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5TH DISTRICT, MICHIGAN

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Washington, DC 20515

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September 29, 2015

Governor Rick Snyder
Executive Office of the Governor
P.O. Box 30013
Lansing, Michigan 48909

Governor Snyder: Rick —

I appreciate you taking the time to talk with me yesterday about continued efforts to ensure the safety of the city of Flint's water. I want to summarize some of the items we discussed in order to work together going forward.

It is my hope that the state of Michigan immediately purchase and distribute lead-clearing water filters to Flint residents. As we discussed, I urge you to look for funding in areas such as the Michigan Health Endowment Fund or Michigan Department of Environmental Quality for these much-needed filters. Ultimately, it is the responsibility of the state to ensure the safety of drinking water. While lead-clearing filters will not permanently fix the underlying issues with Flint's water infrastructure system, they will ensure safe drinking water in the interim and help to restore confidence that the water is lead-free and safe to drink.

Additionally, it is imperative that the state release a health advisory regarding the quality of the water in Flint. The public has a right to know about the safety of their water, and it is important to ensure they have the information necessary to help mitigate adverse health impacts.

In addition, I ask that the state formally request assistance from federal agencies. As we have previously discussed, it appears there may be potential opportunities for the state to use the Federal Safe Drinking Water Act State Revolving Fund to invest and improve the water infrastructure in Flint. Following the state's request, my office can work with the appropriate federal agencies seeking assistance.

Finally, going forward, it will be critical to have additional independent and scientific testing to instill confidence in Flint residents that their water is safe. Testing needs to be completed regularly, on a larger scale than previously and must include the most at-risk homes in Flint.

I look forward to continuing to work with you and your staff to provide the necessary immediate assistance to the residents of Flint and develop a long term solution to the issues facing Flint's infrastructure.

For actions in the state of Michigan, please contact my District Chief of Staff Amy Hovey (810-241-3864 or Amy.Hovey@mail.house.gov). For questions regarding federal policy, please contact Jordan Dickinson (202-225-3611 or Jordan.Dickinson@mail.house.gov).

Sincerely,



Dan Kildee
MEMBER OF CONGRESS

RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

BRIAN CALLEY
LT. GOVERNOR

October 2, 2015

The Honorable Dan Kildee
U.S. House of Representatives
227 Cannon House Office Building
Washington, DC 20515

Dear Congressman Kildee:

As part of our ongoing dialogue related to the City of Flint's water, I want to make sure you are aware of the actions taken by the State of Michigan to ensure that the residents of Flint have access to safe, clean drinking water. These actions include:

1. Immediately testing Flint's public school district to ensure that drinking water is safe. Testing also will be available at no cost to any other school in Flint.
2. Expanding health exposure testing of individual residences.
3. Offering water testing at no cost to Flint residents to assure the water is safe.
4. Begin optimizing corrosion controls in the Flint drinking water system.
5. Convening a "Safe Drinking Water Technical Advisory Committee" to ensure the best technology, practices, and science are being utilized. This Committee will include an expert from the EPA's Office of Research and Development.
6. Accelerating water system improvements to address replacement of lead service lines.
7. Expediting completion of Karegnondi Water Authority.
8. Appointing Dr. Eden Wells as the Flint Drinking Water Public Health Advisor.
9. Providing water filters to residents of Flint.
10. Expanding a comprehensive lead education initiative.

While these actions will mitigate the risk of lead exposure in the immediate and long term, there are a number of federal regulatory hurdles that impede our ability to further reduce risk. As the federal representative for the City of Flint, I would appreciate your assistance on the following federal items:

1. Make federal Drinking Water Revolving Loan funds available for the replacement of private service lines.
2. Ease and/or eliminate restrictions on the purchase of bottled water for SNAP and WIC recipients. This should include a temporary, targeted increase in SNAP benefits so that the purchase of bottled water does not count against a recipients' current SNAP allocation.
3. Request that the EPA expedite promulgation of the long term revisions to the Lead and Copper Rule.

