

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

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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March 16, 2016

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

Dear Governor Snyder:

As of today's date, 15 of your current and former employees have refused to comply with requests from Congress to participate in transcribed interviews and to produce documents in their possession relating to the Flint water crisis. Their refusals directly contradict your multiple promises of transparency and accountability to the people of Flint, and they obstruct the ability of Congress to adequately investigate this crisis.

We have bent over backwards to address every argument these officials put forward over the past month to avoid cooperating with our requests, and we have made multiple offers to accommodate them. Yet, despite our good faith efforts, not one of these state officials has agreed to be interviewed on the record or to provide any documents in response to our requests.

**Requests for Interviews and Documents**

Over the last several weeks, we have sent letters to 15 current and former state officials requesting that they participate in transcribed interviews with Committee staff and produce "all documents relating to the water in Flint, and the crisis that has ensued, in your possession, custody, or control, including emails and text communications, from 2011 to the present."<sup>1</sup> These 15 state officials are:

***Office of the Governor***

- (1) Dennis Muchmore, Chief of Staff, Office of the Governor
- (2) Richard Baird, Transformation Manager, Office of the Governor
- (3) Richard Posthumus, Senior Advisor, Office of the Governor

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<sup>1</sup> See, e.g., Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, and Ranking Member Brenda Lawrence, Subcommittee on the Interior, House Committee on Oversight and Government Reform, to Dennis Muchmore, Former Chief of Staff, Office of the Governor, State of Michigan (Feb. 26, 2016).

- (4) Sara Wurfel, Press Secretary, Office of the Governor
- (5) John Walsh, Director of Strategy, Office of the Governor
- (6) Harvey Hollins, Director of Urban Affairs, Office of the Governor

***Michigan Department of Environmental Quality***

- (7) Brad Wurfel, Communications Director, Michigan Department of Environmental Quality
- (8) Jim Sygo, Deputy Director, Michigan Department of Environmental Quality
- (9) Michael Prysby, District Engineer, Office of Drinking Water and Municipal Assistance, Michigan Department of Environmental Quality
- (10) Liane Shekter Smith, Chief, Office of Drinking Water and Municipal Assistance, Michigan Department of Environmental Quality

***Michigan Department of Health and Human Services***

- (11) Nick Lyon, Director, Michigan Department of Health and Human Services
- (12) Matthew Davis, Chief Medical Executive, Michigan Department of Health and Human Services
- (13) Eden Wells, Chief Medical Officer, Michigan Department of Health and Human Services

***Michigan Department of the Treasury***

- (14) Andy Dillon, State Treasurer, Michigan Department of the Treasury
- (15) Wayne Workman, Deputy State Treasurer, Michigan Department of the Treasury

To date, none of these current or former state officials has agreed to cooperate, to participate in a transcribed interview, or to produce a single page of documents in response to our requests.

**Efforts to Accommodate Numerous Objections**

On March 4, 2016, officials from the Michigan Attorney General's office notified us that they are representing 12 of these officials. That office sent a letter objecting to the customary congressional practice of asking each individual to appear for these transcribed interviews in Washington, D.C.<sup>2</sup> To address this concern, our staff offered to conduct these transcribed interviews by telephone.<sup>3</sup> Our offer was rejected.

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<sup>2</sup> Letter from S. Peter Manning, Division Chief, Environment, Natural Resources, and Agriculture Division, Department of Attorney General, State of Michigan, to Ranking Member Elijah E Cummings, House Committee on Oversight and Government Reform, and Ranking Member Brenda Lawrence, Subcommittee on the Interior, House Committee on Oversight and Government Reform (Mar. 4, 2016).

<sup>3</sup> E-mail from Democratic Staff, House Committee on Oversight and Government Reform, to Richard S. Kuhl, Assistant Attorney General, Environment, Natural Resources, and Agriculture Division, Department of Attorney General, State of Michigan (Mar. 4, 2016).

Separately, the letter from the Michigan Attorney General's office also objected to our request by claiming that it "cannot be achieved on such an abbreviated schedule."<sup>4</sup> In order to address this objection, Ranking Member Cummings sent a letter on March 8, 2016, offering to start with just two officials: your former Chief of Staff and your Transformation Manager. Ranking Member Cummings also offered to send staff to Michigan to conduct these transcribed interviews. As he wrote in that letter:

As an effort to further accommodate this process, we propose that we begin these transcribed interviews—at a location of your choosing—on Friday, March 11, 2016, with Dennis Muchmore, Governor Snyder's former Chief of Staff, and Richard Baird, Governor Snyder's Transformation Manager.<sup>5</sup>

The Michigan Attorney General's office rejected this offer on March 9, 2016. In an email to our staff, an official from that office wrote:

I will provide a more detailed response, but for purposes of your immediate need to make travel plans, Mr. Muchmore and Mr. Baird will not be available for interviews on Friday.<sup>6</sup>

On March 10, 2016, the Michigan Attorney General's office followed up by writing an email offering to have Mr. Muchmore and Mr. Baird meet with Committee staff, but only on condition that there be no transcript—in other words, no written record of their conversations.<sup>7</sup>

Similarly, private attorneys representing the remaining three state officials who are not represented by the Michigan Attorney General's office also refused to cooperate:

- On March 10, 2016, an attorney representing Brad Wurfel, the former Communications Director for the Michigan Department of Environmental Quality, informed our staff that his client received our request, but that he declined to cooperate. He stated that Mr.

