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Review of EPA Response to Flint Contamination Incident

9/5/2018
Why We Did This Review
Methodology

- Timeframe
- Documentary evidence
- Testimonial evidence
- Analytical Evidence
No Corrosion Control = Deadly Pipes
Effects of Crisis

- Nearly 100,000 residents exposed to poisonous water.
- 12 deaths from Legionella; other health effects, some studies linked over 200 fetal deaths.
- Federal, state and local “States of Emergency.”
- 15 state and local officials indicted.
- 5 investigations/reviews.
- Citizen and NGO lawsuits.
- 2 Congressional Hearings.
Results of Review

Two Reports with 11 Recommendations
Findings

- EPA could have intervened earlier.
- EPA Region 5 did not recognize or use available authorities and tools.
- Weaknesses in EPA oversight of the state drinking water program.
- Communication breakdowns between the State and EPA and within EPA.
- No effective system to identify risks at state and local level.
Overall Improvements Needed

Clarity on Authorities

Internal Controls
The contamination may have presented imminent and substantial endangerment to human health.

Appropriate state and local authorities did not act to protect the health of persons.
<table>
<thead>
<tr>
<th>Month</th>
<th>Events</th>
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<tr>
<td>May 2014</td>
<td>• EPA Region 5 learned of Flint drinking water source switch.</td>
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<td>• EPA Region 5 received first citizen complaints about drinking water quality.</td>
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<td>August 2014</td>
<td>• First total coliform violation occurred.</td>
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<td>December 2014</td>
<td>• First total trihalomethanes violation occurred.</td>
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<td>February 2015</td>
<td>• EPA Region 5 learned of elevated lead level in Flint resident’s drinking water.</td>
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<td>• EPA Region 5 manager voiced concerns to colleagues that sampling protocol is biasing lead results.</td>
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<td>March 2015</td>
<td>• Engineering firm contracted to work on the Flint drinking water system issued report, which recommends the addition of corrosion control treatment.</td>
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<td>• EPA Region 5 learned that Genesee County was investigating an increase in Legionella cases.</td>
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<td>April 2015</td>
<td>• MDEQ staff member told an EPA Region 5 manager that the Flint system does not have any corrosion control treatment.</td>
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<td>June 2015</td>
<td>• EPA Region 5 learned that at least four homes had lead in drinking water above the action level.</td>
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<td>• EPA Region 5 manager shared interim report on high lead levels in Flint’s drinking water with an affected resident. The report was subsequently released to the public.</td>
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EPA Could Have...

- Taken enforcement action under SDWA §1414.
- Issued an Order under SDWA § 1431.
- Alerted Flint residents.
Recommendations

Update
• Policies on SDWA Authorities.

Train
• Staff on SDWA Authorities, Lead and Copper Rule, and associated Agency policies.

Verify
• States are monitoring in compliance with the Lead and Copper Rule annually.
Recommendations

Implement
- A system to track and resolve public complaints to the Agency.
- A system of elevation for EPA staff and managers.
- A system to identify risks at the state level.

Revise
- Lead and Copper Rule to improve effectiveness of monitoring and corrosion control treatment.

Document
- Clear roles and expectations between EPA and Michigan.
- Program Reviews of MI Drinking Water Program
1. Oversaw Emergency Order and Amended Order. Grant awarded to City of Flint for lead service line removal.

2. Conducted a program review of MI. Published findings and status of state corrective action.

3. Agreed to Implement 10 of 11 EPA OIG recommendations.
House Bill 6147

- Requires EPA to implement recommendations
- Ties Implementation to Appropriation
After Flint, Watchdog Urges E.P.A. to Monitor Drinking Water More Closely
Let Flint serve as a warning: Congress must do more to improve the nation’s infrastructure
CONGRESSMAN DAN KILDEE ON EPA INSPECTOR GENERAL’S REPORT ON THE FLINT WATER CRISIS
IG urges stronger oversight after Flint crisis
IG Pushes Back On EPA’s Cooperative Federalism Focus In Flint Report
IG Flint report finds lack of urgency
Inspector: EPA ‘management weakness’ prolonged Flint crisis
In Flint Water Crisis, EPA’s Friendly Relationship with State Regulators Delayed Use of Legal Authority
After Flint debacle, EPA must strengthen oversight of Mich. drinking water programs, watchdog says
Flint water crisis prompts call for more federal oversight
Federal watchdog urges better EPA oversight after Flint water response
EPA’S watchdog urges better water oversight after Flint, Mich., crisis
EPA needed to act more quickly, forcefully on Flint water crisis, report says
EPA watchdog urges agency to strengthen oversight of state drinking water systems after lead crisis
in Flint, Michigan
EPA watchdog faults ‘management weaknesses’ in Flint water crisis
EPA Report Faults Response to Flint Water Crisis
EPA inspector general points some blame for Flint water crisis response
The EPA Was Too Slow To Respond To Flint’s Water Crisis, Says A Scathing New Report
Lapses at all levels of government made Flint water crisis worse: Watchdog
TRUMP’S EPA FINDS CHRONIC MANAGEMENT WEAKNESS DELAYED FLINT WATER RESPONSE
Watchdog report urges EPA to heighten oversight in wake of Flint water crisis
Watchdog calls on EPA to strengthen oversight of state water systems after Flint crisis
Watchdog to EPA: You Need to Do Better After Flint Crisis
The scandal over Flint’s water is a tale of poverty and race
Internal Watchdog Blasts EPA’s Response to Flint Water Crisis in Blistering Report
After Flint, Watchdog Urges E.P.A. to Monitor Drinking Water More Closely
Media Attention – Video Compilation
OIG Flint Team

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- Kathlene Butler
- Stacey Banks
- Allison Dutton
- Tiffine Johnson-Davis
- Fred Light
- Jayne Lilienfeld-Jones
- Tim Roach
- Luke Stolz
- Danielle Tesch
Questions?