIED THAT, AND THE PROGRAM'S BREAKDOWN AS FOLLOWS. AND I APOLOGIZE, THE TIME LIMITS. EARLY ON IS A PROGRAM TO HELP KIDS FROM BIRTH. ESSENTIALLY THEY HAVE ASSESSMENTS A COUPLE TIMES OF YEAR AND THEN HAVE INTENSIVE FOLLOW-ON SERVICES TO THE DEGREE THE ASSESSMENTS IDENTIFY ISSUES. WE'RE TALKING ABOUT ADDING DEVELOPMENTAL CHILD CARE TO HELP KIDS BEYOND THAT POINT.

John Duncan, Jr.:

LET ME INTERRUPT. I APPRECIATE IT. I ONLY HAVE FIVE MINUTES.

Rick Snyder:

I'M SORRY. I THOUGHT YOU ASKED ME THAT.

John Duncan, Jr.:

NO, I DID, AND YOU CAN -- YOU CAN SUBMIT THAT IN WRITING.

Rick Snyder:

OKAY.

John Duncan, Jr.:

BUT HERE'S THE -- HERE'S THE APPREHENSION I HAVE. I'M A PARENT AND YOU'VE GOT THESE PROGRAMS YOU'VE JUST ANNOUNCED. I'M TRYING TO FIGURE OUT TODAY WHAT I DO TOMORROW, AND WHO DOES THE PARENT CALL WHEN THINGS AREN'T WORKING OUT, WHO DOES THE PARENT CALL WHEN THEY'RE LATE FOR WORK BECAUSE THEIR CHILD IS HAVING AN EPISODE. YOU KNOW, WILL THERE BE SOMEBODY ANSWERING THE PHONE?

Rick Snyder:

MY COMMITMENT IS TO GET A LONG-TERM SOLUTION TO THIS.

John Duncan, Jr.:

ALL RIGHT. SO LET ME ASK YOU THIS. YOU'VE GOT ABOUT A BILLION DOLLARS IN MICHIGAN FROM -- PARTLY FROM A RAINY DAY FUND, RIGHT, AND PARTLY --

Rick Snyder:

NO, IT'S ABOUT 600 MILLION BUT IT IS A SIGNIFICANT AMOUNT OF MONEY.

John Duncan, Jr.:

IN THE RAINY DAY FUND?

Rick Snyder:

YES.

John Duncan, Jr.:

AND THEN YOU HAVE SOME MONEY FROM YOUR SURPLUS?

Rick Snyder:

THAT MONEY IS ALSO BEING IDENTIFIED FOR THE STATE WATER INFRASTRUCTURE FUND.

John Duncan, Jr.:

ALL RIGHT. LET ME ASK YOU THIS. LET'S SAY THAT WHEN YOUR OWN ASSESSMENT REACHES THE CONCLUSION THAT TO MEET THOSE NEEDS YOU'VE ACKNOWLEDGED, I'VE DESCRIBED THEM AND YOU SAID MY DESCRIPTION DIDN'T MEET -- DIDN'T ACTUALLY FULLY STATE HOW BAD IT REALLY IS, IF NEW REVENUE IS REQUIRED TO MEET THE OBLIGATIONS TO THESE YOUNG CHILDREN YEARS FROM NOW THAT YOUR ASSESSMENT SHOWS TODAY THAT MONEY WILL BE NEEDED AND IT REQUIRES YOU TO PROMOTE REVENUE-RAISING MEASURES IN ORDER TO GET IT, WOULD YOU DO THAT?

Rick Snyder:

WHAT WE'RE DOING ALREADY IS WE'VE IDENTIFIED ONGOING DOLLARS THAT WE THINK ARE APPROPRIATE TO COVER THE COST OF THOSE PROGRAMS, BUT TO GO TO YOUR POINT, ONE OF THE THINGS IN PARTICULAR I HAVE IN THAT APPROPRIATION IS A 50 MILLION DOLLAR RESERVE, BECAUSE IT'S TOO SOON TO TELL ALL THESE THINGS.

John Duncan, Jr.:

YEAH, BUT YOU'VE ASKED FOR 238 MILLION. WE DON'T KNOW WHAT IT'S GOING TO COST. WE JUST DON'T KNOW. WE'RE IN THE WILD BLUE YONDER HERE. YOU DON'T KNOW, WE DON'T KNOW. LET'S BE FAIR. NONE OF US REALLY KNOW. AND YOU WISH, AND I'M SURE AS WE ALL WISH, THIS DIDN'T HAPPEN. BUT THERE IS AN OPEN-ENDED PROBLEM WHERE WE'RE GOING TO BE HEMORRHAGING LIVES AND FUTURES UNLESS WE REALLY DOUBLE-DOWN NOW, AND WHAT ASSURANCE WOULD I HAVE AS A PARENT THAT THOSE FUTURE NEEDS AND UNKNOWN NEEDS ARE GOING TO BE MET IF I DON'T HAVE A STATE, THROUGH ITS GOVERNOR, SAYING WHATEVER IT TAKES, WE'RE GOING TO BE THERE.

Rick Snyder:

WELL, THAT'S WHY I'VE MADE A COMMITMENT TO GET THESE RESOURCES, TO START THESE

PROGRAMS WITH SIGNIFICANT RESERVES TO SAY WE WILL LEARN MORE. I APPRECIATE YOUR COMMENT.

John Duncan, Jr.:

ONE OTHER -- ONE OTHER QUESTION. YOU KNOW, I ACTUALLY BUY INTO THE ARGUMENT THAT A LOT OF MY REPUBLICANS COLLEAGUES MAKE ABOUT LOCAL CONTROL. I THINK THE MORE THINGS THAT ARE DONE AT THE LOCAL LEVEL, THE BETTER. BUT THE REQUEST NOW, IN YOUR REQUEST, IS 750 MILLION DOLLARS FROM THE FEDERAL GOVERNMENT --

Jason Chaffetz:

THE GENTLEMAN'S TIME IS EXPIRED.

John Duncan, Jr.:

OKAY. I APPRECIATE THE INDULGENCE.

Jason Chaffetz:

OKAY. THE GENTLEMAN'S TIME IS EXPIRED. MEMBERS ARE ADVISED THAT THERE IS A VOTE ON THE FLOOR BUT IT IS THE INTENTION OF THE CHAIR TO CONTINUE THE HEARING AND -- UNTIL IT'S CONCLUDED. THESE PEOPLE HAVE A LOT OF THINGS TO DO RATHER THAN WAIT AROUND FOR US TO CONTINUE TO VOTE. SO MEMBERS WILL HAVE TO MAKE A CHOICE AND WE WILL CONTINUE UNTIL THEIR -- WE'VE RUN THROUGH THE QUESTIONING. WE WILL NOW RECOGNIZE THE GENTLEMAN FROM CALIFORNIA, MR. DESAULNIER, FOR FIVE MINUTES.

Mark DeSaulnier:

THANK YOU, MR. CHAIRMAN, AND GOVERNOR, ONE OF MY FAVORITE QUOTES FROM JUSTICE BRANDEIS IS A FAMILIAR ONE THAT HE SAID THAT THE CURE FOR WHAT AILS GOVERNMENT IS FREQUENTLY SUNSHINE, SO MY COMMENTS ARE CONSISTENT WITH THAT. AND IF YOU COULD BE BRIEF SO THAT I WON'T HAVE TO INTERRUPT YOU, I WOULD APPRECIATE YOU, APPRECIATE THAT. SO AS YOU KNOW, THE COMMITTEE HAS REQUESTED COPIES OF ALL YOUR RECORDS RELATING TO THE FLINT WATER CRISIS, AND THIS WEEK YOUR ATTORNEY TOLD OUR COMMITTEE STAFF THAT YOU DELETED PERSONALLY MANY OF YOUR E-MAILS. HE ALSO SAID YOU ONLY STARTED PRESERVING E-MAILS ON APRIL -- IN APRIL OF 2013 WHEN A LITIGATION HOLD WAS PLACED ON

YOUR ACCOUNT. IS THAT TRUE AND HAVE YOU EVER ACKNOWLEDGED THAT PREVIOUSLY IN PUBLIC?

Rick Snyder:

I HOPED THAT WOULD HAVE BEEN CORRECTED BECAUSE THAT'S NOT ACCURATE.

Mark DeSaulnier:

ALL RIGHT. IN YOUR STATE OF THE STATE ADDRESS, YOU COMMITTED ONLY TO RELEASING E-MAILS FROM 2014 AND '15. HAVE YOU COMMITTED SINCE THEN TO RELEASE THE E-MAILS FROM 2013?

Rick Snyder:

I'M RELEASING MY PERSONAL E-MAILS RELATING TO THIS GOING BACK TO 2011, WE'RE RELEASING EXECUTIVE OFFICE E-MAILS, AND WE'RE GOING THROUGH THE PROCESS OF DEPARTMENTAL E-MAILS. SO FAR WE'VE GOT 43,120 PAGES UP ON THE WEB OF DOCUMENTS.

