



TRANSCRIPT OF MARCH 15, 2016 MEETING OF THE HOUSE OVERSIGHT AND
GOVERNMENTAL REFORM



Transcript Corrected by O'Brien & Bails Court Reporting & Video
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TRANSCRIPT OF **MARCH 15, 2016** MEETING OF THE HOUSE OVERSIGHT AND GOVERNMENTAL REFORM COMMITTEE

On March 15, 2016 the House Oversight and Governmental Reform Committee held its second hearing on the contaminated drinking water in Flint, Michigan. Susan Hedman, former Environmental Protection Agency (EPA) regional director, told committee members the lead contamination should have never happened, and that the EPA had nothing to do with the corrosive water. Committee Chair Jason Chaffetz (R-UT) argued that the EPA had the opportunity to make the appropriate response but did not. Flint's former mayor and the city's former emergency manager testified that they were not aware of lead in the water until January 2015. Ms. Hedman confirmed that corrosion control systems to reduce the lead were not put in place until December 9, 2015.

The following transcript was compiled from uncorrected closed caption testimony from C-Span's coverage of the committee and is publicly available at <http://www.c-span.org/video/?406539-1/hearing-flint-michigan-water-contamination>

People in this video:

- Darnell Earley – Emergency Manager (Former) Flint, MI
- Marc Edwards – Member of Flint, MI Interagency Coordinating Committee
- Susan Hedman – Regional Administrator (Former) Environmental Protection Agency
- Dayne Walling – Mayor (Former) Flint, MI
- Justin Amash – U.S. Representative [R] Michigan
- Early “Buddy” Carter – U.S. Representative [R] Georgia
- John Carter – U.S. Representative [R] Texas
- Matt Cartwright – U.S. Representative [D] Pennsylvania
- Jason Chaffetz – U.S. Representative [R] Utah
- William Lacy Clay Jr. – U.S. Representative [D] Missouri
- William “Bill” Clay Sr. – U.S. Representative (Former) [D] Missouri
- Bonnie Watson Coleman – U.S Representative [D] New Jersey
- Gerry Connolly – U.S. Representative [D] Virginia
- Elijah Cummings – U.S. Representative [D] Maryland
- Michelle Grisham – U.S. Representative [D] New Mexico
- Glenn Grothman – U.S. Representative [R] Wisconsin
- Jody B. Hice – U.S. Representative [R] Georgia

- Robin Kelly – U.S. Representative [D] Illinois
- Brenda Lawrence – U.S Representative [D] Michigan
- Ted Lieu – U.S. Representative [D] California
- Carolyn Maloney – U.S. Representative [D] New York
- Mark Meadows – U.S. Representative [R] North Carolina
- John Mica – U.S. Representative [R] Florida
- Mick Mulvaney – U.S. Representative [R] South Carolina
- Eleanor Norton - Congressional Delegate [D] District of Columbia
- Gary Palmer – U.S. Representative [R] Alabama
- Stacey Plaskett – Congressional Delegate [D] Virgin Islands
- Tim Walberg – U.S. Representative [R] Michigan

Jason Chaffetz:

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM WILL COME TO ORDER. WITHOUT OBJECTION, THE CHAIR IS AUTHORIZED TO DECLARE A RESOURCE [SIC] AT ANY TIME. MS. HEDMAN FROM THE EPA IS SUPPOSED TO BE HERE. MS. HEDMAN, ARE YOU HERE? I SHOULD SAY SHE'S FORMALLY FROM THE EPA. AS I SAID, THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM WILL COME TO ORDER. WITHOUT OBJECTION, THE CHAIR IS AUTHORIZED TO DECLARE A RECESS AT ANY TIME. WE'RE GOING TO -- MS. HEDMAN IS NOW HERE. WE'LL GO AHEAD AND START.

FLINT, MICHIGAN, WAS A FINANCIAL DISASTER AND HAD THE HIGHEST WATER RATES IN THE NATION AND YET HAS SOME OF THE POOREST WATER. IN THE SPRING OF 2013, EMERGENCY MANAGER ED KURTZ APPROVED A PLAN THAT WAS GOING TO CHANGE THE TRAJECTORY OF THE WATER. IN A 7-1 VOTE, THE CITY COUNCIL ALSO VOTED TO SUPPORT THIS, ALTHOUGH THEY DID NOT HAVE THE AUTHORITY TO EXECUTE THAT. THEY WERE GOING TO MOVE FROM DETROIT WATER TO THE KAREGNONDI WATER AUTHORITY. IT WAS ROUGHLY A \$200 MILLION BUILD FOR CHEAPER WATER AND ASSOCIATED JOBS THAT WOULD COME ALONG WITH IT.

THE DETROIT WATER CANCELED THE CONTRACT A DAY LATER -- A FEW DAYS LATER, SO FLINT HAD A YEAR TO FIND ANOTHER SOURCE OF WATER SO THEY WENT WITH THE FLINT WATER

SOURCE. IN APRIL OF 2014, A SWITCH IS MADE AND THE PROBLEMS BEGIN.

BACTERIA, TTHM ISSUES, LEGIONELLA. LEAD IN THE WATER. THESE ARE ALL SOME OF THE THINGS THAT HAPPEN. KEEP IN MIND, THERE IS NO ACCEPTABLE LEVEL -- NONE -- NO ACCEPTABLE LEVEL OF LEAD IN ANY WATER, BUT THESE ARE WHEN THE PROBLEMS STARTED.

LEEANNE WALTERS, WHO'S HERE IN THE AUDIENCE TODAY, WE APPRECIATE THE BRAVE NATURE IN WHICH YOU HAVE STEPPED FORWARD. SHE'S A CITIZEN. SHE ISN'T A WATER EXPERT, BUT SHE STEPPED FORWARD. SHE DID THE DIFFICULT THING. AND SOMEHOW, SOME WAY, SHE FOUND THE FORTITUDE TO GET AHOLD OF THE EPA IN FEBRUARY OF 2015 WHERE MIGUEL DEL TORAL AT THE EPA CAME OUT TO MICHIGAN AND ACTUALLY STARTED DOING SOME TESTING.