As the situation continues to evolve, I would also appreciate your assistance in the event that additional federal action is needed.

Thank you for your continued advocacy related to the City of Flint's water. I have appreciated the ongoing dialogue and am heartened to have a partner in ensuring that the residents of Flint have access to safe, clean drinking water. I look forward to continuing to work with you on this and many other issues of importance to Michiganders.

Sincerely,

Rick Snyder
Governor

DANIEL T. KILDEE
5TH DISTRICT, MICHIGAN

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October 7, 2015

Governor Rick Snyder
Executive Office of the Governor
P.O. Box 30013
Lansing, Michigan 48909

Governor Snyder,

Thank you for your letter on October 2, 2015, regarding the state of Michigan's plans to respond to the crisis regarding the drinking water in Flint, Mich. I encourage you to immediately implement the action plan outlined so that Flint residents can have safe drinking water.

Moreover, you asked for my assistance in working with federal agencies to address this issue. Due to the urgent nature of this issue, I want to update you that my staff and I are working closely with Senators Stabenow and Peters and have been in communication with the appropriate agencies. I will continue to do everything I can to help address this issue at the federal level.

On September 22, 2015, I previously wrote letters to the U.S. Environmental Protection Agency, Department of Health and Human Services, Centers for Disease Control and Federal Emergency Management Agency requesting immediate assistance to provide safe drinking water to Flint.

In addition, on March 26, 2015, I sent a letter to the U.S. Environmental Protection Agency asking them to clarify if there is any statutory limitation on states to forgive the principal on loans made through the Safe Drinking Water State Revolving Fund.

Again, thank you for beginning to utilize your office's resources to help address the water quality in Flint. I look forward to working with you on the shared goal of helping the residents of Flint have safe drinking water.

Sincerely,

Dan Kildee
MEMBER OF CONGRESS

DANIEL T. KILDEE
5TH DISTRICT, MICHIGAN

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September 22, 2015

Secretary Sylvia Matthews Burwell
U.S. Department of Health & Human Services
HHS Office of the Secretary
200 Independence Avenue, S.W.
Washington, DC 20201

Administrator William Craig Fugate
Federal Emergency Management Agency
500 C Street, S.W.
Washington, DC 20472

Administrator Gina McCarthy
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Director Tom Frieden
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30329

Secretary Burwell, Administrator McCarthy, Administrator Fugate and Director Frieden:

Recent developments regarding the level of lead in the water in one of the communities I represent, Flint, Mich., have raised significant concerns about the safety of its drinking water. For this reason, I am requesting immediate resources to provide safe drinking water to the residents of Flint until additional testing can be completed that confirms the water is safe, particularly for young children.

Although the city of Flint and the Michigan Department of Environmental Quality have conducted tests and taken the position that the lead level in the water is safe and below the action level, there are significant questions about the efficacy of their testing. In fact, Dr. Marc Edwards of Virginia Tech University, an established drinking water expert, conducted his own tests as part of a study that determined the water in Flint was above the lead action level.

Additionally, yesterday the Greater Flint Health Coalition, a group of health professionals in the community, released a report showing elevated blood lead levels in residents in Flint, particularly in young children. In response, the Coalition has requested that the Genesee County Health Department release a health advisory indicating that the water in Flint is unsafe to drink.

Thus, I am requesting resources from your agency to provide clean drinking water to the residents of Flint until additional testing can determine when the water will be safe to drink and a long-term solution can be implemented.

This is a serious health issue, particularly for young children, and until the water is demonstrated to be safe, immediate action must be taken to ensure Flint's residents have potable drinking water.

I look forward to working with you and thank you for your immediate attention.

