

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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April 15, 2016

The Honorable Rick Snyder
Governor of Michigan
State of Michigan Washington D.C. Office
444 North Capitol Street N.W.
Suite 411
Washington D.C. 20001

Dear Governor Snyder:

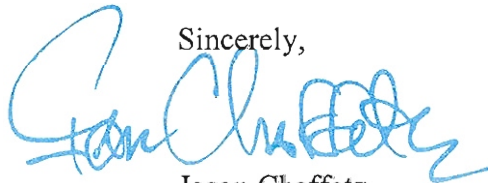
Thank you for appearing before the Committee on Oversight and Government Reform hearing on March 17, 2016, titled, "Examining Federal Administration of the Safe Drinking Water Act in Flint, Michigan, Part III." We appreciate the time and effort you gave as a witness before the Committee.

Pursuant to the direction of the Chairman, the hearing record remains open to permit Members to submit additional questions to the witnesses. In preparing your answers to these questions, please include the text of the Member's question along with your response.

Please provide your response to these questions by April 29, 2016. Your response should be addressed to the Committee office at 2157 Rayburn House Office Building, Washington, DC 20515. Please also send an electronic version of your response by e-mail to Sharon Casey, Deputy Chief Clerk, at Sharon.Casey@mail.house.gov in a single Word-formatted document.

Thank you for your prompt attention to this request. If you have any questions, please contact Bill McGrath of the Committee staff at (202) 225-5074.

Sincerely,



Jason Chaffetz
Chairman

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Member

QUESTIONS FOR THE RECORD

Hearing on "Examining Federal Administration of the Safe Drinking Water Act in Flint, Michigan, Part 3"

March 17, 2016

Questions from Ranking Member Elijah E. Cummings
Committee on Oversight and Government Reform
U.S. House of Representatives

The Honorable Rick Snyder, Governor, State of Michigan

1. On February 26, 2016, Chairman Chaffetz and Ranking Member Cummings sent you a request for documents relating to drinking water for the City of Flint and the response to the health crisis that ensued. On March 16, 2016, your attorney sent an email to Democratic staff stating that responsive emails prior to April 2013 might not have been preserved. His email stated:

He periodically reviewed his emails and either put them in folders or deleted them. A litigation hold in connection with a challenge to the EM authority has been in place since April of 2013, and therefore, to the best of my knowledge, all of those emails have been preserved.

You testified at the hearing that your attorney's email was "not accurate," despite the fact that your attorney sent it one day before the hearing. Please clarify specifically which portions of your attorney's email were inaccurate.

- a. Have you, at any point, deleted any emails sent or received before April 2013?
- b. Have you deleted any emails sent or received after April 2013?
- c. Have you directed your staff to search backup tapes or other means for any responsive emails that may have been deleted? If not, please do so now.
- d. Have you directed your campaign to search your campaign email account in response to the Committee's request for documents? If not, please do so now.
- e. Please detail all steps you have taken to ensure that all responsive emails sent by your staff using their personal email accounts are provided to the Committee.
- f. Please detail all steps you have taken to produce to the Committee all responsive texts to or from you or other state employees, including from their official and personal devices.
- g. The documents you provided to the Committee to date include extensive redactions. Your attorney, Mark Paoletta, committed to provide the Committee with a privilege log identifying the rationale for each document withheld or

redaction made to documents produced. Please provide the log no later than April 8, 2016.

2. Ranking Members Cummings and Lawrence sent letters to 15 current and former members of your administration requesting transcribed interviews and documents related to the Flint water crisis. On March 16, 2016, Ranking Member Cummings personally handed you a letter setting forth their efforts to accommodate objections by these witnesses. Your spokesman, Ari Adler, said in response to that letter that you are, "cooperating fully with the congressional investigation and encourage others to do the same."
 - a. Please detail all steps you have taken to direct and encourage these 15 employees to participate in transcribed interviews and produce the requested documents.
 - b. We request that you send a letter directing all current employees to cooperate with the requests by Ranking Members Cummings and Lawrence.
3. The Flint Water Advisory Task Force that you appointed placed "primary responsibility" for this crisis on your administration, specifically the Michigan Department of Environmental Quality (MDEQ).