BY JUNE OF 2015, A REPORT WAS FINALIZED. THAT REPORT WAS THEN LEAKED, IF YOU WILL. IT WAS PUT OUT THERE. WE HAVE WITH US THE MAYOR AT THE TIME, MAYOR WALLING. LOOK AT HIS RESUME. MAYOR WALLING'S A SMART PERSON. HE'S WELL EDUCATED. HE'S BEEN VERY INGRAINED IN THE COMMUNITY. AND HE WENT OUT ON TELEVISION. I WANT TO SHOW A CLIP FROM THAT TELEVISION. BECAUSE THERE'S A REASON WHY HE ACTUALLY WENT ON TELEVISION. BUT I WANT TO SHOW THAT CLIP NOW.

>> OKAY, SO WE ARE HERE ON THE SET, MAYOR. ARE YOU READY TO DRINK IT?

>> YEAH, MY FAMILY AND I DRINK THE WATER EVERY DAY SO -- IT'S YOUR STANDARD TAP WATER. YOU KNOW, YOU TASTE A LITTLE BIT OF THE CHLORINE. ALL OF OUR TESTS EVER SINCE THIS YEAR HAVE BEEN COMPARABLE WITH WHAT WE USED TO GET OUT OF DETROIT. NOW, LAST YEAR WAS DIFFERENT. THE CHLORINE LEVEL WAS ELEVATED. THERE WERE THE TTHMs, WHICH IS ACTUALLY COLORLESS, BUT IT'S A CONCERN. BUT THOSE ISSUES HAVE BEEN PUT BEHIND US AND NOW I THINK IT'S MORE A MATTER OF THE PERCEPTION.

>> SO IT IS SAFE TO DRINK AND YOU DRINK IT EVERY DAY. YOUR FAMILY USES IT EVERY DAY, YOU SAY. AND ALSO -- JUST A LITTLE TASTE. YOU SAID A LITTLE DIFFERENT TASTE OR --

>> WELL, NOW IT TASTES VERY SIMILAR TO ANY OTHER TAP WATER. IT'S GOT A LITTLE BIT OF A CHLORINE TASTE. ANYONE WHO GETS USED TO DRINKING BOTTLED WATER THAT'S PURIFIED OR DISTILLED, THAT'S GOING TO BE DIFFERENT THAN WHAT YOU GET OUT YOUR MUNICIPAL TAP. WE'RE TESTING IT REGULARLY. ALL OF THOSE TESTS ARE AVAILABLE ONLINE. SO WE WANT PEOPLE TO KNOW EXACTLY WHERE THE WATER STANDS AND WE'RE CONTINUING TO IMPROVE IT. WITH THE NEW CARBON FILTER GOING IN NEXT WEEK, IT'S JUST GOING TO CONTINUE TO GET MORE DEPENDABLE AND MORE SECURE.

THAT WAS JULY 8th OF 2015. A REPORT WAS FINALIZED BY MIGUEL DEL TORAL IN JUNE. I THINK

WE'RE GOING TO HEAR TESTIMONY THAT MS. HEDMAN AND THE EPA COMMUNICATED TO THE MAYOR IT WAS SAFE TO DRINK THE WATER. AND THAT MESSAGE WAS THEN CONVEYED TO THE CITIZENS. IT WASN'T UNTIL JANUARY OF THIS YEAR THAT THE EPA ACTUALLY TOOK SOME DEFINITIVE ACTION. NOW, IT'S NOT TO SAY THAT THE EPA IS THE ONLY ONE AT FAULT. THE DEPARTMENT OF ENVIRONMENTAL QUALITY AT THE STATE OF MICHIGAN IS ALSO AT FAULT HERE. BUT IF THE EPA OR THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY WOULD HAVE TAKEN ACTION IN THE SUMMER OF 2015, WHEN THE EPA REGION 5 REGULATIONS MANAGER, MIGUEL DEL TORAL, WROTE THE MEMO TO HIS SUPERIORS, WARNING OF THE DANGEROUSLY HIGH LEVELS OF LEAD IN THE DRINKING WATER, PERHAPS NONE OF THIS WOULD HAVE HAPPENED.

WHAT'S SICKENING ABOUT THIS IS IT WAS TOTALLY AVOIDABLE. THE FORMER HEAD OF REGION 5, MS. SUSAN HEDMAN, WHO'S WITH US TODAY, DISMISSED AND DOWNPLAYED THIS MEMO, CALLING IT, QUOTE, A PRELIMINARY DRAFT, END QUOTE, AND ASSERTING, QUOTE, IT WOULD BE PREMATURE TO DRAW ANY CONCLUSIONS, END QUOTE.

SO THE RESIDENTS OF FLINT CONTINUED TO DRINK THE WATER, POISONING THEM AND THEIR FAMILIES. THE NEXT OPPORTUNITY FOR EPA TO TAKE ACTION CAME FROM OUTCRIES FOR HELP FROM CITY OFFICIALS. CONGRESSMAN DAN KILDEE WAS ALSO VERY ENGAGED IN THIS. IT REACHED A FEVERED PITCH IN SEPTEMBER OF 2015, AND STILL NO ACTION WAS TAKEN.

IN FALL OF 2015, LOCAL FLINT RESIDENTS FILED AN EMERGENCY PETITION WITH THE EPA. MS. HEDMAN CONTINUED TO DISMISS THE PROBLEM AND CLAIMED THE EPA WAS MONITORING THE SITUATION. IN DECEMBER OF 2015, THE CITY OF FLINT DECLARED A STATE OF EMERGENCY. A MONTH LATER, GOVERNOR SNYDER DECLARED A STATE OF EMERGENCY FOR FLINT, ACTIVATED THE STATE'S EMERGENCY OPERATIONS CENTER AND REQUESTED A FEDERAL DECLARATION OF DISASTER. FINALLY, ON DECEMBER 20 -- SORRY, ON JANUARY 21st, 2016, NEARLY SEVEN MONTHS AFTER MIGUEL DEL TORAL'S MEMO, THE EPA ISSUED AN EMERGENCY ADMINISTRATIVE ORDER, CITING, QUOTE, IMMINENT AND SUBSTANTIAL ENDANGERMENT EXISTS, END QUOTE, WITH REGARD TO THE HIGH LEVELS OF LEAD IN THE FLINT WATER SUPPLY. HOW MANY MORE PEOPLE WERE POISONED IN THOSE SEVEN MONTHS? HOW MANY ILLNESSES WERE WORSENERED IN THOSE SEVEN MONTHS?