Mark DeSaulnier:

OKAY. IN TERMS OF THE TIMELINE, THE SWITCH TO FLINT RIVER, OF COURSE, WAS IN MARCH OF 2013. THAT WAS A MONTH BEFORE YOU STOPPED DELETING YOUR E-MAILS. SO THE QUESTION IS HAVE YOU DIRECTED ANY OF YOUR STAFF, GIVEN WHAT YOU JUST SAID, TO SEARCH BACK ON FILES FOR ANY FLINT RELATED E-MAILS PRIOR TO APRIL OF 2013?

Rick Snyder:

AGAIN, CONGRESSMAN, I THOUGHT I MENTIONED AND I THOUGHT I COMMUNICATED THAT THAT BELIEF YOU HAD ABOUT THE DELETION WAS INACCURATE.

Mark DeSaulnier:

ALL RIGHT. I JUST WANT TO SEE IF WE'RE BEING CONSISTENT. I'M NOT AN ATTORNEY SO YOU DON'T HAVE TO WORRY ABOUT THAT. LAST WEEK YOUR LAWYER SENT US A LETTER WITH A FIRST SET OF DOCUMENTS EXPLAINING THAT THESE DOCUMENTS ARE BLACKED OUT OR REDACTED FOR A VARIETY OF REASONS AND THERE ARE A LOT OF REDACTIONS. FOR EXAMPLE, AND I THINK WE HAVE A COPY OF WHAT YOU SENT US OR YOUR ATTORNEY SENT US, THERE'S A

DOCUMENT ENTITLED GOVERNOR RICK SNYDER, NOVEMBER 6, 2015, YOUR WEEKEND BRIEFING. IT INCLUDES A LINE ABOUT FLINT WATER AND THEN 49 PAGES OF REDUCTIONS. IS THERE A REASON, AS FAR AS YOU CAN REMEMBER, WHY THERE WERE 49 PAGES OF REDUCTIONS?

Rick Snyder:

AGAIN, I DIDN'T REVIEW THE SPECIFIC ONE. THOSE WOULD HAVE BEEN ISSUES OTHER THAN FLINT.

Mark DeSaulnier:

OKAY. WOULD YOU -- WOULD YOU RELEASE THAT INFORMATION, THE REDACTIONS, THEN, TO THE COMMITTEE STAFF AS WE OFTEN ASK FOR PEOPLE TO RELEASE THEIR INFORMATION?

Rick Snyder:

TO THE DEGREE YOU HAVE THAT REQUEST, I'M HAPPY TO GO THROUGH THE PROCESS OF REVIEWING IT. ONE OF THE CHALLENGES IS IN PARTICULAR, WITH MUCH OF THIS INFORMATION, THERE'S PERSONAL AND CONFIDENTIAL INFORMATION THAT, IF WE WERE TO RELEASE, IT WOULD CREATE A LIABILITY TO THE STATE.

Mark DeSaulnier:

SO YOU WOULD MAKE A COMMITMENT TO RELEASE THOSE THINGS THAT AREN'T PERSONALLY LIABLE?

Rick Snyder:

AGAIN, THERE'S A SERIES OF THOSE ISSUES IN ADDITION TO LEGAL MATTERS THAT WE NEED TO BE CAREFUL ABOUT.

Mark DeSaulnier:

OKAY.

Rick Snyder:

WE WOULD BE HAPPY TO HAVE THE DISCUSSION.

Mark DeSaulnier:

AND THERE'S ALSO AN ISSUE FROM OUR COMMITTEE STAFF ABOUT CAMPAIGN RELATED E-MAILS. ARE YOU ALSO WILLING TO SHARE THOSE E-MAILS WITH US? BECAUSE SOME OF THEM WERE CONCERNED, ALSO OVERLAPPED IN TERMS OF INFORMATION ABOUT WHAT YOU WERE DOING IN FLINT. SO YOU HAVE YOUR E-MAIL IN YOUR -- IN YOUR GOVERNOR'S OFFICE THAT YOU PERSONALLY MANAGE AND THEN CAMPAIGN RELATED.

Rick Snyder:

THERE WASN'T ANY FLINT RELATED PER SE. THERE WAS AN ACCOUNT ORIGINALLY CREATED FOR MY CAMPAIGN I DO SOME PERSONAL E-MAILS IN AND I BELIEVE WE'VE ALREADY POSTED MUCH OF THAT INFORMATION ON THE WEB.

Mark DeSaulnier:

OKAY. AS LONG AS YOU'RE WILLING TO SHARE WHAT THE COMMITTEE HAS ASKED YOU FOR, AND IF YOU COULD EXPLAIN TO US WHY YOU COULD NOT SPECIFICALLY ON BOTH ACCOUNTS, THAT WOULD BE HELPFUL. AND THEN WE'VE ASKED YOUR CURRENT AND FORMER STAFF TO SEARCH THEIR PERSONAL E-MAILS. ARE YOU WILLING TO, IN TERMS OF THEIR RELATIONSHIP TO THIS ISSUE, WILLING TO SHARE THAT WITH OUR STAFF?

Rick Snyder:

AGAIN, I BELIEVE WE'VE ALREADY DONE A LOT OF WORK ON THEIR GOVERNMENT E-MAILS. I WOULD HAVE TO LOOK INTO THE ISSUE WITH RESPECT TO THEIR PERSONAL E-MAILS.

Mark DeSaulnier:

OKAY. AND WITH REGARDS TO THE LAST QUESTION, TEXTING. TEXTING, ARE YOU EQUALLY WILLING TO SHARE THAT WITH THE STAFF?

Rick Snyder:

I BELIEVE PEOPLE ARE ALREADY MAKING THOSE REVIEWS.

Mark DeSaulnier:

AND -- AND JUST A COMMENT, AND THIS IS ALL DUE RESPECT TO THE EPA, BUT IN CALIFORNIA, WITH ALL DUE RESPECT, WE HAVE GREAT REGIONAL ADMINISTRATORS IN REGION 9 AND I'VE HAD THE PLEASURE TO WORK WITH THEM, IT'S SORT OF HARD TO -- WHEN WE LOOK AT EPA IN CALIFORNIA, THE THRESHOLD, WE'RE PROUD OF THE FACT THAT WE GO BEYOND THAT. AND THIS IS DECADES OF BOTH REPUBLICAN AND DEMOCRATIC ADMINISTRATIONS, SO FORGIVE ME POLITICALLY, BUT IT SEEMS AS IF, FOR PEOPLE WHO, AS MR. WELCH SAID, BELIEVE IN STATE'S RIGHTS AND LOCAL CONTROL, YOU WOULD BE MORE WILLING TO ACCEPT BOTH RESPONSIBILITY WHEN YOU SLIP UP AND IT SEEMS -- IT JUST SEEMS IN TERMS OF THIS FINGER POINTING, I KNOW IN CALIFORNIA WE WOULD BE VERY EMBARRASSED, OF COURSE, IN ANY KIND OF SITUATION, AND YOU HAVE ACKNOWLEDGED THAT, BUT OUR THRESHOLD WOULD BE THE CALIFORNIA THRESHOLD, NOT THE EPA THRESHOLD. DO YOU HAVE ANY COMMENT ON THAT, GOVERNOR SNYDER?

Rick Snyder:

WELL, AGAIN --

Mark DeSaulnier:

I MEAN IT SEEMS AS IF WE'RE LOOKING FOR STATE RIGHTS, BUT WHEN -- WHEN YOU FAIL, FROM MY PERSPECTIVE, THEN THE RESPONSIBILITY IS THE FEDERAL GOVERNMENT, BUT WHEN YOU DO WELL, IT'S BECAUSE STATE -- THE STATE HAS DONE WELL. SO THERE SEEMS TO BE A DISCONNECT HERE FROM MY PERSPECTIVE.

Rick Snyder:

CONGRESSMAN, IF YOU'D LIKE, I WOULD BE HAPPY TO PROVIDE A COPY OF MY STATE OF THE STATE ADDRESS WHERE I STOOD IN FRONT OF THE ENTIRE STATE OF MICHIGAN AND TALKED ABOUT THIS FAILURE AND HOW I APOLOGIZED, I WAS SORRY, AND I'M GOING TO FIX IT. SO I'VE

BEEN VERY CLEAR ABOUT ACCEPTING RESPONSIBILITY FOR THE PEOPLE THAT WORKED FOR ME, FOR THESE SO-CALLED EXPERTS THAT CREATED THIS CRISIS THAT IS A TERRIBLE TRAGEDY THAT NEVER SHOULD HAPPEN.

Mark DeSaulnier:

AGREED.

Rick Snyder:

AND I WANT TO MAKE SURE IT NEVER HAPPENS AGAIN AND I WANT TO TAKE CARE OF THE PEOPLE OF FLINT.

Mark DeSaulnier:

AGREED. AND WE ALSO HAVE TO ACCEPT ACCOUNTABILITY. THANK YOU, MR. CHAIRMAN.

Jason Chaffetz:

THANK YOU, GENTLEMAN. I WILL NOW RECOGNIZE MYSELF AND I WILL NOT CLOSE THIS HEARING UNTIL MR. CUMMINGS HAS EQUAL TIME AS WELL, BUT LET ME GO TO ADMINISTRATOR MCCARTHY. THE LEAD AND COPPER RULE REQUIRES YOU, BY LAW, TO UPDATE IT EVERY SIX YEARS BUT YOU DID NOT DO THAT. CORRECT?

