

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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February 3, 2016

The Honorable Jason Chaffetz
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We are writing to exercise our right under House rules to demand a minority day of hearings relating to the Committee's hearing today on the drinking water crisis in Flint, Michigan. Specially, we request that Michigan Governor Rick Snyder be invited to testify, along with key emergency managers that he appointed to govern Flint since 2011. We also renew our request that the Committee obtain relevant documents from the state in order to conduct a comprehensive investigation of this crisis.

Although we have made multiple requests for you to invite the Governor, to date you have neither invited him to testify nor provided a timeframe by which you might do so. Instead, it appears that you intend to try to limit our Committee's investigation to the actions of the federal government.

For example, the title of the present hearing references only the "federal administration" of the Safe Drinking Water Act, despite the fact that, under the Act and its implementing regulations, Michigan "has primary enforcement responsibility for public water systems in the State."¹ Similarly, the Republican staff memo for today's hearing references actions by the City of Flint and the Environmental Protection Agency (EPA), but it disregards actions by the Governor and other state officials.²

As Ranking Members Cummings and Lawrence have stated repeatedly, we believe we have a moral obligation to the people of Flint to examine this matter comprehensively, hearing from state officials as well as federal officials, and obtaining documents from all sources rather than only from the EPA.

¹ See 40 CFR § 142.10.

² Memorandum from Republican Staff to Members of the House Committee on Oversight and Government Reform, *Hearing on "Examining Federal Administration of the Safe Drinking Water Act in Flint, Michigan"* (Jan. 29, 2016).

There is no question that the Governor's actions are directly relevant to the Committee's investigation. He championed the state law in 2011 giving him authority to appoint the emergency managers in Flint, his appointees oversaw the process to seek cost-savings by transitioning Flint off the Detroit water system and onto treated water from the Flint River, and his appointees overruled a vote by the Flint City Council in 2015 to return to Detroit water.

In fact, the Governor's own Flint Water Advisory Task Force concluded as follows in December:

We believe primary responsibility for what happened in Flint rests with the Michigan Department of Environmental Quality (MDEQ). Although many individuals and entities at state and local levels contributed to creating and prolonging the problem, MDEQ is the government agency that has responsibility to ensure safe drinking water in Michigan. It failed in that responsibility and must be held accountable for that failure.³

In his State of the State address on January 19, 2016, the Governor seemed to take responsibility for the Flint crisis, stating that "the buck stops here with me" and that "I take full responsibility." He announced the resignation of multiple state officials, including MDEQ Director Dan Wyant and Communications Director Brad Wurfel. In addition, MDEQ employees Liane Shekter Smith, the Chief of the Office of Drinking Water and Municipal Assistance, and Steven Busch, the district supervisor of the division, were suspended.

Despite these facts, on January 29, 2016, you sent a detailed document request only to the Environmental Protection Agency, and you refused Democratic requests to send a parallel request to the Governor.⁴

In defense of your approach, your spokesperson has stated: "Our responsibility as a committee is at the federal level."⁵ We agree that the Committee must examine the actions of officials at the EPA, but in order to conduct a comprehensive investigation of this crisis, we must also examine the actions of the Governor and other state officials. If we do not, the Committee's credibility will be impaired and subjected to accusations of partisanship that will undermine our work.

³ Letter from Flint Water Advisory Task Force to Michigan Governor Rick Snyder (Dec. 29, 2015) (online at http://mediad.publicbroadcasting.net/p/michigan/files/201512/fwatf-snyder_letter_12-29-15.pdf?_ga=1.214030482.485710763.1454166202) (emphasis in original).

⁴ Letter from Chairman Jason Chaffetz, House Committee on Oversight and Government Reform, to Administrator Gina McCarthy, Environmental Protection Agency (Jan. 29, 2016). Cf. Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, and Ranking Member Brenda Lawrence, Subcommittee on Interior, to Michigan Governor Rick Snyder (Jan. 29, 2016) (online at <http://democrats.oversight.house.gov/news/press-releases/cummings-and-lawrence-request-documents-and-answers-from-michigan-governor-on>).

⁵ *Flint Crisis: House Dems Request Documents from Gov. Snyder for Hearing*, E&E News (Jan. 29, 2016).

For the reasons set forth above, we hereby demand, pursuant to House rule XI clause 2(j)(1), a minority day of hearings with the following individuals:

The Honorable Rick Snyder
Governor of Michigan

Edward Kurtz
Former Emergency Manager, City of Flint (2012—2013)

Darnell Earley
Former Emergency Manager, City of Flint (2013—2015)

Jerry Ambrose
Former Emergency Manager, City of Flint (2015)

We also request that you immediately send, on behalf of the Committee, the request to Governor Snyder that was previously submitted by Ranking Members Cummings and Lawrence for documents relating to this crisis. Thank you for your consideration of this matter.

Sincerely,

Elipha Cummings

Brenda Lawrence

Wm. Lacy Clay

John

Mark Hertz

Rand Haley

Mark DSC

Brian Watson

Brandt T. Byrd

Stacy E. Platt

Peter Vold

Steph M

W. H. W.

Michelle Lujan Grisham

Paul K. Conly

Tammy Duckworth

Ted W. Lieu

Condy B. Mary