The Task Force found that MDEQ misinterpreted the Lead and Copper Rule.

- a. Do you disagree with that finding?

The Task Force found that MDEQ failed to "promptly require corrosion control" even after the first six month sampling revealed lead results at 6 ppb which, according to the Task Force, "would have disqualified Flint from being exempted from having to have corrosion control treatment—even under MDEQ's flawed interpretation."

- b. Do you disagree with that finding?

The Task Force found that MDEQ's guidance on sampling for lead "was not designed to detect risks to public health" and that MDEQ "failed to take adequate steps to correct Flint water operations staff's inaccurate LCR sampling."

- c. Do you disagree with that finding?

The Task Force found that MDEQ advised Flint employees "to make sure the rest of the water samples in the second 6-month monitoring period were clean" since other samples already exceeded EPA's action level for lead. The Task Force found that the very high results from LeeAnne Walters' home were excluded from the six month test results "without adequate investigation." According to the Task Force, the flawed sampling pool and sampling technique led to under-reporting of the lead problem in Flint.

- d. Do you disagree with these findings?

4. On September 10, 2014, your former chief of staff, Dennis Muchmore, received an email from Genesee County. Attached to that email was a letter addressed to you from John Gleason, the Genesee County Clerk. In that letter, Mr. Gleason wrote: "Flint has gone days without drinking water." Mr. Gleason asked you to "try some possible solutions" because drinking water is "such a basic life need." Mr. Gleason proposed specific solutions, including the use of National Guard water tankers. Mr. Muchmore forwarded the letter to several high-level officials in your administration, writing, "This issue is getting bigger all the time. How do we help the people of Flint?"

Did you receive this letter from Mr. Gleason? If so, what specific actions did you take in response to this letter? If you did not receive the letter, do you believe Mr. Muchmore should have brought it to your attention?

5. On October 14, 2014, Mr. Muchmore sent an email to senior officials in the Department of Treasury asking them to "step into this" issue. You testified that you did not recall whether your top legal advisor raised this issue with you. Did Mr. Muchmore raise this issue with you in October 2014? If not, should he have done so?
6. In response to Rep. Cartwright's questions, you admitted that you received a letter dated January 18, 2015, from Mayor Dayne Walling alerting you to the fact that the most important issue in Flint at that time was the water. Rep. Cartwright asked you to confirm that despite Mayor Walling's request, you did not visit Flint until October 2015. At the hearing, you said you needed to check your schedule to determine whether this was accurate. Please confirm the exact dates and times you personally visited Flint in 2015.
7. In a January 26, 2015, email from David Murray to Mr. Muchmore and Harvey Hollins, Mr. Murray wrote that Mayor Walling "is seeking to drag the governor into the conflict with both hands, even demanding that the governor visit the city." Did Mr. Muchmore discuss this email with you? If so, what was discussed and what was your reaction?
8. On January 29, 2015, Rep. Sheldon Neeley sent you a letter by email to Mr. Muchmore. The letter described Flint as a city standing on the "precipice of civil unrest," warned that "[r]esidents of Flint are already finding themselves forced to take drastic measures simply to have clean drinking water," and stated that "[t]he people of Flint bring bottles of brown water full of sediment and other foreign substances to community meetings, asking only to be treated as human beings." Mr. Neeley asked you to "see the suffering and anger from the people in one of Michigan's municipalities and understand that there is a need to react and respond to this crisis."
 - a. Did you receive this letter?
 - b. If so, did you discuss it with Mr. Muchmore?
 - c. If so, what did Mr. Muchmore recommend that you do in response to this letter, and what did you in fact do in response to this letter?

- c. If you did not receive this letter, do you believe Mr. Muchmore should have shared it with you? What would you have done differently had Mr. Muchmore shared this letter with you in January 2015?
9. On February 5, 2015, in response to requests from local pastors in Flint to move back to Detroit water, the Michigan Department of Treasury told Mr. Muchmore by email that the Flint emergency managers were “unequivocal” that it would cost at least \$1 million per month to return to Detroit water. Mr. Muchmore responded by writing:

Since we’re in charge, we can hardly ignore the people of Flint. After all, if GM refuses to use the water in their plant and our own agencies are warning people not to drink it, another expressing continuing concern over quality, and 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.