ON THAT SAME DAY THAT EMERGENCY ORDER WENT OUT, THAT SAME DAY MS. HEDMAN RIGHTFULLY RESIGNED. BUT HER RESIGNATION DOESN'T HEAL THE SICK AND EASE THE SUFFERING OF THE RESIDENTS OF FLINT. WHAT CONCERNS ME, WE'LL DEAL WITH ON THURSDAY, IS THE ACTION OF RESIGNING BY MS. HEDMAN WAS CHARACTERIZED BY THE EPA

ADMINISTRATOR AS COURAGEOUS. IT WAS COURAGE, ACCORDING TO THE ADMINISTRATOR. BUT WE'LL, LIKE I SAID, DEAL WITH THAT ON THURSDAY.

WHAT HAPPENED IN FLINT CAN NEVER HAPPEN AGAIN. IT'S ALMOST UNBELIEVABLE HOW MANY BAD DECISIONS WERE MADE. GOVERNMENT AT EVERY LEVEL -- LOCAL, STATE, AND FEDERAL -- MADE POOR DECISIONS. AND OUR ROLE ON THE COMMITTEE IS TO ENSURE FEDERAL AGENCIES AND EMPLOYEES DO THEIR JOB. ACCORDING TO THE EPA'S WEBSITE, ITS MISSION IS TO PROTECT HUMAN HEALTH AND THE ENVIRONMENT, END QUOTE. THEY FAILED AT EVERY SINGLE LETTER -- AT EVERY SINGLE LEVEL. INSTEAD, THE EPA SEEMS TO BE WORKING ON OTHER THINGS, OTHER PRIORITIES. I'M GOING TO ENTER SOME THINGS INTO THE RECORD, AND IT'S GOING TO MAKE SOME PEOPLE UNCOMFORTABLE.

THERE HAVE BEEN A LOT OF ACCUSATIONS ABOUT WAS THIS DRIVEN BY RACE? WAS THIS DRIVEN BY THE FACT THAT THIS WAS A POORER CITY? IS THIS BECAUSE THEY'RE UNDERSERVED? THERE ARE A LOT OF ACCUSATIONS OUT HERE. THIS IS AN INTERNAL MEMO. BEFORE YOU PUT IT UP, I WANT YOU TO UNDERSTAND WHO THIS IS GOING BACK AND FORTH WITH. THIS IS JENNIFER CROOK'S, EPA MICHIGAN PROGRAM MANAGER REGION 5; DEBBIE BALTAZAR, EPA REGION 5 BRANCH MANAGER; TIMOTHY HENRY, EPA REGION 5 ASSOCIATE DIRECTOR OF THE WATER DIVISION; AND STEVE MARQUARDT -- I DON'T KNOW HOW TO PRONOUNCE HIS NAME -- EPA ENVIRONMENTAL ENGINEER. THIS IS AN INTERNAL MEMO. GO AHEAD AND PUT IT UP. SEPTEMBER 24th. PERHAPS SHE ALREADY KNOWS ALL THIS, BUT I'M NOT SO SURE FLINT IS THE COMMUNITY WE WANT TO GO OUT ON A LIMB FOR.

ARE YOU KIDDING ME? THE EPA ADMINISTRATOR SAYS THAT SUSAN HEDMAN WAS COURAGEOUS FOR RESIGNING. IT DIDN'T TAKE US BUT A COUPLE HOURS, ONCE WE GOT THESE MEMOS, TO FIND THE PROBLEM HERE. YOU CAN TAKE DOWN THAT.

WHY ISN'T FLINT THE COMMUNITY THEY GO TO? YOU KNOW, OF ALL THE COMMUNITIES OUT THERE, THE ONE THAT'S HAVING THE TOUGHEST TIME IS THE ONE THAT NEEDS THE MOST PROTECTION. AND YOU CAN SHAKE YOUR HEAD AND SAY, OH, YEAH, BUT THE EPA HAD EVERY OPPORTUNITY TO MAKE -- MAKE THE RIGHT MOVE HERE, AND THEY DIDN'T. AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY. DON'T THINK YOU GET OFF THE HOOK EITHER. BECAUSE ONE OF THE THINGS THAT IS FUNDAMENTALLY AND TOTALLY WRONG HERE IS, THEY HAD THE INFORMATION AND THEY WOULD NOT RELEASE IT TO THE PUBLIC.

THE CONGRESS NOW, AT LEAST THE HOUSE, HAS PASSED A PIECE OF LEGISLATION SAYING WHEN YOU HAVE THIS INFORMATION, YOU HAVE TO RELEASE IT WITHIN HOURS. THAT'S JUST

COMMON SENSE. IT SHOULDN'T TAKE AN ACT OF CONGRESS TO TELL THE EPA THAT THEY NEED TO MAKE THIS INFORMATION PUBLIC. WE'RE GOING TO HAVE GOOD, VIBRANT HEARINGS TODAY. SO I WOULD ASK UNANIMOUS CONSENT TO ENTER THIS INTO THE RECORD. WITHOUT OBJECTIONS, SO ORDERED.

I ALSO WOULD LIKE TO ENTER INTO THE RECORD A DARNELL EARLEY DIRECTIVE, ORDER NUMBER 15, DATED JUNE 20th, 2014, TURNING OVER TO MAYOR WALLING FROM DARNELL EARLEY, THE EMERGENCY MANAGER AT THE TIME, THE DAY-TO-DAY OPERATIONS FOR THE DEPARTMENT OF PLANNING AND DEVELOPMENT AND THE DEPARTMENT OF PUBLIC WORKS. WITHOUT OBJECTION, SO ORDERED.

