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House of Representatives

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Opening Statement Ranking Member Elijah E. Cummings

Hearing on “Examining Federal Administration of the Safe Drinking Water Act in Flint, Michigan, Part II”

March 15, 2016

Thank you, Mr. Chairman. I want to commend you for holding today’s hearing, for agreeing to our request to obtain documents as part of this investigation, and for calling Governor Snyder to testify on Thursday. Some people in your position might have shied away from this investigation, but you came through on your promises, and I thank you for that.

I also want to thank you for agreeing to our request to conduct transcribed interviews of key witnesses. Last week, our staff travelled to Michigan to interview Dan Wyant, the former Director of the Michigan Department of Environmental Quality. Mr. Wyant resigned on December 29—the same day the Governor’s task force issued its damning report.

According to that report, Mr. Wyant’s staff told officials in Flint that corrosion control treatment was “not necessary.” Mr. Wyant’s staff also misinterpreted the federal Lead and Copper Rule. And their failures “led directly to the contamination of the Flint water system.” Again, this is all according to the Governor’s own task force.

Mr. Wyant was a very difficult witness who evaded many of our questions. Last December, he apologized to the people of Flint, but he was not remorseful or apologetic in his interview with the Committee. In fact, he disputed almost everything the Governor’s task force concluded about his failures.

Despite this obstruction, Mr. Wyant did tell us an interesting fact: in all the time he served as Director, and despite all of the public outrage about the state’s inaction, the topic of Flint water was never raised at any cabinet meeting—not by Mr. Wyant, not by the Governor, and not by anyone else. That was all the way through December of last year. Now, I don’t know if this is accurate, but if so, it’s astonishing.

In addition to interviewing Mr. Wyant, our staff also interviewed one of Governor Snyder’s emergency managers for Flint, Jerry Ambrose.

The state law that Governor Snyder championed in 2011 gave him authority to basically disenfranchise local officials, overrule their votes, and appoint his own emergency managers with complete power over the City's decision-making. City employees were required to obey their orders.

During his interview, Mr. Ambrose told us that his number one priority—and the top priority of all the Governor's emergency managers—was to cut spending. Everything else was viewed through the lens of cost-cutting, and public health and safety clearly suffered as a result.

That is why in March 2015, when the Flint City Council voted to reconnect to clean drinking water from Detroit, Mr. Ambrose used his power to overrule their vote. He thought it was too expensive, and it was cheaper to keep using corrosive water from the Flint River.

Even though the State of Michigan had major budget surpluses, Mr. Ambrose told us that he never once asked for funds to help Flint switch back to clean drinking water from Detroit.

Mr. Chairman, our investigation is not complete. We have another interview coming up with Edward Kurtz, the Governor's second emergency manager in Flint, and there are key questions he needs to answer.

For example, there was general agreement that shifting from Detroit water to the new pipeline being built by the Karegnondi Water Authority, or KWA, could save money. But the KWA pipeline was still under construction, and there was going to be a gap of about two years. Genesee County chose to stay on clean Detroit water during this period, but Mr. Kurtz hired an engineering firm to use the Flint River as the primary source of drinking water.

We have yet to see any detailed studies before this switch analyzing what would need to be done to ensure that the water coming out of the taps would be safe—and how much that might cost. Where are the analyses? Where are the documents? We have not seen them.

Finally, we have heard Republicans focus their criticism almost exclusively on the EPA. I agree that EPA officials could have done more, and I agree that everyone at fault must be held accountable. But under federal law and regulations, states have the "primary" responsibility to enforce the Safe Drinking Water Act.

In this case, Michigan officials displayed an "abysmal public response," and their actions were "simply insufficient to the task of public protection." Those are not my words. They are the words of the Governor's own task force. And that task force concluded with this: "we believe the primary responsibility for what happened in Flint rests with the Michigan Department of Environmental Quality."

Thank you, Mr. Chairman.

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