Gina McCarthy:

IT ACTUALLY REQUIRES US TO REVIEW IT EVERY SIX YEARS TO SEE IF IT NEEDS --

Jason Chaffetz:

YOU DON'T BELIEVE THAT IT'S REQUIRED UNDER LAW TO ACTUALLY UPDATE IT?

Gina McCarthy:

THERE ARE MANY LAWS THAT --

Jason Chaffetz:

YOU'RE JUST SUPPOSED TO LOOK AT IT?

Gina McCarthy:

NO, SIR. WE WERE ACTIVELY LOOKING AT THIS. WE ARE ACTIVELY LOOKING AT THIS RULE. IT IS VERY CHALLENGING --

Jason Chaffetz:

BUT YOU SAID --

Gina McCarthy:

-- IF YOU WANT TO DO A SUBSTANTIVE REVISION TO IT.

Jason Chaffetz:

WELL --

Gina McCarthy:

IF YOU JUST WANT TO DO WHAT THE LAST ADMINISTRATION DID, JUST TWEAK IT A LITTLE BIT --

Jason Chaffetz:

DON'T BLAME THE BUSH ADMINISTRATION. YOU'VE BEEN IN OFFICE FOR MORE THAN SEVEN YEARS NOW. SO YOU SAID IN YOUR OWN WORDS THAT YOU WERE GOING TO HAVE THIS NEW RULE OUT IN 2013. CORRECT?

Gina McCarthy:

I'M REALLY NOT AWARE OF THAT, SIR. I KNOW THAT THE SCHEDULE THAT I -- I'M AWARE OF IS A 2017 SCHEDULE.

Jason Chaffetz:

YOU MEAN THE 2018 IS WHAT WE HEARD THE TESTIMONY.

Gina McCarthy:

WELL, THE DRAFT WOULD BE OUT IN 2017. THAT'S -- THAT'S WHAT I'M AWARE OF.

Jason Chaffetz:

THIS IS WHAT'S SO FRUSTRATING. YOU HAVE SOMEBODY LIKE AN EXPERT LIKE MARC EDWARDS COME AND TELL US THERE'S SO MANY WAYS AROUND THIS AND THERE'S SO MUCH CONFUSION. DO YOU BELIEVE THERE'S ANY CONFUSION ABOUT THE LEAD AND COPPER RULE?

Gina McCarthy:

I DO BELIEVE THAT IT CAN BE STRENGTHENED AND I DO BELIEVE --

Jason Chaffetz:

NO, NO, THAT'S NOT ASKED, STRENGTHENED. I'M ASKING IF YOU THINK THERE'S ANY CONFUSION.

Gina McCarthy:

WELL, IT -- IT'S -- I BELIEVE THERE PROBABLY IS CONFUSION, I -- I'M NOT THE ONE ON THE RECEIVING END OF IT, BUT WE WORK TO CLARIFY THAT WHENEVER ANYONE HAS IT.

Gina McCarthy:

YOU'RE THE ADMINISTRATOR. WHAT DO YOU MEAN YOU'RE NOT ON THE RECEIVING END?

Gina McCarthy:

WELL, I MEANT BECAUSE WE MANAGE THE PROGRAM, THE STATES DO THE IMPLEMENTATION AND THEY DO THE ENFORCEMENT, AND IN THIS CASE WE WERE VERY CLEAR TO THEM WHAT THEIR RESPONSIBILITY WAS UNDER THE EXISTING LAW. SO WHILE I UNDERSTAND WE SHOULD STRENGTHEN THE LAW, I AGREE.

Jason Chaffetz:

SO WHEN -- WHEN --

Gina McCarthy:

WE HAD WHAT WE NEEDED IN PLACE TO PREVENT THIS FROM HAPPENING.

Jason Chaffetz:

REALLY? BUT THEN WHY DID IT HAPPEN?

Gina McCarthy:

BECAUSE THE STATE DIDN'T IMPLEMENT AND ENFORCE APPROPRIATELY.

Jason Chaffetz:

SO YOU SENT MIGUEL DEL TORAL, IN FEBRUARY, 2015 NOW TO GO DO THE TESTING?

Gina McCarthy:

THAT WASN'T FOR A LEAD AND COPPER RULE TESTING. THAT WAS A TESTING FOR AN INDIVIDUAL IN THEIR HOME WHICH ENDED UP BEING THREE HOUSES WHERE THERE WAS A LOCALIZED PROBLEM. I DID NOT HAVE INFORMATION UNTIL JULY 21ST THAT THERE WAS A SYSTEMIC PROBLEM WITH THAT SYSTEM, YET AS SOON AS WE KNEW THERE WAS ANY PROBLEM IN THREE HOUSES, WE TOLD THEM TO START DOING --

Jason Chaffetz:

NO, YOU DIDN'T.

Gina McCarthy.

-- THE PROPER TREATMENT.

Jason Chaffetz:

NO.

Gina McCarthy:

I'M SORRY. WE DID.

Jason Chaffetz:

BUT THE TIMELINE IS SUCH THAT MIGUEL DEL TORAL GOES, DOES THE TESTING --

Gina McCarthy:

YES.

Jason Chaffetz:

-- THE REPORT GETS LEAKED, WHICH HE FEELS HE WAS REPRIMANDED FOR, IT GETS RELEASED, THE MAYOR CALLS THE EPA, SUSAN HEDMAN, AND SAYS, IS THIS REPORT TRUE, SHOULD I BEEN WORRIED. THE ANSWER IS NO, YOU HAVE NOTHING TO WORRY ABOUT, AND THE MAYOR WENT ON TELEVISION, WE PLAYED IT BEFORE THIS COMMITTEE, AND SAYS IT'S SAFE TO DRINK THE WATER.

Gina McCarthy:

SIR, I THINK I'VE TRIED TO EXPLAIN THAT SUSAN DID NOT DISMISS THE SUBSTANCE OF THE REPORT. SHE INDICATED THAT IT WAS INTERIM, THE DATA HADN'T BEEN QUALITY CONTROLLED, AND IT WASN'T LEAKED. IT WAS ACTUALLY SENT OUT. IT WAS IN THE NEWSPAPERS.

Jason Chaffetz:

THAT IS NOT -- I KNOW IT WAS IN THE NEWSPAPER AND THE ACL WAS PUSHING ON IT AND THE PERSON'S HOME THAT SHE CAME TO, IT WAS OUT THERE.

Gina McCarthy:

AND WHEN --

Jason Chaffetz:

SO WHY --

Gina McCarthy:

IN APRIL WE --

Jason Chaffetz:

WHY DO THE TESTING IF YOU'RE JUST GOING TO SIMPLY BLAME THE STATE? I MEAN THERE IS NO DOUBT IN, AND THE GOVERNOR'S ADMITTED, THAT THE PEOPLE AND THE INFORMATION THAT WERE HAPPENING FROM THE CAREER BUREAUCRATS AT THE DEPARTMENT OF ENVIRONMENTAL QUALITY GOT IT WRONG. BUT LET ME READ TO YOU THIS. THIS IS -- YOU SAID THEY DID EVERYTHING -- THAT YOU IMMEDIATELY WANTED TO HAVE EVERYTHING DONE ON THE CORROSION CONTROL. CORRECT?

Gina McCarthy:

I SAID IN -- BY STARTING APRIL 24TH, WE -- WHEN WE REALIZED THAT THEY WERE NOT DOING CORROSION CONTROL, WE TOLD THEM UNDER THE CURRENT LAW THEY SHOULD DO IT.

Jason Chaffetz:

OKAY. WELL, I'M GOING TO ENTER INTO THE RECORD AN E-MAIL. WHO IS JENNIFER CROOKS?

Gina McCarthy:

SHE IS ONE OF OUR STAFF PEOPLE, OUR MANAGERS IN THE WATER PROGRAM IN THE REGION.

Jason Chaffetz:

IS SHE COMPETENT?

Gina McCarthy:

AS FAR AS I KNOW. I DON'T KNOW HER PERSONALLY.

Jason Chaffetz:

OKAY. WELL, ON JULY 1ST, SHE SENDS, AND THERE ARE A LOT OF DEQ PERSONNEL ON HERE, AND I'M GOING TO READ PART OF WHAT SHE SAYS. YOU JUST SAID THAT THEY -- THAT YOU TOLD THEM TO INTRODUCE THE CORROSION CONTROL IN APRIL. THIS IS WHAT SHE WROTE TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY: THE IDEA TO ASK FLINT TO SIMPLY ADD PHOSPHATE MAY BE PREMATURE. THERE ARE MANY OTHER ISSUES AND FACTORS THAT MUST BE TAKEN INTO ACCOUNT WHICH WOULD REQUIRE A COMPREHENSIVE LOOK AT THE WATER QUALITY AND THE SYSTEM BEFORE ANY TREATMENT RECOMMENDATIONS CAN AND SHOULD BE MADE.

Gina McCarthy:

LET ME -- THEN LET ME EXPLAIN THAT, IF YOU WOULDN'T MIND.

Jason Chaffetz:

SURE.

