

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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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”

February 3, 2016

I want to thank Congresswoman Lawrence for requesting today’s hearing and for her continued dedication on this issue. I also want to thank Congressman Kildee for testifying, as well as our witnesses on the second panel. Finally, I want to say a special thank you to the many residents of Flint, Michigan who traveled all the way here to Washington, D.C. to attend today’s hearing. I welcome you all, and I thank you so much for being here.

I believe we have a moral obligation to conduct a comprehensive investigation of this crisis. We need to determine how children in the United States of America, in the year 2016, have been exposed to drinking water poisoned with lead. And not by accident—by the actions of their own government.

I ask every Member of this Committee to take a moment and imagine what your reaction would be if this happened in your district instead of Flint. Ask yourself, would you tolerate this? Of course you wouldn’t. You would demand answers. You would demand that we examine the actions of *everyone* involved, hear testimony from *everyone* involved, and obtain documents from *everyone* involved.

The problem is that today, we are missing the most critical witness—the Governor of Michigan, Rick Snyder.

Governor Snyder was the driving force behind Michigan’s “emergency manager” law, which he signed in 2011 and invoked to take over the City of Flint from its local elected leaders. The Governor hand-picked appointees to run the City, and they decided to use water from the Flint River. They also led the Michigan Department of Environmental Quality, which failed to protect the people of Flint, according to the Governor’s own task force charged with investigating this crisis.

Obviously, Governor Snyder should answer for these decisions. We asked the Chairman to invite him today, but he would not. We asked the Chairman to give us a date in the future for a hearing with Governor Snyder, but he would not. We asked the Chairman to send the same

kind of document request to Governor Snyder that he sent to the EPA, but he would not do that either. The problem with this approach is that it undermines the credibility of Congress, our Committee, and this investigation. That is totally unacceptable to the people of Flint.

Certainly, we want to hear from the EPA, and they are here today. Based on what I have seen, EPA officials should have moved much more aggressively after they detected these heightened levels of lead. But *states* are the primary enforcement agencies for the Safe Drinking Water Act—not the EPA.

The Chairman argues that we should let the state continue its own investigation, but I disagree. The state has failed the people of Flint. Now it's up to us. If we act selectively for political reasons, then we become part of the problem. This information has been brought to us, and we now have a duty to investigate all aspects of this crisis.

So today, every Democrat on the Committee has joined together to sign this letter to the Chairman. It invokes our right under House rules to demand a hearing with witnesses of our choosing. In this letter, we officially request testimony from Governor Snyder and three key emergency managers that he appointed to govern Flint: Edward Kurtz, Jerry Ambrose, and Darnell Earley. I ask that our letter be inserted into the official hearing record.

Our ultimate goal must be to serve the interests of the children and families of Flint. We do not know the full extent of the damage that was caused, but we know it is grave. Today, the Committee received a letter from the American Academy of Pediatrics. The letter warns that thousands of children under the age of six have now been potentially exposed to lead through the Flint drinking water. The letter also says this:

As you know, the city of Flint has long been an impoverished community beset by a host of economic and infrastructure hardships. This adversity, coupled with widespread lead exposure, means that Flint's children will require significant help in coping with the impact of lead on their physical and behavioral health and development, their schooling, and much more.

It is our job, here on this Committee and in Congress, to make sure this help is provided to these kids and to ensure that they are not forgotten after these hearings end. And that is why I say this is a moral issue. We have to investigate what happened at all levels—including the state—and then we have to turn to accountability and reform. We need to help our cities and states rebuild their infrastructure, and we need to support the EPA with adequate funding to provide strong guidance and enforcement.

Only by taking all these steps will we truly fulfill our obligations to ensure that our government works effectively and efficiently for all of our people.

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