

Members of the committee, thank you for the opportunity to speak with you today about the actions the State of Michigan is taking to respond to the crisis in Flint, to help those who were affected, and to ensure the health and safety of citizens in our state.

On behalf of Governor Snyder, I would like to thank you and your fellow legislators for the hard work you have done to help the people of Flint and for the work you are conducting in these hearings. As Governor Snyder said in his testimony to Congress, he and this administration are committed to delivering permanent, long-term solutions and the clean, safe drinking water that every Michigan citizen deserves. He thanks you for your partnership in helping to make that happen.

I speak to you today as Governor Snyder's cabinet director, as a member of the Flint Water Interagency Coordinating Committee (otherwise known as the FWICC), and as the former director of LARA.

There are three issues I would like to address today as part of my testimony, all of which are important for the people of Michigan.

1) FWICC

The first issue I would like to address is the work of the Flint Water Interagency Coordinating Committee. Governor Snyder created the FWICC via executive order to bring together experts to analyze any long-term effects of high lead levels in Flint residents and recommend action.

Members of the FWICC include the Mayor of the City of Flint, three experts from the state, three members representing Genesee County, three representatives from the city of Flint, and three subject matter experts -- including Professor Marc Edwards and Dr. Mona Hanna-Attisha.

Under Executive Order 2016-1, the FWIC is charged with a host of responsibilities including creating an incident action plan designed to assist state and local authorities in ensuring safe drinking water for the residents of Flint and reviewing all of the recommendations of the Flint Water Advisory Task Force. All of this work is ongoing.

Currently, the FWICC has created a number of targeted subcommittees aligned with the charges to the FWICC contained in the executive order. These include:

- Incident Action Plans: Chaired by Captain Kelenske of the MSP.
- Communications: Chaired by Harvey Hollins, Director
- Water Infrastructure: Chaired by DEQ Director Keith Creagh
- Water Quality: Also Chaired by DEQ Director Creagh
- Health and Education: Chaired by DHHS Director Nick Lyon
- KWA: Chaired by Treasury Director Nick Khouri
- Policy Subcommittee: Chaired by me

2) Lead Copper Rule

The second issue I would like to address is changes to the lead copper rule to better protect all citizens. This is an issue that was assigned to the Policy Subcommittee – and specifically to a work group created within that committee made up of:

- Dr. Marc Edwards
- Dr. Yanna Lambrinidou
- Myself and new LARA Director Shelly Edgerton
- Mark Valacek, Genesee County Health Department
- Elizabeth Hertel, DHHS, and
- Bryce Feighner/Richard Benzie DEQ

We have learned that the federal lead and copper rule which regulates our drinking water system is not sufficient to protect Michiganders. It's dumb, it's dangerous, and we aren't going to wait for the federal government to fix it.

As Michigan worked to resolve the water crisis, it became evident that what happened in Flint is not an isolated occurrence – and the rest of state and nation needs to pay close attention to water quality standards.

- We have had red flags before – from Washington DC, as far back as 2001, to Chicago in 2011, and to more recent cases in Philadelphia and Newark.
- The AP recently performed an analysis of EPA data and found that nearly 1,400 water systems serving 3.6 million Americans across the country exceeded the federal lead standard at least once between 2013-2015.

Earlier this month, a FWICC Policy Subcommittee outlined a series of needed reforms to make Michigan a national leader on lead and copper safety, including:

- Phasing in a reduction in the lead action level from 15 ppb to 10 ppb by 2020
- Requiring annual lead and copper testing for all schools, day cares, adult foster care facilities, substance abuse clinics, and public hearing facilities;
- Alerting the public better by requiring notices to all customers as well as public notices to all schools, community centers, and child care centers when a public water system exceeds the lead action level.
- Reduce Lead Customer notice requirements from 30 days to 2 business days.
- Reduce community wide notices (required when LAL is exceeded) from 60 days to 30 days.
- For the first time, establish a Household Action Level at 40 ppb kicking in heightened notice and information as well as access to blood lead testing.
- Removing gaps in testing and sampling to assure that only high risk homes are included and that strict and appropriate sampling protocols are followed.

- Protecting homebuyers and renters by requiring disclosure of lead service line status in all home sales and rental contracts;
- Requiring public water systems to follow defined corrosion control treatment standards whenever there is a shift in water sources or water treatment.
- Requiring every public water system to adopt a full lead service line replacement program within 10 years and adopting strict prioritizations for those replacements.
- Prohibiting partial lead service line replacements.
- New fines for violation of the state's lead and copper regulation rules.

This is a stronger, safer, smarter rule that will better protect the people of Michigan and serve as a model for other states and the nation.

3) **FAUCET REPLACEMENT**: The third issue I'd like to address is work that LARA is doing to ensure safer drinking water in our state, including our schools.

In an earlier supplemental, the Legislature authorized \$2 million for replacement of faucets and fixtures used by youth and fragile adults in Flint. There was a change in the EPA Safe Drinking Water Act changing how much lead could be used when manufacturing drinking water fixtures. Effective January 1, 2014, all drinking fixtures were required to be manufactured with 0.025% (lead free).

The purpose of the program was to insure that all drinking water fixtures in our schools, large day care centers, adult foster care facility centers, and nursing homes met the new 2014 standards. Our original goal was to have 90% of fixtures and faucets in schools by April 1st and 90% of fixtures in remaining facilities by May 1st. To date:

- Schools: 927 installed (99%). We have been 33 facilities (94%). At this point, we only Flint Youth Theatre to complete as well as a special faucet for the Michigan School for the Deaf (and Alpha Montessori has opted not to participate as they are moving out of a leased facility).
- Child Care Facilities: 218 installed (97%) 34 of 35 licensed large facilities have been completed.
- Adult Foster Care Fixtures: 131 installed (96%) – 11 of 12 facilities are completed.
- Health Care Facilities: We have completed all installs for health care facilities.
- Total: 1,338 fixtures installed **98%**.

We are well ahead of schedule.

Would like to take this opportunity to public thank our partners in this effort – Local 370 (Harold Harrington and Ben Ranger and their team of plumbers) as well as Masco Company/Delta Faucets who generously donated a significant amount of materials.

I close by thanking you again for your efforts to help the people of Flint. Out of this crisis, we have been reminded of the threat that lead poses to the children of Michigan -- and to all

citizens. And we are now adopting reforms that will better protect the health and safety of all Michiganders. Thank you, and I welcome your questions.

IF ASKED

4) The fourth issue is work other work the FWICC Policy Subcommittee is currently undertaking:

- **Interdepartmental Protocols**: With multiple departments and agencies (including state, federal and local involved) part of the challenge is identifying communication points and gaps in those communication protocols. At this point, we have process mapped communication paths using one of LARA's RPM Lean experts and are analyzing those findings. In that regard, we will be working with Director Hollins Communications Subcommittee to come up with recommendations.
- **Water Heaters**: There has been some concern expressed about the impact of the Flint crisis on resident's water heaters. To date, our work group, which includes national experts on water heater construction as well as a wide range of scientists including Marc Edwards and Tim Keane, has been examining – in conjunction with Dr. Eden Wells, the State Medical Officer – proper temperature settings and public instructions. Because of a lack of firm scientific evidence, we are also completing plans for a study to be completed from May through August using samplings from Flint to examine mineral and bacterial loads, if any in area water heaters.