Gina McCarthy:

BECAUSE THAT ACTUAL ADVICE CAME FROM MIGUEL. BECAUSE WHEN I SAY YOU NEED TO DO TREATMENT, IT DOES NOT MEAN THAT I HAVE A SWITCH TO TURN ON. HE INDICATED THAT THE AGENCY DIDN'T HAVE THE FULL WATER QUALITY DATA. THAT'S WHEN WE DEMANDED AND OFFERED AND BEGGED TO BE ON THEIR TECHNICAL ADVISORY TEAM.

Jason Chaffetz:

YOU WERE. THIS WAS A CONFERENCE --

Gina McCarthy:

NO.

Jason Chaffetz:

IT WAS A SUMMARY OF THE CONFERENCE CALL BETWEEN DEQ AND THE EPA.

Gina McCarthy:

NO, THERE WAS A FLINT TECHNICAL ADVISORY COMMITTEE --

Jason Chaffetz:

WHAT DO YOU MEAN NO?

Gina McCarthy:

I'M SORRY.

Jason Chaffetz:

LOOK, THE PUBLIC CAN LOOK AT THIS FOR THEMSELVES.

Gina McCarthy:

OKAY. BUT IT WAS NOT AS EASY AS FLIPPING A SWITCH. IT DID NOT MEAN THEY DIDN'T NEED -- THEY DIDN'T NEED TO BE REQUIRED TO DO IT. THE QUESTION WAS WHETHER WE WERE GOING TO BE PREMATURE AND HOW BEST TO GET THAT DONE.

Jason Chaffetz:

NO, WHAT YOU DID IS YOU CAME HERE AND YOU BLAMED SOLELY THE STATE, AND I'M HERE TO TELL YOU THE STATE HAS A BIG PART OF THIS BLAME, I'M NOT TRYING TO EXCUSE THEM WHATSOEVER, BUT YOU'RE TRYING TO EXCUSE EVERYTHING FOR THE EPA SAYING YOU TOLD THEM TO PUT PHOSPHATES IN THE WATER AND THEY DIDN'T.

Gina McCarthy:

SIR, I'M NOT --

Jason Chaffetz:

THE DOCUMENT -- NO, WAIT UNTIL I'M DONE ASKING YOU THE QUESTION. THE DOCUMENTATION SAYS THAT YOU ACTUALLY HAD A CONFERENCE CALL FROM THE EPA TELLING DEQ TO NOT DO IT YET.

Gina McCarthy:

NO, WE WERE TELLING THEM THAT -- THAT THEY HAD TO DO CORROSION CONTROL. THE METHOD AND TREATMENT DEPENDED ON EXPERTS TO TELL THEM HOW TO DO IT. WE OFFERED THAT CONSISTENTLY FROM MARCH ON --

Jason Chaffetz:

WHAT DID YOU TELL THEM?

Gina McCarthy:

-- AND THEY ACTUALLY NEVER EVEN TOOK US UP ON IT UNTIL SEPTEMBER.

Jason Chaffetz:

THAT'S NOT TRUE. I'D LIKE TO ENTER INTO THE RECORD, WE ENTERED THIS BEFORE, NOVEMBER 3RD. WHO IS PETER GREVATT?

Gina McCarthy:

HE IS THE -- THE MANAGER OF OUR DRINKING WATER OFFICE AND HEADQUARTERS.

Jason Chaffetz:

YEAH. HE'S THE WASHINGTON, DC EXPERT. HERE'S WHAT HE WROTE. OKAY. THIS IS NOVEMBER 3RD: IT APPEARS -- IT APPEARS THERE ARE DIFFERENT POSSIBLE INTERPRETATIONS OF THE LEAD AND COPPER RULE -- COPPER RULE WITH RESPECT TO HOW THE RULE'S OPTIMAL -- OPTIMAL CORROSION CONTROL TREATMENT PROCEDURES APPLY TO THIS SITUATION WHICH MAY HAVE LED TO SOME UNCERTAINTY WITH RESPECT TO THE FLINT WATER SYSTEM.

SO HERE YOU HAVE A CITY WHO'S BEGGING FOR HELP, THEY KNOW THEY'RE IN TROUBLE, OKAY, THEY'RE ASKING FOR THAT HELP, AND I'VE GOT E-MAIL AFTER E-MAIL FROM THE ENVIRONMENTAL PROTECTION AGENCY SAYING, YOU KNOW WHAT, MAYBE YOU SHOULD HOLD OFF BECAUSE WE'RE NOT SURE, MAYBE THERE IS CONFUSION UNDER THE LEAD AND COPPER RULE, MAYBE WE ARE SUPPOSED TO DO SIX MONTHS OF TESTING. I'M NOT EXCUSING THEM AT ALL BUT YOU NEED TO TAKE SOME RESPONSIBILITY BECAUSE YOU SCREWED UP AND YOU MESSED UP A HUNDRED THOUSAND PEOPLE'S LIVES, A HUNDRED THOUSAND OF THEM, TEN THOUSAND OF THOSE PEOPLE ARE SIX YEARS OLD AND YOUNGER, AND YOU TAKE NO RESPONSIBILITY. YOU DON'T THINK YOU DID ANYTHING WRONG. RIGHT? YOU DON'T THINK THERE'S ANYBODY THAT DID ANYTHING WRONG?

Gina McCarthy:

AND I ALREADY INDICATED THAT WE COULD HAVE LOOKED MORE AGGRESSIVELY AND I WISH WE HAD. CAN I EXPLAIN THE MEMO? WOULD YOU LIKE ME TO?

Jason Chaffetz:

I WANT YOU TO HAVE AN APPRECIATION AND AN UNDERSTANDING OF WHY THE DEQ PEOPLE ARE CONFUSED BY THE DIRECTION FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY -- FROM THE EPA.

Gina McCarthy:

THERE WAS NO CONFUSING SIGNAL SENT FROM THE AGENCY AT THAT PERIOD OF TIME.

Jason Chaffetz:

WHAT WERE THEY SUPPOSED TO DO? SHOULD THEY HAVE PUT THE PHOSPHATES IN THE WATER? YES OR NO.

Gina McCarthy:

NOT DUMPING IT IN WITHOUT CONNECTING WITH THE EXPERTS AND THEY DID NOT HAVE THE EXPERT VOICE AT THE TABLE BECAUSE THEY REFUSED TO LET US TO THE TABLE.

Jason Chaffetz:

YOU WERE AT THE TABLE. THIS COMES FROM THE EPA.

Gina McCarthy:

SIR, I'M SORRY.

Jason Chaffetz:

SHE STARTS THE E-MAIL --

Gina McCarthy:

THAT IS NOT THE TASK FORCE WE'RE TALKING ABOUT TO PROVIDE TECHNICAL EXPERTISE.

Jason Chaffetz:

OKAY. LET'S GO THROUGH THE LIST. LIANE SMITH, RICHARD BENZIE, CHRIS PHILLIP, CARRIE

MONOSMITH, DANA. I'M GOING TO PRONOUNCE -- I'M GOING TO MISPRONOUNCE THEIR LAST NAME.

Gina McCarthy:

IT'S OKAY.

Jason Chaffetz:

GOING THROUGH THIS --

Gina McCarthy:

I DON'T KNOW.

Jason Chaffetz:

HOLD ON.

Gina McCarthy:

I DON'T KNOW WHO THOSE INDIVIDUALS SO --

Jason Chaffetz:

YEAH, THEY ALL WORK FOR YOU. AND THE EPA --

Rick Snyder:

SOME WORKED FOR THE DEQ.

Jason Chaffetz:

HERE'S WHAT IT SAYS. HERE'S WHAT IT SAYS. I'M SORRY. DEQ, BUT FROM THE EPA, THANK YOU, GOVERNOR. THE GOVERNOR KNOWS WHO WORKS FOR HIM. HERE'S -- BELOW ARE MY DRAFT NOTES FROM MY CALL LAST WEEK. THANK YOU ALL FOR PARTICIPATING. I APOLOGIZE -- FIRST APOLOGY I'VE SEEN -- FOR THE DELAY IN GETTING OUT THIS DRAFT FOR YOU TO ALL

REVIEW. AND IT SAYS -- DON'T SIMPLY ADD THE PHOSPHATES. ALL I WANT YOU TO ACKNOWLEDGE IS THAT THERE'S -- THERE SHOULD BE SOME --

Gina McCarthy:

BUT IT COULD HAVE CREATED MORE DAMAGE THAN IT CURED.

Jason Chaffetz:

EXACTLY.

Gina McCarthy:

WATER SYSTEMS ARE DIFFICULT --

Jason Chaffetz:

EXACTLY.

Gina McCarthy:

-- AND DESERVE TECHNICAL EXPERTS WHICH THEY DID NOT HAVE AVAILABLE. WE DID. THEY WOULDN'T LET THEM AT THE TABLE.

Jason Chaffetz:

THEY WERE AT THE TABLE. THEY WERE IN THE SAME CONVERSATION.

Gina McCarthy:

THAT IS NOT THE TABLE. THAT IS -- THAT IS A SEMI-ANNUAL CALL WE HAVE WITH THE DEPARTMENT WHERE WE SHARE INFORMATION. IF YOU LOOK THROUGH THE RECORD, WE CONSISTENTLY SAID WE HAVE NATIONAL EXPERTS, WE WANT TO HELP. WE HAD WORKED BEHIND THE SCENES TO FIGURE OUT HOW WE COULD DO THAT. WE JUST NEVER GOT INVITED, NOR WERE WE ACCEPTED AT THE TABLE AT THAT POINT.