Sincerely,



Dan Kildee
MEMBER OF CONGRESS

**DANIEL T. KILDEE**
5TH DISTRICT, MICHIGAN

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March 26, 2015

Ms. Gina McCarthy
Administrator, Environmental Protection Agency
1101 A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator McCarthy:

My office has reached out to both the Office of Congressional and Intergovernmental Relations at the Environmental Protection Agency (EPA) and the Congressional Research Service (CRS) to determine if there are any statutory limitations on states to forgive the principal on loans made through the Safe Drinking Water State Revolving Fund (SDWSRF) program. After talking to both of these offices, there seems to be a difference in legal opinion between the two interpretations as to whether forgiveness of principal is statutorily allowed, and I am requesting further clarification.

The City of Flint, Mich., located in my district, continues to endure prolonged and severe financial stress due to the loss of thousands of manufacturing jobs, resulting in population loss and an erosion of its tax base. In an effort to improve the city's financial stability, Flint decided to end its 50-plus-year affiliation with the City of Detroit Water and Sewage Department in April of 2013. Instead, Flint would become a partner in the Karegnondi Water Authority (KWA) to bring raw water from Lake Huron to the city.

The water contract between the City of Detroit Water and Sewage Department and Flint was terminated in May of 2014.The KWA, however, will not be able to provide water to the city until its pipeline from Flint to Lake Huron is completed at the end of 2016. To fill the gap in service until the KWA is completed, Flint has turned to the Flint River as its current source for raw water. The Flint River has proven to have an inconsistent quality because of high levels of organic matter. Flint water officials have used high levels of trihalomethanes to treat the occasional elevated levels of organic matter in the water. On December 16, 2014, the Michigan Department of Environmental Quality cited the city for being in violation of water standards determined by the Safe Drinking Water Act (SDWA) due to high levels of trihalomethanes. In accordance with the SDWA, a cautionary notice about the citation was subsequently sent to residents.

Since its citation, Flint has engaged local and state leaders to find a solution for the poor quality of the water. On February 3, 2015, the state gave the city close to $2 million to hire consultants to assess the condition and find leaks in the water infrastructure system. While this funding is a step in the right direction, it is not nearly enough to significantly improve the water quality.

This background on Flint's water situation is to point out that the SDWA is intended to improve drinking water in America's cities, such as Flint, by creating water quality standards and funding the SDWSRF to invest in water infrastructure. In addition to the high levels of trihalomethanes, the poor condition of water infrastructure in Flint, regardless of the water's source, contributes to discolored and poor tasting water. Furthermore, Flint currently suffers an over 35 percent loss ratio of water between the treatment plant and the end user. In the past, Flint has benefitted from the SDWSRF and currently has close to $22 million in outstanding loans from it that the city has used to repair the water system. The financial stress of making payments on these loans; however, has prevented the city from making the necessary ongoing investments to its water infrastructure.

To decrease the burden of these loans, on January 18, 2015, Flint requested that the state of Michigan, as the responsible party in appropriating funds from the SDWSRF to local governments, forgive part of the principal. The state responded that forgiving the principal is not an option as the state does not have the authority to do so.

In response to the state's reply, on February 10, 2015, my staff reached out to the Office of Congressional and Intergovernmental Relations at the EPA to ask if they were aware of any statutory language that prevents principal forgiveness of loans made under the SDWSRF. On February 25, 2015, the EPA responded that they "could find … no provision that would allow a state to [forgive an existing loan made from a Safe Drinking Water Act state revolving fund]."

On February 23, 2015, my staff also reached out to the CRS for their legal opinion on this matter. Although they could not find any precedent for doing so, the CRS did find two instances in statute that, in their opinion, allows states to forgive the principal on loans made through the SDWSRF.

First, SDWA sec. 1452(d)(1), 42 USC 300j-12(d)(1), states – "Notwithstanding any other provision of this section, in any case in which the State makes a loan pursuant to subsection (a)(2) of this section to a disadvantaged community … , the State may provide additional subsidization (including forgiveness of principal)."