ANOTHER E-MAIL FROM -- AN E-MAIL FROM MIGUEL DEL TORAL. THIS IS CORRESPONDENCE BACK AND FORTH DATED JULY 8th, 2015. AND ONE OF THE CONCERNS IS YOU'VE GOT A MIGUEL DEL TORAL, PRETTY MUCH ON THE LINE, RIGHT? HE'S RIGHT THERE ON THE FRONT LINES. ONE OF THE THINGS I'VE HEARD THAT'S PROBABLY THE MOST DISTURBING IS THAT HE FELT LIKE HE WAS RETALIATED AGAINST. IN FACT, WE HAD A HEARING LAST YEAR ABOUT THE ACTIONS OF SUSAN HEADMAN IN REGION 5 AND THE RETALIATION. THREE WHISTLEBLOWERS COMING UP TALKING ABOUT RETALIATION EFFORTS. AND HERE YOU HAVE MIGUEL DEL TORAL ON JULY 8th, FINALLY GETS FED UP. ONE OF THE THINGS HE SAID IS: IT ALMOST SOUNDS LIKE I'M STUCK IN THE CORNER HOLDING UP A POTTED PLANT BECAUSE OF FLINT. ONE MISSTEP IN 27-PLUS YEARS HERE AND PEOPLE LOSE THEIR MINDS.

THIS IS A GUY WHO WASN'T ALLOWED TO TRAVEL. HE SUDDENLY HAD TO GO TO ETHICS TRAINING. HE HAD TO DO ALL THESE OTHER THINGS. THAT'S HOW REGION 5 IN THE EPA WAS OPERATING. THIS GUY SHOULD BE PUT UP AS GETTING A RAISE. YOU WANT TO GIVE A BONUS TO SOMEBODY? GIVE IT TO MIGUEL DEL TORAL. HE WAS DOING THE RIGHT THING. INSTEAD, HE'S BEING REPRIMANDED. AND I'D ASK THAT THIS BE ENTERED INTO THE RECORD AS WELL. WITHOUT OBJECTION, SO ORDERED.

ON JULY 15th, 2015, I'LL ENTER INTO THIS, ALSO INTO THE RECORD. WITHOUT OBJECTION, SO ORDERED. AND THEN FINALLY MIGUEL DEL TORAL GETS FED UP ON SEPTEMBER 22nd OF 2015. THIS IS HOW HE STARTS THE E-MAIL: THIS IS NO SURPRISE. LEAD LINES PLUS NO TREATMENT EQUALS HIGH LEAD IN WATER EQUALS LEAD POISONING CHILDREN. THIS IS HOW IT STARTS. IN SEPTEMBER. AND THE EPA DIDN'T DO ANYTHING UNTIL JANUARY. I DON'T UNDERSTAND THAT. THIS IS THE KIND OF THING THAT HAS TO IMMEDIATELY GET OUT INTO THE PUBLIC. IMMEDIATELY.

LET ME READ ANOTHER PARAGRAPH FROM THIS E-MAIL: AT EVERY STAGE OF THIS PROCESS IT

SEEMS WE SPEND MORE TIME TRYING TO MAINTAIN STATE/LOCAL RELATIONSHIPS THAN WE DO TRYING TO PROTECT THE CHILDREN. I'VE SAID THIS FROM THE VERY BEGINNING AND I'LL SAY IT AGAIN. YOU DON'T HAVE TO DROP A BOWLING BALL OFF OF EVERY BUILDING IN EVERY CITY TO PROVE THAT GRAVITY AND SCIENCE WILL WORK THE SAME WAY EVERYWHERE. IT'S BASIC CHEMISTRY.

THEN NOVEMBER -- ASK UNANIMOUS CONSENT TO ENTER THAT INTO THE RECORD. WITH OBJECTION, SO ORDERED. AND I ASK UNANIMOUS TO ENTER INTO THE RECORD AN EPA INTERNAL MEMO, NOVEMBER 3rd, 2015. AFTER REVIEWING THE RULE WITH OUR OFFICE OF GENERAL COUNSEL, IT APPEARS THERE ARE DIFFERING POSSIBLE INTERPRETATIONS OF THE LEAD COPPER RULE WITH RESPECT TO HOW THE RULE'S OPTIMAL CORROSION CONTROL TREATMENT PROCESS IS APPLIED TO THE SITUATION WHICH MAY HAVE LED TO SOME UNCERTAINTY WITH RESPECT TO THE FLINT WATER SYSTEM, END QUOTE.

THE LAW, SOMETHING ALREADY PASSED OUT OF THIS CONGRESS IS THE LEAD AND COPPER RULE IS SUPPOSED TO BE UPDATED EVERY SIX YEARS. WE'RE NOW BEING TOLD IT WON'T BE UPDATED UNTIL 2018, 12 YEARS AFTER IT WAS SUPPOSED TO. AND YOU WILL HEAR BACK AND FORTH IN THE CORRESPONDENCE ABOUT CONCERN FROM THE STATE AND THE DEPARTMENT OF -- WHAT ARE THEY SUPPOSED TO DO? AND THIS IS THE GENERAL COUNSEL -- I'M SORRY, THE DIRECTOR OF THE OFFICE OF GROUND WATER AND DRINKING WATER SAYING, YEAH, THIS CONTINUES TO BE PROBLEM. MR. EDWARDS HAS HIGHLIGHTED THIS AS AN ONGOING PROBLEM.

SO THERE'S A LOT HERE TO DISCUSS. OKAY. THIS SHOULD NEVER, EVER HAVE HAPPENED IN THE FIRST PLACE. WITH THAT, I WILL NOW RECOGNIZE THE RANKING MEMBER, MR. CUMMINGS.