 - a. Did Mr. Muchmore convey the requests of Flint pastors with you?
 - b. Did he express these opinions to you in February 2015?
 - c. Did you agree at the time with Mr. Muchmore that your administration looks “stupid” because it did not switch out to Detroit water? If you disagreed with Mr. Muchmore, please explain why.
 - b. If Mr. Muchmore did not convey the pastors’ requests and did not express his opinion to you, should he have done so? What would you have done if you had known his views? Would you have authorized switching back to Detroit water earlier than you ultimately did?
10. On March 2, 2015, Mr. Muchmore sent an email to your senior staff in which he wrote:

It’s tough for everyday people to listen to financial issues and water mumbo jumbo when all they see is problems. ... How about cutting a deal with Ice Mountain or Bill Young and buying some water for the people for a time? 250K buys a lot of drinking water and we could distribute it through the churches while we continue to make the water even safer. If we procrastinate much longer in doing something direct we’ll have real trouble.

 - a. Were you aware that your chief of staff was proposing to buy a quarter million dollars’ worth of water for the people in Flint in March 2015?
 - b. Who decided to deny your chief of staff’s proposal?
 - c. If you were not aware, should your chief of staff have brought his proposal to you? What would you have done if Mr. Muchmore had proposed this solution to you in March 2015?

11. On March 3, 2015, Mr. Muchmore sent an email to your staffer Elizabeth Clement concerning the demands by the Flint pastors to return to Detroit water, writing: "Might be good to anticipate what will happen when it gets warm and we have more water problems. I left you with a doozy of a situation and Harvey and Workman/Saxton are really at odds on this one."
- a. What was the specific divide in your administration, referenced by "Harvey and Workman/Saxton are really at odds," regarding how to handle the demands of the Flint pastors to return to Detroit water?
 - b. Were you involved in this debate? If so, what were your views? If not, should Mr. Muchmore have brought you into this debate? What would you and your administration have done differently if he had done so?
12. On April 9, 2015, in response to the Michigan Department of Treasury's opinion that Flint could not afford to switch to Detroit water, Mr. Muchmore began to focus on public relations work. Specifically, in response to Harvey Hollins' recommendation to retain a public relations firm to respond to the continued demands to switch back to Detroit water, Mr. Muchmore wrote: "I'll work on it. I have no money to do that but I have an idea how to break the chain."
- a. Were you aware that Mr. Muchmore had a plan to find money to hire a public relations firm?
 - b. If you were not aware of Mr. Muchmore's idea, do you believe that Mr. Muchmore should have brought this to your attention?
13. On July 22, 2015, Mr. Muchmore and Harvey Hollins met with Flint's Clean Water Coalition, which told them that "lead is the issue." On the same day, Mr. Muchmore sent an email to Dan Wyant, in which he wrote:

I'm frustrated by the water issue in Flint. I really don't think people are getting the benefit of the doubt. Now they are concerned and 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 (as a state we're just not sympathizing with their plight).

In another email that same day, Mr. Muchmore wrote:

We need to have more discussion relating to Flint water. There seem to be even more issues regarding the water than there should be. ... The people there just seem to be getting a raw deal from the city particularly in terms of the information they are getting.

- a. Did Mr. Muchmore inform you about his meeting with the Flint Water Coalition on July 22, 2015?
- b. Did he tell you about the lead concerns expressed by the Flint Water Coalition during that meeting? Did you know that the lead results the Flint Clean Water Coalition relied on came from the MDEQ? What did you do in response?
- c. If you do not recall, do you believe that Mr. Muchmore should have done so?
- d. Did you know that Mr. Muchmore believed that your administration was “blow[ing] off” the people of Flint? Do you disagree with Mr. Muchmore’s assessment as of July 2015?

14. On July 29, 2015, Mr. Muchmore wrote:

Frankly, the only way the issues will be totally resolved is when the KWA comes on line and the water is perceived to be cleaner and healthier. I am somewhat surprised that the leadership in Flint has not responded better to the community questions, which don’t seem unreasonable at all.