Jason Chaffetz:

I'M GOING TO GO THROUGH MY LAST POINT AND WE'LL GET TO MR. CLAY HERE. YOU SAID YOU DIDN'T HAVE THE AUTHORITY TO DO. I WANT TO READ TO YOU PART OF THE LAW HERE. THIS IS SECTION 1431, PART D. PART D, SECTION 1431, OF THE EMERGENCY POWERS WITHIN THE SAFE DRINKING WATER ACT. IT SAYS THE ADMINISTRATOR. THAT WOULD BE YOU?

Gina McCarthy:

YES.

Jason Chaffetz:

UPON RECEIPT OF INFORMATION THAT A CONTAMINANT WHICH IS PRESENT IN OR LIKELY TO ENTER A PUBLIC WATER SYSTEM, AND I'M SKIPPING AHEAD BECAUSE IT QUALIFIES FOR TARIFF TAX AND ALL THOSE TYPES OF THINGS, WHICH MAY PRESENT AN IMMINENT AND SUBSTANTIAL ENDANGERMENT TO THE HEALTH OF PERSONS, AND THAT APPROPRIATE STATE AND LOCAL AUTHORITIES HAVE NOT ACTED TO PROTECT THE HEALTH OF SUCH PERSONS, MAY TAKE SUCH ACTIONS AS HE MAY DEEM NECESSARY IN ORDER TO PROTECT THE HEALTH OF SUCH PERSONS. SO IF THEY WEREN'T DOING WHAT YOU WANTED THEM TO DO, WHY DIDN'T YOU TAKE ACTION EARLIER?

Gina McCarthy:

I'M SURPRISED, MR. CHAIRMAN, THE SECOND PART IS ABOUT STATES' RIGHTS AND WHAT WE HAVE TO DO --

Jason Chaffetz:

WHAT DO YOU MEAN THE SECOND PART?

Gina McCarthy:

THERE IS A TWO-PART PROCESS TO US ACTUALLY ISSUING A 1431. THE SECOND IS WE NEED TO MAKE SURE THAT THE STATES AREN'T ALREADY TAKING APPROPRIATE ACTION. THAT'S WHAT'S SO INFURIATING ABOUT IT.

Jason Chaffetz:

BUT WHEN DID YOU KNOW THAT THEY DIDN'T DO IT?

Gina McCarthy:

WE KNEW JULY 21ST THAT THERE WAS A SYSTEMIC PROBLEM. THE STATE AGREED THE NEXT DAY, AND THEN ALL THEY DID WAS SLOW-WALK IT. THAT'S WHY WE HAD TO DO IT THE WAY WE DID. I WISHED WE HAD GONE FURTHER, I WISHED WE HAD GONE FARTHER, I WISHED WE HAD YELLED FROM THE TREETOPS, BUT THERE IS NO WAY THAT MY AGENCY CREATED THIS PROBLEM OR THERE WAS AMBIGUITY IN THE EXISTING LAW THAT WOULDN'T HAVE DONE THE SAME THING THAT THE GOVERNOR SAID, WHICH WAS LET THEM KNOW TO USE YOUR COMMON SENSE, DON'T PUT PEOPLE AT RISK. JUST BECAUSE WE COULDN'T FIGURE OUT IN THE LIFE OF US, IN OUR GUIDANCE, WE NEVER THOUGHT THAT ANYBODY WOULD GO FROM A TREATED SYSTEM TO AN UNTREATED SYSTEM AND NOT TREAT IT. I DIDN'T THINK WE EVER HAD TO SAY THAT BECAUSE I NEVER THOUGHT ANYONE WOULD. THAT'S WHERE WE ARE TODAY.

Jason Chaffetz:

YOU CAN'T HAVE IT BOTH WAYS. YOU CAN'T HAVE PEOPLE ON THE GROUND TESTING IT, PEOPLE LIKE MIGUEL DEL TORAL DOING THOSE TYPES OF TESTS --

Gina McCarthy:

THAT WASN'T --

Jason Chaffetz:

SENDING UP THE WARNING FLAGS, NO, SENDING UP THE WARNING FLAGS AND THEN NOTHING.

Gina McCarthy:

OKAY.

Jason Chaffetz:

I'M GOING TO PASS MY TIME. WE'LL RECOGNIZE THE GENTLEMAN FROM MISSOURI.

William Clay, Jr.:

THANK YOU. THANK YOU, MR. CHAIRMAN. YOU KNOW I HAVE TO HAND IT TO MY REPUBLICAN

COLLEAGUES, THEY ARE ACTUALLY MAKING THEIR ARGUMENT WITH A STRAIGHT FACE. AND YOU KNOW, JUST TO BE CLEAR, REPUBLICANS HERE TODAY ARE CLAIMING THAT THE EPA, THE OBAMA EPA SHOULD HAVE BEEN MORE AGGRESSIVE IN STEPPING IN AND CEASING CONTROL AND OVERRULING THE REPUBLICAN-CONTROLLED STATE OF MICHIGAN. THEY ARE JUST OUTRAGED THAT EPA WASN'T MORE ASSERTIVE WITH MICHIGAN AND DIDN'T IMMEDIATELY GO PUBLIC WITH THEIR COMPLAINTS ABOUT THE STATE'S FAILURE TO FOLLOW THE LAW. MS. MCCARTHY, THE -- THE IRONY IS ALMOST OVERWHELMING, ISN'T IT?

Gina McCarthy:

YES.

William Clay, Jr.:

AND REPUBLICANS HAVE BEEN ABSOLUTELY SLAMMING THE EPA FOR OVERREACHING IT AT EVERY POSSIBLE TURN. NOW THEY CRITICIZE THE EPA FOR NOT DOING MORE WHEN GOVERNOR SNYDER FELL DOWN ON THE JOB. YOU KNOW, LET'S GO THROUGH SOME OF THESE RIDICULOUS REPUBLICAN STATEMENTS. DONALD TRUMP HAS CALLED FOR ENTIRELY ELIMINATING THE EPA AND HAND THE POWER OVER TO THE STATE. HE SAID THIS, AND I QUOTE -- ENVIRONMENTAL PROTECTION, WE WASTE ALL OF THIS MONEY. WE'RE GOING TO BRING THAT BACK TO THE STATES. WE ARE GOING TO CUT MANY OF THE AGENCIES. WE WILL BALANCE OUR BUDGET AND WE WILL BE DYNAMIC AGAIN -- END OF QUOTE.

MS. MCCARTHY, THE EPA DID ULTIMATELY STEP IN HERE BECAUSE MICHIGAN WAS NOT DOING THEIR JOB, AND IF YOU HAVE BEEN CRITICIZED FOR NOT STEPPING IN SOONER -- AND YOU'VE BEEN CRITICIZED FOR NOT STEPPING IN SOONER. RIGHT?

Gina McCarthy:

YES.

William Clay, Jr.:

ANOTHER REPUBLICAN CANDIDATE, SENATOR TED CRUZ, AGREES WITH DONALD TRUMP. HE SAID THIS, AND I QUOTE -- I THINK STATES SHOULD PRESS BACK USING EVERY TOOL THEY HAVE AVAILABLE. WERE YOU AWARE OF THIS STATEMENT?

Gina McCarthy:

YES.

William Clay, Jr.:

MARCO RUBIO, NOW FORMER REPUBLICAN CANDIDATE, HAS VOWED TO SCALE BACK THE CLEAN WATER ACT. HE SAID THIS -- REGULATIONS IN THIS COUNTRY ARE OUT OF CONTROL, ESPECIALLY THE EP -- THE ENVIRONMENT -- THE EMPLOYMENT PREVENTION AGENCY, THE EPA. MS. MCCARTHY, THAT WAS A DIG AT YOU. RIGHT?

Gina McCarthy:

YES.

William Clay, Jr.:

SAYING THAT ENSURING CLEAN WATER COSTS TOO MANY JOBS, IS THAT RIGHT?

Gina McCarthy:

THAT'S HOW I WOULD READ IT, SIR.

William Clay, Jr.:

YOU KNOW, THERE ARE MANY MORE REPUBLICAN STATEMENTS LIKE THIS. REPUBLICAN GOVERNOR SCOTT WALKER, WISCONSIN, HAS PROPOSED CONVERTING THE EPA INTO, AND I QUOTE -- AN UMBRELLA ORGANIZATION THAT REALLY IS LIMITED TO MEDIATING INTERSTATE CONFLICT. SENATOR JONI ERNST OF IOWA SAID THIS -- LET'S SHUT DOWN THE FEDERAL EPA AND FOCUS ON THOSE ISSUES WHERE HERE IN THE STATE WHERE THE STATE KNOWS BEST HOW TO PROTECT RESOURCES.

WHAT ABOUT THE STATE PROTECTING PEOPLE? MS. MCCARTHY, OBVIOUSLY THE STATE OF MICHIGAN DID NOT KNOW BEST IN THIS CASE. THEY POISONED THOUSANDS OF THEIR OWN PEOPLE, IS THAT CORRECT?