Elijah Cummings:

MR. CHAIRMAN, I WANT TO THANK YOU FOR HOLDING THIS HEARING TODAY AND FOR AGREEING TO OUR REQUEST TO OBTAIN DOCUMENTS AS PART OF THIS INVESTIGATION AND FOR CALLING THE PERSON WHO HAS NOT BEEN MENTIONED YET, GOVERNOR SNYDER, TO TESTIFY ON THURSDAY. SOME PEOPLE IN YOUR POSITION MIGHT HAVE SHIED AWAY FROM THIS INVESTIGATION, BUT YOU CAME THROUGH ON YOUR PROMISES AND I THANK YOU FOR THAT. I ALSO WANT TO THANK YOU FOR AGREEING TO OUR REQUEST TO CONDUCT TRANSCRIBED INTERVIEWS OF KEY WITNESSES. LAST WEEK, OUR STAFF TRAVELED TO MICHIGAN TO INTERVIEW DAN WYANT, THE FORMER DIRECTOR OF THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY. HE, TOO, HAS NOT BEEN MENTIONED YET. MR. WYANT RESIGNED ON DECEMBER 29th, THE DAY THE GOVERNOR'S TASK FORCE ISSUED ITS DAMNING REPORT, THE

GOVERNOR'S TASK FORCE.

ACCORDING TO THAT REPORT, MR. WYANT'S STAFF TOLD OFFICIALS IN FLINT THAT CORROSION CONTROL TREATMENT WAS NOT, QUOTE, NOT NECESSARY. MR. WYANT SAID THAT. MR. WYANT'S STAFF ALSO MISINTERPRETED THE FEDERAL LEAD AND COPPER RULE. AND THEIR FAILURES, AND I QUOTE, AND THIS COMES FROM THE GOVERNOR'S TASK FORCE, NOW. QUOTE: LED DIRECTLY TO THE CONTAMINATION OF THE FLINT WATER SYSTEM, END OF QUOTE.

AGAIN, THIS IS ALL ACCORDING TO THE GOVERNOR'S OWN TASK FORCE. MR. WYANT WAS A VERY DIFFICULT WITNESS, WHO EVADED MANY OF OUR QUESTIONS. LAST DECEMBER HE APOLOGIZED TO THE PEOPLE OF FLINT, BUT HE WAS NOT REMORSEFUL OR APOLOGETIC IN HIS INTERVIEW WITH THE COMMITTEE. IN FACT, HE DISPUTED ALMOST EVERYTHING THE GOVERNOR'S TASK FORCE CONCLUDED ABOUT HIS FAILURES.

DESPITE THIS OBSTRUCTION, MR. WYANT DID TELL US AN INTERESTING FACT. THIS WAS VERY, VERY INTERESTING. HE SAID IN ALL THE TIME HE SERVED AS DIRECTOR, AND DESPITE ALL OF THE PUBLIC OUTRAGE ABOUT THE STATE'S INACTION, THE TOPIC OF FLINT WATER WAS NEVER RAISED IN ANY CABINET MEETING, NOT BY MR. WYANT, NOT BY THE GOVERNOR, AND NOT BY ANYONE ELSE. LADIES AND GENTLEMEN, THERE'S SOMETHING WRONG WITH THAT PICTURE. THAT WAS ALL THE WAY THROUGH DECEMBER OF LAST YEAR. I DON'T KNOW IF THIS IS ACCURATE, BUT IF IT'S SO, IT'S ABSOLUTELY ASTONISHING.

IN ADDITION TO INTERVIEWING MR. WYANT, OUR STAFF ALSO INTERVIEWED ONE OF GOVERNOR SNYDER'S EMERGENCY MANAGERS FOR FLINT, JERRY AMBROSE. THE STATE LAW THAT GOVERNOR SNYDER CHAMPIONED IN 2011 GAVE HIM AUTHORITY TO BASICALLY DISENFRANCHISE LOCAL OFFICIALS, OVERRULE THEIR VOTES, AND APPOINT HIS OWN EMERGENCY MANAGERS WITH COMPLETE POWER OVER THE CITY'S DECISION-MAKING.

CITY EMPLOYEES WERE REQUIRED TO OBEY THEIR ORDERS. DURING HIS INTERVIEW, MR. AMBROSE TOLD US THAT HIS NUMBER ONE PRIORITY -- HIS NUMBER ONE PRIORITY -- AND THE TOP PRIORITY OF ALL OF THE GOVERNOR'S EMERGENCY MANAGERS WAS TO CUT SPENDING. CUT SPENDING. EVERYTHING ELSE WAS VIEWED THROUGH THE LENSE OF A COST-CUTTING, AND PUBLIC HEALTH AND SAFETY CLEARLY SUFFERED AS A RESULT. THIS IS WHY IN MARCH OF 2015, WHEN THE FLINT CITY COUNCIL VOTED TO RECONNECT THE CLEAN DRINKING WATER FROM DETROIT, MR. AMBROSE USED HIS POWER TO OVERRULE THEIR VOTE. HE THOUGHT IT WAS TOO EXPENSIVE AND IT WAS CHEAPER TO KEEP USING CORROSIVE WATER FROM THE FLINT RIVER. SOMETHING IS WRONG WITH THAT PICTURE. EVEN THOUGH THE STATE OF MICHIGAN HAD MAJOR

BUDGET SURPLUSES, AND MR. AMBROSE TOLD US THAT HE NEVER ONCE, NOT ONCE, ASKED FOR FUNDS TO HELP FLINT SWITCH BACK TO CLEAN DRINKING WATER FROM DETROIT.