Second, the Consolidated and Further Continuing Appropriations Act, 2015, Pub. Law 113-235, states on page 296 – "Provided further, [t]hat not less than 20 percent but not more than 30 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act; …."

The difference in opinion between EPA and CRS has created ambiguity for the affected parties. The ability of states to forgive portions of the principal on loans made through the SDWSRF could have a significant impact on the financial state of Flint and many other distressed municipalities across the county. I would appreciate clarification from you on what, according to EPA's interpretation of the law, statutorily prevents states from forgiving the principal on loans made under the SDWSRF.

Due to critical nature of the water quality in Flint and the impact that loan forgiveness could have on improving the quality of the water, I ask for your prompt attention to this matter.

Sincerely,

Dan Kildee
MEMBER OF CONGRESS

cc:
Cathy Davis, EPA
Eileen Deamer, EPA
Robert Meltz, CRS

DANIEL T. KILDEE
5TH DISTRICT, MICHIGAN

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November 13, 2015

Governor Rick Snyder
Executive Office of the Governor
P.O. Box 30013
Lansing, Michigan 48909

Governor Snyder:

I would like to provide you an update with some of the work we are doing in response to your letter on October 2, 2015 letter. I also have three requests of the state that are necessary to provide relief to the victims of the Flint water crisis.

First, Senator Stabenow, Senator Peters and I wrote a letter to the U.S. Environmental Protection Agency (EPA) asking for clarification on whether federal law permits states to use Safe Drinking Water State Revolving Funds (Revolving Funds) to finance the replacement of privately owned lead water service lines (attached). The EPA responded that the Revolving Funds can in fact be used for this purpose. My office immediately notified both your office and the Michigan Department of Environmental Quality of this fact.

Secondly, the three of us also wrote to Secretary Tom Vilsack requesting that the U.S. Department of Agriculture (USDA) provide greater clarification on the availability of "Ready to Feed" formula for recipients of Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in Flint. Additionally, the letter asks to identify resources to improve the nutrition of Flint residents specifically as it relates to lead, because a certain diet can reduce some of the impact of exposure. The USDA is currently reviewing the letter.

Third, I have been working with the EPA on important revisions to the Lead and Copper Rule that would prevent a public health crisis like the one in Flint from happening again in other communities. I will be providing testimony at a meeting of the National Drinking Water Advisory Council next Wednesday, November 18 on what we have learned firsthand in Flint and the necessary improvements to the Lead and Copper Rule.

I will continue to pursue all of these avenues in order to find assistance for the people of Flint. There are, however, additional steps that need to be taken to remediate the damage done to the people of Flint due to the failures at the state government level, alongside the forgiveness of Flint's Revolving Funds loan debt if that becomes available. I urge state and local partners to work in coordination to fulfill the following requests.

- First, I request that the state of Michigan use its Revolving Funds and other state resources such as the rainy day and general funds to repair the damage done to Flint's water distribution system.

Due to the corrosive nature of the water, conservative estimates show there has been hundreds of millions of dollars of damage done to Flint's water distribution system. The damage to the system will increase maintenance costs resulting in higher rates for Flint water users, who already are burdened by the highest water rates in the state. Furthermore, the presence of over 15,000 lead service lines continues to threaten the quality of the water and creates the potential for future lead exposure through drinking water. As stated previously, the EPA has said that using the Revolving Funds for this purpose is allowed under federal law, and I request the state do so.

- Second, I request the state create a fund for ongoing assistance to the people of Flint to respond to the impacts of lead exposure.

The effects of lead are serious and permanent, with especially harmful impacts on young children and those with weakened immune systems. In discussions with health professionals, they have expressed the need for significant investments in the local health system in order to respond to the widespread exposure of lead to the people of Flint, including monitoring of future lead exposure. This fund should include support for, at a minimum, continuous health monitoring, early education programs, nutrition education, support services for children to succeed in school, and continued exposure prevention efforts. The investments we make now to combat the negative impacts of lead exposure will pay dividends in avoided costs in the future.