Gina McCarthy:

THEY DID NOT DO THEIR JOB, YES.

William Clay, Jr.:

YOU KNOW, HOUSE REPUBLICANS, INCLUDING THOSE IN THIS COMMITTEE, HAVE VOTED AT EVERY TURN TO GUT THE EPA'S AUTHORITY TO ENFORCE THE CLEAN AIR ACT, THE CLEAN WATER ACT, THE NATIONAL ENVIRONMENTAL POLICY ACT, AND THE LIST GOES ON. YOU KNOW, DESPITE ALL THESE REPUBLICAN STATEMENTS THAT EPA SHOULD BE ELIMINATED AND THAT IT OVERREACHES, THE MAIN CRITICISM OF REPUBLICANS HERE TODAY IS THAT THE EPA WAS NOT MORE AGGRESSIVE IN SWOOPING INTO THE STATE OF MICHIGAN. WHAT DO YOU THINK, GOVERNOR SNYDER, WAS THE EPA AGGRESSIVE ENOUGH?

Rick Snyder:

CONGRESSMAN, THE WAY I VIEWED IT IS I DON'T WANT TO GET INTO FINGER POINTING AND BLAME. THE STATE OF MICHIGAN, PEOPLE THAT WORKED FOR ME THAT WERE THE EXPERTS, MADE A MISTAKE. THEY MADE A HUGE, TRAGIC MISTAKE IN TERMS OF GOING OVER TO THE FLINT RIVER. THEY CALLED FOR TWO SIX-MONTH STUDIES TO DETERMINE OPTIMIZING CORROSION CONTROLS. THAT WAS NOT A GOOD ANSWER. TECHNICALLY THEY BELIEVE -- I BELIEVE THEY BELIEVED THEY WERE DOING THE RIGHT THING. TO PUT IT IN CONTEXT, WHERE IS THE COMMON SENSE? WHERE IS THE URGENCY? BECAUSE WE WERE ON DETROIT WATER BEFORE WHICH HAD CORROSION CONTROLS IN IT. WHERE'S THE COMMON SENSE YOU SHOULD ALSO HAVE THEM IN THE WATER YOU HAVE COMING IN?

William Clay, Jr.:

BEFORE MY TIME RUNS OUT, WHAT DO WE DO NOW? WHAT ABOUT -- I KNOW THEY'RE TALKING ABOUT CHANGING THE PIPES AND THE LEAD AND ALL OF THAT, GETTING THAT OUT OF THERE. WHAT DO WE DO FOR THE PEOPLE WHO HAVE BEEN IMPACTED NEGATIVELY? DO WE HAVE A PLAN? DO YOU HAVE A PLAN AS THE STATE OF MICHIGAN?

Rick Snyder:

YES, SIR.

Rick Snyder:

WHAT IS IT?

Rick Snyder:

AND WE'RE IMPLEMENTING IT.

William Clay, Jr.:

WHAT IS IT?

Rick Snyder:

IT BEGINS BY WE HAVE 67 MILLION DOLLARS IN APPROPRIATIONS SO FAR, I'M REQUESTING A HUNDRED -- 232 MILLION DOLLARS IN TOTAL, AND THAT'S INVOLVING WATER, WATER INFRASTRUCTURE, FOOD AND NUTRITION BECAUSE THAT'S ONE OF THE CRITICAL ELEMENTS NEEDED, PHYSICAL AND SOCIAL WELL-BEING AND EDUCATIONAL PROGRAMS.

William Clay, Jr.:

EARLY CHILDHOOD?

Rick Snyder:

ABSOLUTELY.

William Clay, Jr.:

EARLY CHILDHOOD?

Rick Snyder:

ABSOLUTELY.

William Clay, Jr.:

BECAUSE THOSE ARE THE ONES THAT ARE IMPACTED THE MOST.

Rick Snyder:

UNDER 6, CRITICALLY IMPORTANT.

William Clay, Jr.:

OKAY.

Rick Snyder:

GOING ON, WATER BILL CREDIT RELIEF BECAUSE THEY SHOULDN'T HAVE HAD TO PAY FOR THAT WATER DURING THE TIME PERIOD THAT THEY WERE USING.

William Clay, Jr.:

OKAY.

Rick Snyder:

AND A SIGNIFICANT RESERVE FUND BECAUSE, AS WE GO THROUGH THIS, WE'RE GOING TO FIND NEW NEEDS AND WE NEED TO BE READY TO ACT.

William Clay, Jr.:

ALL RIGHT. AND THEN THAT INCLUDES THE ADULTS, TOO, THEY PROBABLY NEED SPECIAL ATTENTION ALSO?

Rick Snyder:

PARTICULARLY PEOPLE WITH SUPPRESSED IMMUNE SYSTEMS, FOSTER CARE SITUATIONS, OUR ELDERLY. AGAIN, ONE OF THE THINGS WE TOOK IMMEDIATE ACTION ON THAT IS MILD-BOGGLING ABOUT THIS WHOLE PROCESS THAT I NEVER UNDERSTOOD IS THERE WAS NO REQUIREMENT TO TEST THE SCHOOLS. SO NOT ONLY HAVE WE GONE IN THE SCHOOLS TO TEST THEM, WE FOUND THEY DIDN'T HAVE LEAD SERVICE LINES GOING INTO THEM BUT THEY HAD PROBLEMS WITH FIXTURES.

William Clay, Jr.:

RIGHT.

Rick Snyder:

SO WE SIMPLY SAID ENOUGH OF THE TESTING, LET'S JUST START REPLACING FIXTURES IN SCHOOLS TO ADDRESS THIS ISSUE.

William Clay, Jr.:

I SEE. THANK YOU FOR YOUR RESPONSE. I YIELD BACK.

Jason Chaffetz:

THANK THE GENTLEMAN, AND I'LL RECOGNIZE THE RANKING MEMBER.

Elijah Cummings:

THANK YOU VERY MUCH, AND I WANT TO THANK OUR WITNESSES FOR BEING WITH US AND STAYING THROUGH ALL OF THIS. GOVERNOR SNYDER, BASED ON THE RECORD BEFORE THE COMMITTEE, MANY OF YOUR TOP ADVISORS AND KEY STATE OFFICIALS KNEW THERE WAS A PROBLEM WITH FLINT'S DRINKING WATER, BUT YOU SAY YOU WERE NOT AWARE. NOW I'D LIKE TO RUN THROUGH WHAT THESE PEOPLE KNEW. FIRST LET ME ASK YOU ABOUT ONE OF YOUR TOP LEGAL ADVISORS IN YOUR OFFICE, MICHAEL GADOLA. HE WROTE AN E-MAIL ON OCTOBER 14TH, 2014, STATING, AND I QUOTE -- THE NOTION THAT I WOULD BE GETTING MY DRINKING WATER FROM THE FLINT RIVER IS DOWNRIGHT SCARY. TOO BAD THE EMERGENCY MANAGER DIDN'T ASK ME WHAT I THOUGHT, BUT I'M SURE HE HEARD IT FROM PLENTY OF OTHERS. MY MOM IS A CITY RESIDENT. NICE TO KNOW SHE'S DRINKING WATER WITH ELEVATED CHLORINE LEVELS AND FECAL CHLOROFORM -- CHLOROFORM. THEY SHOULD TRY TO GET BACK ON THE DETROIT'S AS SOON -- AS A STOP-GAP AS SOON AS POSSIBLE BEFORE THIS THING GETS TOO FAR OUT OF CONTROL -- END OF QUOTE. THAT WAS WRITTEN IN AMERICA BY ONE OF YOUR TOP LEGAL ADVISORS. WOULD YOU -- WOULD YOU CONSIDER HIM A TOP LEGAL ADVISOR?

Rick Snyder:

YES.

Elijah Cummings:

OKAY. DO YOU TAKE YOUR LEGAL ADVISORS' ADVICE?

Rick Snyder:

ON LEGAL MATTERS.

Elijah Cummings:

YEAH. ALL RIGHT. DID YOU -- DO YOU REMEMBER HEARING ANY OF THIS, GETTING THIS?

Rick Snyder:

I DON'T RECALL DISCUSSING WITH HIM AND I DON'T BELIEVE I WAS ON THAT E-MAIL.

Elijah Cummings:

OKAY. YOU DIDN'T RECEIVE THIS E-MAIL IN 2014 AND SO DID YOU KNOW THAT YOUR TOP LEGAL ADVISOR EVEN RAISED THESE KIND OF CONCERNS?

Rick Snyder:

I DON'T RECALL. I RECALL WE WERE CONCERNED ABOUT WATER IN FLINT, THOUGH. AGAIN, THE ISSUE IS NOT A LEAD ISSUE AT THAT TIME. THERE WERE ISSUES WITH E. COLI AND THE ODOR AND COLOR OF THE WATER.

Elijah Cummings:

YOU KNOW, GOVERNOR, I KEEP HEARING THAT, HEARING YOU SAY THINGS LIKE THAT, BUT I SWEAR TO GOD, IF SOMEBODY GAVE ME WATER THAT LOOKED LIKE URINE AND HAD A SMELL TO IT, I'M SORRY, I, YOU KNOW, MAYBE -- MAYBE YOUR STANDARD IS DIFFERENT. I WOULDN'T WANT MY FAMILY DRINKING IT AND I WOULDN'T WANT TO BE DRINKING IT, AND MY STANDARD IS I WANT FOR MY CONSTITUENTS WHAT I WANT FOR MY OWN, MY OWN FAMILY, AND -- BUT LET'S GO ON.