MR. CHAIRMAN, OUR INVESTIGATION IS NOT COMPLETE. WE HAVE ANOTHER INTERVIEW COMING UP WITH EDWARD KURTZ, THE GOVERNOR'S SECOND EMERGENCY MANAGER IN FLINT. AND THERE ARE KEY QUESTIONS HE NEEDS TO ANSWER. FOR EXAMPLE, THERE WAS A GENERAL AGREEMENT THAT THE SHIFTING FROM DETROIT WATER TO THE NEW PIPELINE BEING BUILT BY THE KAREGNONDI WATER AUTHORITY, OR KWA, COULD SAVE MONEY. BUT THE KWA PIPELINE WAS STILL UNDER CONSTRUCTION. AND THERE WAS GOING TO BE A GAP OF ABOUT TWO YEARS. GENESEE COUNTY CHOSE TO STAY ON DETROIT WATER DURING THIS PERIOD, BUT MR. KURTZ HIRED AN ENGINEERING FIRM TO USE THE FLINT WATER AS A PRIMARY SOURCE OF DRINKING WATER. WE HAVE YET TO SEE ANY DETAILED STUDIES BEFORE THIS SWITCH, ANALYZING WHAT WOULD NEED TO BE DONE TO ENSURE THAT THE WATER COMING OUT OF THE TAPS WOULD BE SAFE AND HOW MUCH THAT MIGHT COST. WHERE ARE THE ANALYSIS? WHERE ARE THE DOCUMENTS? WE HAVE NOT SEEN THEM.

FINALLY, WE HAVE HEARD REPUBLICANS FOCUS THEIR CRITICISM ALMOST EXTENSIVELY AND EXCLUSIVELY ON THE EPA. I AGREE. THE EPA OFFICIALS COULD HAVE DONE MORE, AND I AGREE THAT EVERYONE AT FAULT MUST BE HELD ACCOUNTABLE. IF YOU'LL RECALL, CHAIRMAN, WHEN YOU ASKED ME ABOUT BRINGING THE HEAD OF THE EPA, I SAID BRING EVERY SINGLE PERSON THAT MIGHT HAVE ANYTHING TO DO WITH THIS. I'M NOT TRYING TO PROTECT ANYBODY, EXCEPT THE PEOPLE OF FLINT.

BUT UNDER FEDERAL LAW AND REGULATIONS, STATES HAVE THE PRIMARY RESPONSIBILITY TO ENFORCE THE SAFE DRINKING WATER ACT. IN THIS CASE, MICHIGAN OFFICIALS DISPLAYED, AND I QUOTE, AN ABYSMAL PUBLIC RESPONSE. THAT'S ACCORDING TO THE GOVERNOR'S TASK FORCE. I DIDN'T SAY THAT. THE GOVERNOR'S TASK FORCE SAID THAT. THE ACTIONS WERE, QUOTE -- AND AGAIN, THE GOVERNOR'S TASK FORCE -- QUOTE, SIMPLY INSUFFICIENT TO THE TASK OF PUBLIC PROTECTION, END OF QUOTE.

AGAIN, THOSE ARE NOT MY WORDS, THEY ARE THE WORDS OF THE GOVERNOR'S TASK FORCE. AND THE TASK FORCE CONCLUDED WITH THIS, AS I CLOSE, AND I QUOTE. THEY SAID: WE BELIEVE THAT THE PRIMARY RESPONSIBILITY FOR WHAT HAPPENED IN FLINT RESTS WITH THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, END OF QUOTE.

AND SO WE WILL CONTINUE OUR INVESTIGATION. THERE ARE 15 PEOPLE THAT WE TRIED -- THAT CONGRESSWOMAN LAWRENCE AND I ASKED THAT WE MEET WITH AND CONDUCT INTERVIEWS OF.

NONE OF THEM WOULD COOPERATE. AND SO WE STILL HAVE WORK TO DO. AND AGAIN, MR. CHAIRMAN, I MEAN THIS SINCERELY, I THANK YOU FOR HOLDING THIS HEARING. I THANK YOU FOR HOLDING THE HEARING ON FEBRUARY 3rd, TODAY. AND THE ONE COMING UP ON THURSDAY. WITH THAT, I YIELD BACK.

Jason Chaffetz:

THANK YOU, I APPRECIATE THAT. WE'LL HOLD THE RECORD OPEN FOR FIVE LEGISLATIVE DAYS FOR ANY MEMBER WHO WOULD LIKE TO SUBMIT A WRITTEN STATEMENT. WE WILL NOW RECOGNIZE OUR PANEL OF WITNESSES.

WE WELCOME MS. SUSAN HEDMAN, FORMER REGION 5 ADMINISTRATOR AT THE UNITED STATES DEPARTMENT -- UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. MR. DARNELL EARLEY, FORMER EMERGENCY MANAGER OF THE CITY OF FLINT, MICHIGAN. IT'S IMPORTANT TO NOTE THERE HAVE BEEN A COUPLE DIFFERENT MANAGERS, EMERGENCY MANAGERS. MR. EARLEY SERVED FOR PORTIONS OF THAT TIME, NOT THE ENTIRE TIME. MR. DAYNE WALLING IS THE FORMER MAYOR OF THE CITY OF FLINT. HE WAS ELECTED INITIALLY IN AUGUST OF 2009 IN A SPECIAL ELECTION, RE-ELECTED TO A FOUR-YEAR TERM IN 2011. AND DR. MARC EDWARDS, THE CHARLES P. LUNSFORD PROFESSOR OF ENVIRONMENTAL AND WATER RESOURCES ENGINEERING AT THE VIRGINIA POLYTECH INSTITUTE AND STATE UNIVERSITY. MR. EDWARDS' CONTRIBUTION TO THIS PROCESS HAS BEEN INVALUABLE. I APPRECIATE HIS PARTICIPATION AS REALLY SOMEBODY INDEPENDENT WHO UNDERSTANDS THE TECHNICALITIES OF THE WATER, AND HIS UNBELIEVABLE TIME AND EFFORT AND EXPERTISE HAS BEEN MUCH APPRECIATED BY BOTH SIDES OF THIS AISLE. I KNOW THAT MR. CUMMINGS AND A NUMBER OF OTHERS HAVE GONE TO FLINT. I WAS IN FLINT THIS WEEKEND ALONG WITH SOME OF OUR -- THE MICHIGAN DELEGATION. AND THERE WAS MR. EDWARDS ON THE GROUND, TALKING TO PEOPLE IN MICHIGAN, ANSWERING THEIR QUESTIONS. AND WE APPRECIATE YOUR COMMITMENT AND YOUR PERSPECTIVE HERE.