- Finally, I again ask that the state immediately reverse course and rescind Flint's obligation to provide $2 million for the cost of connecting to the Detroit water system and refund any money the city of Flint has had to pay.

Requiring a financially distressed city and its people to pay for the state's failures is an abdication of clear responsibility by the state. The state-appointed emergency manager was in charge of the city of Flint during the time that the decision to leave the Detroit system was made. The state – not Flint – created this water crisis, and the state needs to pay to fix it. The $2 million Flint spent to reconnect to the Detroit water system could be used for many other essential services in Flint, such as hiring policemen and firefighters, improving schools and maintaining parks.

In addition to state investments, I encourage the state to request assistance from federal agencies. They have extensive experience working with health, education and nutrition systems nationwide and could provide critical resources to state officials. Specifically, the Centers for Disease Control and Prevention has offered resources if the state requests it. I will work to support any efforts for federal assistance the state makes.

I look forward to working with the state and federal governments to not only provide clean drinking water to the people of Flint immediately, but also repair the damage done to the city's water system and give local health professionals the resources they need to combat the long term impacts of lead exposure.

Sincerely,



Dan Kildee
MEMBER OF CONGRESS

Cc:
Senate Republican Leader Arlen Meekhof
Senate Democratic Leader Jim Ananich
Speaker of the House Kevin Cotter
House Democratic Leader Tim Greimel

**DANIEL T. KILDEE**
5TH DISTRICT, MICHIGAN

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January 11, 2016

Governor Rick Snyder
Executive Office of the Governor
P.O. Box 30013
Lansing, Michigan 48909

Governor Snyder,

It has been nearly a year since your office was made aware of the Flint water crisis. While I welcome your state of emergency declaration last week, the resources provided thus far are inadequate to ensure that the people of Flint get access to safe drinking water and to help mitigate this ongoing public health emergency.

Flint residents deserve action, not more talk. It was a state-appointed emergency manager that made the decision to switch the city's drinking water source from Detroit to the Flint River and the state is ultimately responsible for making this terrible crisis right.

We cannot wait for task force reports on this crisis to step up and do what is right. Accountability is important, and I am confident that the ongoing investigation by the U.S. Attorney's Office will be guided by the facts and reveal the truth. But there is a need right now in Flint for more immediate resources to help support families and children in this crisis.

In November, I wrote to you encouraging the state to request assistance from federal agencies. To date, federal assistance has not been requested by the state. Since in my opinion the state's response to the ongoing crisis has been inadequate, I reached out to the White House today to request assistance with any additional federal resources that may be available.

The state can act immediately to help the city of Flint, including:

- Funding a health and development fund to support Flint residents and children who have been exposed to high levels of lead. This fund should include support for, at a minimum, continuous health monitoring and services, early education programs, nutrition programs and education, support services for children to succeed in school, and continued exposure efforts.

- Work with the federal government to forgive any loans to the city of Flint made available through the Drinking Water State Revolving Fund and offer new, forgivable loans to help replace aging lead-service lines in Flint, including private lead-service lines.
- Rescind the city of Flint's $2 million obligation to reconnect to the Detroit water system. Requiring a financially-distressed city to pay for the state's failures is an abdication of clear responsibility by the state.
- Provide refunds to Flint residents who have paid for water they cannot use.
- Support the city of Flint in the long-term, through new economic investments and opportunities, to help the city of Flint cope with the incomprehensible reputational damage inflicted upon it as a result of this man-made crisis.

My top priority continues to be getting Flint residents and children the resources they need. This is an ongoing public health emergency and the state of Michigan has a moral responsibility to act to repair the damage done to the city's water system and give the Flint community the resources they need to combat the long-term impacts of lead exposure.

Sincerely,

Dan Kildee
MEMBER OF CONGRESS