LET ME TURN TO YOUR TOP OFFICIALS AT THE MDEQ. ON APRIL 17TH, 2014, ABOUT A WEEK BEFORE THEY SWITCHED TO THE FLINT RIVER, THE WATER QUALITY SUPERVISOR AT THE FLINT PLANT SENT AN E-MAIL TO THREE TOP MDEQ OFFICIALS, ADAM ROSENTHAL, MIKE PRYSBY AND STEVEN BUSCH. AND LET ME TELL YOU WHAT HE WROTE, AND I QUOTE -- IF WATER IS DISTRIBUTED FROM THIS PLANT IN THE NEXT COUPLE WEEKS, IT WILL BE AGAINST MY DIRECTION. I NEED TIME TO ADEQUATELY TRAIN ADDITIONAL STAFF AND TO UPDATE OUR MONITORING PLANS BEFORE I WILL FEEL WE ARE READY. I WILL REITERATE THIS TO

MANAGEMENT ABOVE ME BUT THEY SEEM TO HAVE THEIR OWN AGENDA.

DID YOU KNOW THAT THE WATER QUALITY SUPERVISOR WARNED YOUR TOP OFFICIALS AT MDEQ NOT TO GO FORWARD ONE WEEK EARLIER?

Rick Snyder:

I HAD -- TO MY KNOWLEDGE, I HAD NO AWARENESS OF THAT E-MAIL.

Elijah Cummings:

THAT'S NOT WHAT I ASKED YOU. I SAID WERE YOU AWARE THAT THEY WERE -- THEY HAD CONCERNS?

Rick Snyder:

NO.

Elijah Cummings:

OKAY.

Rick Snyder:

I DON'T RECALL ANY.

Elijah Cummings:

ALL RIGHT. LET ME TURN TO THE DIRECTOR OF URBAN INITIATIVES IN YOUR OFFICE, HARVEY HOLLINS. IN MID MARCH, 2015, MR. HOLLINS RECEIVED AN E-MAIL WARNING HIM IF THERE HAD BEEN A: QUOTE -- SIGNIFICANT UPTICK -- END QUOTE, IN THE NUMBER OF REPORTED LEGIONNAIRES' DISEASE CASES. WERE YOU AWARE OF THAT -- THAT LAST MARCH? WERE YOU AWARE OF THAT?

Rick Snyder:

NOT TO MY KNOWLEDGE.

Elijah Cummings:

OKAY. LET ME TURN TO YOUR FORMER CHIEF OF STAFF, MR. MUCHMORE. NOW I WANT TO MAKE SURE, SOMEBODY, I THINK, I DON'T KNOW WHETHER IT WAS MS. LAWRENCE OR SOMEBODY WAS ASKING YOU ABOUT THE STRUCTURE OF -- OF THE WAY THINGS ARE SITUATED IN YOUR OFFICE, BUT IN -- IN CONGRESSIONAL OFFICES, FOR THE MOST PART, YOUR -- YOUR -- YOUR CHIEF OF STAFF ANSWERS TO NO ONE BUT THE CONGRESSMAN. NOW IS THERE ANYBODY IN BETWEEN YOU AND THE CHIEF OF STAFF?

Rick Snyder:

NO.

Elijah Cummings:

ALL RIGHT. SO HE, THE CHIEF OF STAFF WOULD ANSWER DIRECTLY TO YOU?

Rick Snyder:

YES.

Elijah Cummings:

ALL RIGHT. AND IF -- IF IT'S LOGICAL THAT IF THE CHIEF OF STAFF HAD SOME CONCERNS AND WAS SAYING WE OUGHT TO DO CERTAIN THINGS, DOESN'T IT SEEM LOGICAL THAT THAT WOULD COME TO YOU?

Rick Snyder:

I DON'T RECALL SPECIFIC CONVERSATIONS. WE HAD DISCUSSIONS ABOUT WATER QUALITY IN FLINT AND WE WERE WORKING A NUMBER OF ISSUES. YOU MENTIONED HARVEY HOLLINS. I WAS WORKING WITH THE CHIEF OF STAFF AND HARVEY HOLLINS TO GET A DONATION OF FILTERS TO DEAL WITH THE ALTERING COLOR ISSUES FOR HASTER'S GROUP IN FLINT.

Elijah Cummings:

WELL, IN JULY, MR. MUCHMORE, YOUR CHIEF OF STAFF, HE SENT AN E-MAIL WARNING THAT RESIDENTS: QUOTE -- ARE CONCERNED AND RIGHTFULLY SO ABOUT THE LEAD LEVEL STUDIES THEY ARE RECEIVING -- END OF QUOTE, AND THAT THEY: QUOTE -- THEY ARE BASICALLY

GETTING BLOWN OFF BY US -- END OF QUOTE. YOU WERE NOT ON THAT E-MAIL EITHER, WERE YOU?

Rick Snyder:

NO, I DON'T BELIEVE SO.

Elijah Cummings:

DID -- SO HE DIDN'T FORWARD IT TO YOU?

Rick Snyder:

I DON'T RECALL EVER RECEIVING IT.

Elijah Cummings:

DOES IT ALARM YOU THAT HE'S SAYING THAT -- THAT THEY WERE BLOWN OFF, IN OTHER WORDS, YOUR CONSTITUENTS, THE ONES THAT YOU ASKED TO VOTE FOR YOU, THE ONES THAT YOU ARE SUPPOSED TO BE ABOUT THE BUSINESS OF IMPROVING THEIR LIVES WERE SAYING THAT THEY WERE BEING BLOWN OFF. DOES THAT BOTHER YOU, I MEAN WHEN YOU LOOK BACK AT IT? I'M NOT SAYING YOU KNEW ABOUT IT. I'M JUST ASKING WOULD IT BOTHER YOU.

Rick Snyder:

IN TERMS OF LOOKING AT THE RECORD, AS I RECALL, HE WENT OUT TO BOTH DEQ AND DHHS AND ASKED THE EXPERTS THE QUESTION IN TERMS OF THE WATER BEING SAFE OR NOT, AND THEY TOLD HIM IT WAS, AND THAT WAS WRONG --

Elijah Cummings:

NOW --

Rick Snyder:

-- IN RETROSPECT.

Elijah Cummings:

OKAY. IT LOOKS LIKE ALMOST EVERYONE KNEW ABOUT THESE PROBLEMS EXCEPT YOU. YOU WERE COMPLETELY MISSING IN ACTION. THAT'S NOT LEADERSHIP, DO YOU THINK?

Rick Snyder:

I WAS NOT MISSING IN ACTION, CONGRESSMAN. I WAS -- HAD ONGOING DISCUSSIONS ABOUT A NUMBER OF WATER ISSUES IN FLINT. I RECEIVED SEVERAL BRIEFINGS ON IT, HAD A NUMBER OF DISCUSSIONS, AND THE CONTINUING RESPONSE FROM THE EXPERTS, WHETHER DENNIS MUCHMORE OR OTHER PEOPLE WHEN YOU LOOK AT THE RECORD IS THEY WOULD TELL YOU IT IS SAFE.

Elijah Cummings:

NOW YOU CAN UNDERSTAND WHY THE RESIDENTS OF FLINT WOULD BE SKEPTICAL ABOUT WHAT YOU'RE SAYING. RIGHT? I MEAN --

Rick Snyder:

I --

Elijah Cummings:

THEY'RE NOT LIKE US. I MEAN THEY -- THEY JUST KNOW SOMEBODY SAY CHIEF OF STAFF, THAT SOUNDS LIKE SOMEBODY VERY IMPORTANT, SOUNDS LIKE SOMEBODY THAT WOULD ANSWER DIRECTLY TO THE GOVERNOR. YOU CAN KIND OF UNDERSTAND THAT CONCERN, CAN'T YOU?

Rick Snyder:

I ABSOLUTELY DO, SIR, AND I'M GOING TO HAVE TO LIVE WITH THIS MY ENTIRE LIFE.

Elijah Cummings:

ON YOUR WEBSITE -- BUT GOVERNOR, YOU KNOW WHAT? YOU KNOW, I'VE HEARD YOU SAY THAT, BUT I'VE GOT TO TELL YOU, THERE ARE CHILDREN THAT HAVE GOT TO LIVE WITH IT, THE DAMAGE THAT HAS BEEN DONE FOR THE REST OF THEIR LIVES, AND IT IS PAINFULLY PAINFUL TO THINK THAT A CHILD COULD BE DAMAGED UNTIL THE DAY THEY DIE, AND THAT THEIR DESTINY HAS BEEN CUT OFF AND MESSED UP. SO YEAH, YOU HAVE TO LIVE WITH IT, BUT THEY -- MANY

OF THESE CHILDREN WILL NEVER BE WHAT GOD INTENDED THEM TO BE WHEN THEY WERE BORN AND CONCEIVED.