PURSUANT TO COMMITTEE RULES, ALL WITNESSES WILL BE SWORN BEFORE THEY TESTIFY. IF YOU WILL ALL PLEASE RISE AND RAISE YOUR RIGHT HAND. DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE WILL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH? THANK YOU. LET THE RECORD REFLECT THAT ALL WITNESSES ANSWERED IN THE AFFIRMATIVE. EACH OF YOUR WRITTEN STATEMENTS WILL BE ENTERED INTO THE RECORD IN ITS ENTIRETY. IN ORDER TO ALLOW TIME FOR DISCUSSION AND QUESTIONING BY MEMBERS, WE WOULD APPRECIATE IF YOU WOULD LIMIT YOUR ORAL TESTIMONY TO FIVE

MINUTES. MS. HEDMAN, YOU'RE NOW RECOGNIZED FOR FIVE MINUTES. TURN ON THE MICS THERE.

Susan Hedman:

GOOD MORNING, MR. CHAIRMAN, RANKING MEMBER CUMMINGS, AND DISTINGUISHED MEMBERS OF THE COMMITTEE. I'M SUSAN HEDMAN, THE FORMER EPA REGION 5 ADMINISTRATOR. THANK YOU FOR THIS OPPORTUNITY TO TESTIFY ABOUT MY ROLE IN EPA'S RESPONSE TO THE FLINT WATER CRISIS AND THE REASONS THAT I DECIDED TO RESIGN.

I FIRST LEARNED THAT FLINT WAS NOT IMPLEMENTING CORROSION CONTROL ON JUNE 30th, 2015, APPROXIMATELY 14 MONTHS AFTER THE CITY STARTED USING FLINT RIVER WATER THAT WAS NOT TREATED WITH ORTHOPHOSPHATE. THE VERY NEXT DAY, I OFFERED TECHNICAL ASSISTANCE TO FLINT'S MAYOR, ASSISTANCE FROM EPA'S EXPERTS ON LEAD AND DRINKING WATER DISTRIBUTION SYSTEMS.

THE FOLLOWING WEEK, WE ISSUED OUR FIRST STATEMENT ENCOURAGING FLINT RESIDENTS TO CONTACT THEIR WATER UTILITY FOR LEAD TESTING AND PROVIDING INFORMATION ABOUT LIMITING EXPOSURE TO LEAD IN TAP WATER. ON JULY 21st, THREE WEEKS AFTER I FIRST HEARD ABOUT THIS PROBLEM, THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY AGREED WITH EPA'S RECOMMENDATION TO REQUIRE FLINT TO IMPLEMENT CORROSION CONTROL AS SOON AS POSSIBLE -- A RECOMMENDATION THAT MY STAFF HAD BEEN MAKING SINCE LATE APRIL WHEN THEY FIRST FOUND OUT THAT CORROSION CONTROL WAS NOT BEING IMPLEMENTED. THAT SHOULD HAVE SOLVED THE PROBLEM. IT DID NOT.

DURING THE WEEKS AND MONTHS THAT FOLLOWED, MDEQ WAS SLOW TO DELIVER ON OUR AGREEMENT FROM JULY 21st, AND THE CITY OF FLINT WAS HAMPERED BY A LACK OF INSTITUTIONAL CAPACITY AND RESOURCES. EPA RESPONDED THE ONLY WAY WE COULD, BY WORKING WITHIN THE COOPERATIVE FEDERALISM FRAMEWORK OF THE SAFE DRINKING WATER ACT. THAT FRAMEWORK ASSIGNS LEGAL PRIMACY TO STATES TO IMPLEMENT DRINKING WATER REGULATIONS AND GIVES EPA THE JOB OF SETTING STANDARDS AND PROVIDING TECHNICAL ASSISTANCE. SO IN KEEPING WITH THAT FRAMEWORK, WE PROVIDED TECHNICAL SUPPORT TO THE STATE AND THE CITY TO IMPLEMENT CORROSION CONTROL AND TO PROVIDE THE ASSISTANCE THAT FLINT RESIDENTS NEEDED TO LIMIT THEIR EXPOSURE TO LEAD.

MOST OF THE TIME THIS COOPERATIVE FEDERALISM MODEL WORKS WELL, EVEN IN A CRISIS. IN FACT, IT WORKED EXACTLY THE WAY IT'S SUPPOSED TO WORK WHEN THE TOLEDO WATER CRISIS

OCCURRED IN 2014. BUT AS WE ALL KNOW, IT DID NOT WORK IN FLINT.

CONSEQUENTLY, EPA WAS FORCED TO EVALUATE THE ENFORCEMENT TOOLS AVAILABLE UNDER THE SAFE DRINKING WATER ACT. WHICH ARE MORE LIMITED THAN THE ENFORCEMENT PROVISIONS OF OTHER ENVIRONMENTAL STATUTES. AND WHILE I USED THE THREAT OF ENFORCEMENT TO MOTIVATE THE STATE AND CITY TO MOVE FORWARD, WE FOUND THAT THE ENFORCEMENT OPTIONS AVAILABLE TO US WERE OF LIMITED UTILITY LAST FALL DUE TO THE UNIQUE CIRCUMSTANCES OF THIS CASE.

IN THE END, WITH THE HELP OF THE EPA FLINT TASK FORCE, CORROSION CONTROL WAS FINALLY IMPLEMENTED. AND TESTING NOW INDICATES THAT THE PROTECTIVE COATING THAT PREVENTS LEAD FROM LEACHING INTO TAP WATER IS BEING RESTORED. THAT'S THE GOOD NEWS. THE BAD NEWS IS THAT THIS PROBLEM SHOULD NEVER HAVE HAPPENED IN THE FIRST PLACE. AND I NEED TO REMIND YOU, EPA HAD NOTHING TO DO WITH THAT.