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<sup>4</sup> Letter from S. Peter Manning, Division Chief, Environment, Natural Resources, and Agriculture Division, Office of the Attorney General, State of Michigan, to Ranking Member Elijah E Cummings, House Committee on Oversight and Government Reform, and Ranking Member Brenda Lawrence, Subcommittee on the Interior, House Committee on Oversight and Government Reform (Mar. 4, 2016).

<sup>5</sup> Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to S. Peter Manning, Division Chief, Environment, Natural Resources, and Agriculture Division, Department of Attorney General, State of Michigan (Mar. 8, 2016).

<sup>6</sup> E-mail from S. Peter Manning, Division Chief, Environment, Natural Resources, and Agriculture Division, Department of Attorney General, State of Michigan, to Democratic Staff, House Committee on Oversight and Government Reform (Mar. 9, 2016).

<sup>7</sup> E-mail from S. Peter Manning, Division Chief, Environment, Natural Resources, and Agriculture Division, Department of Attorney General, State of Michigan, to Democratic Staff, House Committee on Oversight and Government Reform (Mar. 10, 2016).

Wurfel refused to participate in a transcribed interview and would not produce any documents in response to our request.<sup>8</sup>

- Also on March 10, 2016, an attorney representing Liane Shekter Smith, the Chief of the Office of Drinking Water and Municipal Assistance in the Michigan Department of Environmental Quality, confirmed that his client received our request, but he did not agree that she would participate in a transcribed interview or produce any documents in response to our request.<sup>9</sup>
- On March 11, 2016, an attorney representing Michael Prysby, the District Engineer in the Office of Drinking Water and Municipal Assistance in the Michigan Department of Environmental Quality, sent a letter refusing to cooperate. The letter stated that “we are writing to inform you that he respectfully declines your request” and that “we have advised our client that he is not compelled to appear.”<sup>10</sup>

### Conclusion

During your State of the State address on January 19, 2016, you told the people of Michigan that you were sorry for this disaster, and you promised transparency and accountability for all those responsible. You stated: “For those whose mistakes contributed to this disaster, we are fully cooperating with investigations and will hold those individuals accountable.” Unfortunately, this has not occurred to date.

You clearly have the authority to direct current state officials to cooperate with Congress and the ability to encourage former state employees to do the same, but we have seen no evidence that you have taken either step.

We want to make clear that the Chairman of our Committee, Rep. Jason Chaffetz, has agreed to many of our requests for interviews and documents, including our request to invite you to testify before the Committee on Thursday. We have commended him publicly, and we have made clear that members of his staff are invited to join all of these transcribed interviews on a bipartisan basis.

We believe that you—as the Governor of Michigan who promised transparency and accountability to the people of your state—have a responsibility to actively promote cooperation with Congress. Lead poisoning does not discriminate based on the political affiliation of the

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<sup>8</sup> Meeting Between Michael J. Pattwell, Counsel to Brad Wurfel, and Democratic Staff, House Committee on Oversight and Government Reform (Mar. 10, 2016)

<sup>9</sup> Telephone call Between Brandon W. Zuk, Counsel to Liane Shekter Smith, and Democratic Staff, House Committee on Oversight and Government Reform (Mar. 10, 2016)

<sup>10</sup> Letter from Charles E. Barbieri, Counsel for Michael Prysby, to Ranking Member Elijah E Cummings, House Committee on Oversight and Government Reform, and Ranking Member Brenda Lawrence, Subcommittee on the Interior, House Committee on Oversight and Government Reform (Mar. 11, 2016).

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people of Flint, and nor should you when Members of Congress seek information from officials in your administration.

For these reasons, we request that you direct and actively encourage all current and former state officials to fully comply with all of our requests as part of this investigation—not just with requests made by Republicans.

Sincerely,



Elijah E. Cummings  
Ranking Member



Brenda Lawrence  
Ranking Member  
Subcommittee on Interior

cc: The Honorable Jason E. Chaffetz, Chairman  
The Honorable Cynthia Lummis, Chairman, Subcommittee on the Interior