I HAVE JUST HAVE A FEW MORE QUESTIONS. ON YOUR WEBSITE, YOU SAY TO THE PEOPLE OF MICHIGAN: QUOTE -- WE WILL LEARN FROM THIS EXPERIENCE, BUT AN ENTIRE GENERATION HAS BEEN POISONED. GOVERNOR, WHAT ARE THOSE CHILDREN SUPPOSED TO LEARN FROM YOUR UTTER LACK OF -- LET'S SAY -- LET'S SAY FROM THIS INCIDENT, WHAT ARE THEY SUPPOSED TO LEARN?

Rick Snyder:

ONE OF THE TERRIBLE PARTS OF ALL OF THIS IS THERE'S A HUGE ISSUE IN ADDITION TO ALL THEIR MEDICAL ISSUES AND EDUCATIONAL ISSUES AS YOU MENTIONED, SIR, BUT THERE'S A QUESTION OF TRUST IN GOVERNMENT, AND THERE'S GOOD REASON FOR THEM TO ASK THAT QUESTION. AND THAT'S GOING TO TAKE A HUGE AMOUNT OF TIME TO EARN BACK, IF IT CAN BE EARNED BACK, AND IT INVOLVES GETTING THIRD-PARTY EXPERTS SUCH AS PROFESSOR EDWARDS AND DR. MONA TO BE PART OF THE PROCESS SO PEOPLE CAN HAVE CONFIDENCE IN THE PEOPLE THEY TRUST THAT WERE THE HEROES THAT HELPED BRING THIS ISSUE UP.

Elijah Cummings:

GOVERNOR SNYDER, I WOULD LIKE TO TALK TO YOU ABOUT YOUR PRIORITIES FOR A MINUTE. IN YOUR ADMINISTRATION, YOU'VE SHOWN OVER AND OVER AND AGAIN THAT MONEY IS A HIGH PRIORITY. DESPITE THE FACT THAT MICHIGAN HAD A BUDGET SURPLUS, YOU HAD NOT EVEN BOTHERED ASKING THE LEGISLATURE TO PROVIDE THE MONEY NECESSARY TO MOVE FLINT BACK TO THE DETROIT WATER. THE TRUTH IS, GOVERNOR SNYDER, IS THAT FLINT WAS NOT -- DID NOT SEEM TO BE A PRIORITY, BECAUSE ON JANUARY 24TH, 2015, YOU SENT AN E-MAIL TO YOUR STAFF WITH A LIST OF PRIORITIES FOR 2015. MOST OF THE DOCUMENT IS REDACTED, BUT WE CAN SEE THAT NUMBER 36 ON THE LIST, NUMBER 36 ON THE LIST WAS THE FLINT WATER SYSTEM.

SO, GOVERNOR, FLINT WATER WAS NOT YOUR FIRST PRIORITY, IT WAS NOT IN THE TOP 10, WASN'T EVEN IN THE TOP 20, NOT EVEN IN THE TOP 30. FLINT WAS NUMBER 36. SHOULDN'T THE CHILDREN AND THE RESIDENTS OF FLINT HAVE BEEN HIGHER ON YOUR PRIORITY LIST, MR. GOVERNOR?

Rick Snyder:

IN RETROSPECT, WITH IT BECOMING A TRUE SAFETY ISSUE WITH THE LEAD ISSUE, IT SHOULD HAVE BEEN HIGHER. THAT WAS NOT THE ISSUE AT THE TIME.

Elijah Cummings:

NOW, MR. GOVERNOR, WE ALSO KNOW WHAT YOU DO PRIORITIZE. WHEN THINGS GOT ROUGH FOR YOU AND YOUR ADMINISTRATION STARTED BEING INVESTIGATED BY LAW ENFORCEMENT, YOU GOT THE PEOPLE OF MICHIGAN TO PAY YOUR LEGAL FEES. GOVERNOR, DO YOU ADMIT HERE TODAY THAT YOU HAVE ASKED THE PEOPLE OF MICHIGAN FOR MORE THAN \$1,000,000 TO PAY FOR YOUR CRIMINAL AND CIVIL DEFENSE FEES?

Rick Snyder:

YES.

Elijah Cummings:

AND IT MAKES ME SICK TO THINK YOU FOUND A WAY TO HAVE THE STATE OF MICHIGAN PAY OVER \$1,000,000 IN LEGAL FEES, YET YOU THOUGHT SO LITTLE OF THE PEOPLE IN FLINT THAT YOU COULD NOT BE BOTHERED TO ASK A LEGITIMATE -- THE LEGISLATURE FOR -- FOR MONEY TO SWITCH THEM OVER TO CLEAN WATER. YOU CANNOT BE TRUSTED, AND -- AND I GOT TO TELL YOU, YOU -- YOU NEED TO RESIGN.

AUDIENCE:

YEAH. (APPLAUSE.)

Elijah Cummings:

MR. GOVERNOR, I KNOW WE'RE AT THE END OF THE HEARING AND I WANT TO -- I JUST WANT TO THANK BOTH OF YOU FOR BEING HERE AND WITH -- WE'VE GOT TO DO BETTER THAN THIS. WE ALL DESERVE BETTER. AND I TOLD THE CHAIRMAN FROM THE VERY BEGINNING, NO MATTER WHO'S RESPONSIBLE, WE WANTED TO -- TO ADDRESS THIS ISSUE. AND ONE OF THE THINGS, MR. GOVERNOR, 15 OF YOUR PEOPLE, YOU TALK ABOUT TRANSPARENCY, BUT 15 OF YOUR PEOPLE REFUSED TO TALK TO US, REFUSED. SO I HOPE THAT -- THAT YOU WILL URGE THEM. I SAW -- READ SOMETHING YESTERDAY WHERE YOU SAID YOU URGED THEM TO TALK. WE NEED -- WE NEED TO HEAR FROM THEM. ALL RIGHT? THANK YOU, SIR.

Jason Chaffetz:

THANK THE GENTLEMAN. I WANT TO THANK ALL OF THOSE THAT HAVE PARTICIPATED IN THE THREE SETS OF HEARINGS THAT WE'VE HAD. THERE IS NO DOUBT AFTER HAVING GONE THROUGH THIS THAT THERE WERE A LOT OF MISTAKES IS JUST A TOTAL UNDERSTATEMENT. I WANT TO THANK THOSE WHO HAVE STEPPED UP TO BE PART OF THE SOLUTION, HAVE -- HAVE RECOGNIZED WHERE WRONG HAS BEEN DONE, BECAUSE THEY -- THEY REALLY DO NEED TO -- TO TAKE CARE OF THESE CHILDREN AND TAKE CARE OF THE PEOPLE OF THE CITY OF FLINT, AND I KNOW THAT'S WHERE EVERYBODY'S HEART IS. MY -- OUR DAUGHTER'S GETTING MARRIED SOON AND MOVING TO MICHIGAN, SO IT -- IT'S IMPORTANT AND IT REACHES REAL PEOPLE'S LIVES.

WE GET PRETTY HEATED, WE GET PRETTY ANIMATED, WE GET PRETTY, YOU KNOW, WE WANT ACCOUNTABILITY, BUT IF YOU DON'T STEP UP AND UNDERSTAND THE PROBLEM, IF YOU DON'T STEP UP AND UNDERSTAND WHERE THE MISTAKES WERE MADE, IF YOU DON'T TAKE SOME ACCOUNTABILITY, THEN YOU DON'T SOLVE IT GOING FORWARD. THAT'S MY PROBLEM WITH -- WITH THE APPROACH THAT THE ADMINISTRATOR HAS TAKEN, WITH ALL DUE RESPECT. I KNOW YOU LOVE THIS COUNTRY, I KNOW YOU'RE WORKING HARD, I KNOW YOU TAKE A LOT FOR IT, BUT I ALSO BELIEVE IN MY HEART THAT IT'S JUST OFFENSIVE TO SUGGEST THAT THERE WAS NOTHING WRONG DONE. AND TO NOT APOLOGIZE? IT'S JUST WRONG.

SO THAT'S JUST MY OWN PERSONAL OPINION. WE'VE ALL GOT OUR OWN PERSONAL OPINIONS. I APPRECIATE WORKING WITH MR. CUMMINGS. WE WILL CONTINUE TO WORK TOGETHER. YEAH, GO AHEAD.

Elijah Cummings:

YES, MR. CHAIRMAN, AGAIN, I WANT TO BE CLEAR, I THANK YOU, I REALLY DO, FOR HOLDING THESE HEARINGS, BECAUSE I CAN TELL YOU, A LOT OF CHAIRMEN WOULD HAVE NEVER DONE IT, AND I REALLY APPRECIATE IT ON BEHALF OF ALL OF US. YOU'VE SET A SHINING EXAMPLE WHAT LEADERSHIP IS ALL ABOUT.

Jason Chaffetz:

WELL, THANK YOU. VERY KIND TO ME. I ALSO WANT TO THANK CONGRESSMAN KILDEE. THIS IS HIS DISTRICT AND HE POURS HIS HEART AND SOUL INTO THIS AND HE CARES DEEPLY AND WE THANK HIM AS WELL.

(APPLAUSE.)

Jason Chaffetz:

I THINK THAT'S APPROPRIATE, AND WITH THAT, THE COMMITTEE STANDS ADJOURNED.