On August 3, 2015, Mr. Muchmore wrote: “I’m not sure I blame [the citizens of Flint] as that [Flint] river has always been problematic.”

- a. Did Mr. Muchmore inform you of any of the concerns he expressed in his July 29, 2015, and August 3, 2015, emails in that time period?
- b. If not, do you believe he should have? Would you have done anything differently if he had?

15. One of the most senior members of your administration is Richard Baird. On your official website, Mr. Baird’s official title is listed as “transformation manager.”

- a. Please confirm Mr. Baird’s official position(s) in your administration from January 2011 through the present.
- b. Please provide a summary of Mr. Baird’s duties for each position he has held in your administration from January 2011 through the present.
- c. Who does Mr. Baird report to? If he reported to different people at different times, please answer the question chronologically
- d. Please explain why Mr. Baird’s salary was initially paid from your New Energy to Reinvent Diversity Fund and not the State of Michigan.
- f. Please confirm the dates, times, state agency, and location in which Mr. Baird spoke to any group of employees at any state agency from January 2011 through the

present. Please provide any emails from you to Mr. Baird about any of these meetings, including but not limited to suggestions for topics and any summaries of the meetings.

- g. Did Mr. Baird have any discussions with you about the Flint water crisis? If yes, please provide the dates and times of those conversations and the substance of those conversations.
 - h. Did Mr. Baird provide you with any recommendations or advice for how to respond to the Flint water crisis? If so, what were those recommendations? Did you follow any of these recommendations? If not, why not?
 - i. You have appointed Mr. Baird to lead the recovery effort in Flint. Why did you not appoint someone with a direct connection to Flint or with experience in handling disaster areas with a public profile?
- 16. Shortly after the hearing, your Flint Water Advisory Task Force made several findings about PA 436, the current emergency manager law, and the actions of the emergency managers in Flint.
 - a. Do you agree with the Task Force's finding that the Flint Emergency Managers did not have "the necessary expertise to manage non-financial aspects" in Flint?
 - b. Why did you appoint emergency managers without the expertise and experience to handle anything other than financial issues?
 - c. Will you agree to adopt your task force's recommendation to consider alternatives to the current emergency manager approach? If not, why?
- 17. During your testimony, you said that several employees have been fired as a result of their actions. Unfortunately, several members of your administration directly involved in the Flint crisis remain employed. For example, Harvey Hollins, your Director of Urban Initiatives, remains directly involved in the recovery efforts in Flint. Mr. Hollins admitted during an interview with the Detroit Free Press in February 2016 that he was aware of the reports of Legionnaires' disease in March 2015, but failed to report it to you until January 2016, yet feels "no responsibility for grown-ups who don't do their jobs."
 - a. Should Mr. Hollins have brought the issue of Legionnaires' disease to your attention in March 2015? If not, why not? If so, have you asked for Mr. Hollins' resignation? If not, why not?
 - b. Why is Mr. Hollins still involved in handling issues related to Flint?

Questions for The Honorable Rick Snyder
Governor of Michigan

Questions from Representative Dan Kildee (MI)
Member of Congress

March 17, 2016, Hearing: “Examining Federal Administration of the Safe Drinking Water Act in Flint, Michigan, Part III”

1. Speaker of Michigan House of Representatives Kevin Cotter said he will not allow a vote in the legislature on any additional supplemental appropriations for Flint. Do you plan on requesting additional funds from the Michigan Legislature beyond what is in your FY 2017 budget proposal?
2. Will you request state funding to replace all of the lead service lines in Flint and repair the damage done to the entire water system by the corrosive water, including water heaters and plumbing inside homes and buildings?
3. Will the state pay for new teachers, including special education teachers, and other to deal with overcrowding in Flint schools and to empower school personnel to respond to lead-related behavioral issues with students?
4. Will the state commit additional resources for economic development, job training and other supports to create job opportunities for Flint residents?
5. What will the state do to increase access to early childhood education and health care including additional health care professionals, school nurses, and improved transportation services?