FINALLY, I'D LIKE TO SAY A FEW WORDS ABOUT MY RESIGNATION. I RESIGNED IN PART BECAUSE OF THE FALSE ALLEGATIONS ABOUT ME THAT WERE PUBLISHED IN EARLY JANUARY, WHEN EPA WAS UNABLE TO CORRECT THE RECORD, BEFORE THOSE ALLEGATIONS BEGAN TO DAMAGE THE AGENCY'S ABILITY TO PERFORM CRITICAL WORK IN FLINT. BY THE THIRD WEEK OF JANUARY, I WAS WIDELY PORTRAYED IN THE MEDIA AS SOMEONE WHO, QUOTE, SAT ON THE SIDELINES DURING THE CRISIS AND DOWNPLAYED CONCERNS BY AN EPA SCIENTIST ABOUT LEAD IN THE WATER. THAT'S COMPLETELY UNTRUE.

MY TESTIMONY TODAY AND THE MATERIAL IN APPENDICES 2 AND 3 MAKE CLEAR THAT I DID NOT SIT ON THE SIDELINES AND I DID NOT DOWNPLAY ANY CONCERNS RAISED BY EPA SCIENTISTS OR APOLOGIZE FOR ANY MEMOS THEY WROTE. IN FACT, I REPEATEDLY ASKED FOR A FINAL MEMO ABOUT LEAD IN DRINKING WATER IN FLINT IN A FORM THAT EPA COULD PUBLICLY RELEASE. AND WHEN MDEQ ATTACKED A REGION 5 SCIENTIST BY CALLING HIM, QUOTE, A ROGUE EMPLOYEE, I IMMEDIATELY CALLED THE MDEQ DIRECTOR TO COMPLAIN. AND IN A SUBSEQUENT CALL WITH THE MDEQ DIRECTOR AND THE GOVERNOR'S STAFF, I MADE IT CLEAR THAT THIS SCIENTIST IS A VALUED MEMBER OF THE REGION 5 WATER TEAM, A POINT WHICH I MADE EVEN CLEARER WHEN I SUBSEQUENTLY APPOINTED HIM TO THE FLINT TASK FORCE.

THERE WASN'T TIME FOR THESE EXPLANATIONS IN JANUARY IN THE WAKE OF ALL THE EMERGENCY DECLARATIONS. FLINT RESIDENTS HAD LOST TRUST IN GOVERNMENT, AND THE FALSE ALLEGATIONS ABOUT ME GAVE THE PEOPLE OF FLINT LESS REASON TO TRUST EPA. ON THE DAY I RESIGNED, I SENT A NOTE TO ADMINISTRATOR McCARTHY, SAYING IN LIGHT OF THE

ALLEGATIONS THAT HAVE BEEN MADE ABOUT ME AND THE TIME IT WILL TAKE TO SET THE RECORD STRAIGHT, I THINK THIS IS THE BEST COURSE OF ACTION TO ENSURE THE EFFECTIVENESS OF EPA'S RESPONSE TO THE FLINT WATER CRISIS AND TO MAKE SURE THAT FLINT RESIDENTS GET THE HELP THAT THEY DESERVE.

THAT WAS ONE REASON FOR MY RESIGNATION, BUT THERE WAS ANOTHER. QUITE SIMPLY, THIS TRAGEDY HAPPENED ON MY WATCH. I DID NOT MAKE THE CATASTROPHIC DECISION TO PROVIDE DRINKING WATER WITHOUT CORROSION CONTROL TREATMENT, I DID NOT VOTE TO CUT FUNDING FOR WATER INFRASTRUCTURE OR FOR EPA, AND I DID NOT DESIGN THE IMPERFECT STATUTORY FRAMEWORK THAT WE RELY ON TO KEEP OUR WATER SAFE. BUT I WAS THE REGIONAL ADMINISTRATOR WHEN THIS CRISIS OCCURRED.

HAVING SPENT MY ENTIRE ADULT LIFE AS AN ADVOCATE FOR THE ENVIRONMENT AND PUBLIC HEALTH AND MUCH OF THAT TIME REPRESENTING CITIZEN GROUPS, I KNEW THAT ONLY ONE THING MATTERED TO FLINT RESIDENTS: THE WATER WASN'T SAFE TO DRINK. WHAT HAPPENED IN FLINT SHOULD NOT HAVE HAPPENED ANYWHERE IN THE UNITED STATES, AND I WAS HORRIFIED THAT IT HAPPENED IN MY REGION, THE GREAT LAKES REGION.

I THOUGHT AND STILL THINK THAT RESIGNING WAS THE HONORABLE THING TO DO. ALTHOUGH I HAVE LEFT GOVERNMENT SERVICE, I'VE NOT STOPPED WORRYING ABOUT THE PEOPLE OF FLINT. I'M VERY ENCOURAGED TO SEE THAT THE CORROSION CONTROL TREATMENT THAT WAS IMPLEMENTED IN DECEMBER IS RECOATING THE PIPES AND THAT THE WATER MAY SOON BE SAFE TO DRINK. I'M EVEN MORE ENCOURAGED TO READ THAT THERE IS GROWING CONGRESSIONAL SUPPORT FOR FUNDING TO REPLACE THE LEAD SERVICE LINES IN FLINT AND TO FUND WATER INFRASTRUCTURE THROUGHOUT THE COUNTRY.

I'D LIKE TO CLOSE BY ASKING ALL OF YOU TO SUPPORT THAT LEGISLATION AND, MORE GENERALLY, TO SUPPORT THE LONG OVERDUE INVESTMENTS THAT ARE NEEDED IN THIS NATION'S WATER INFRASTRUCTURE. THANK YOU FOR THIS OPPORTUNITY TO TESTIFY. I WELCOME ANY QUESTIONS.

Jason Chaffetz:

THANK YOU. MR. EARLEY, YOU ARE NOW RECOGNIZED FOR FIVE MINUTES.

Darnell Earley:

THANK YOU, CHAIRMAN CHAFFETZ, RANKING MEMBER CUMMINGS, CONGRESSWOMAN LAWRENCE FROM MICHIGAN. AND TO THE OTHER MEMBERS OF THIS COMMITTEE. I, TOO, THANK YOU FOR THE OPPORTUNITY TO APPEAR AT TODAY'S HEARING. IT GIVES ME AN OPPORTUNITY TO SHARE WITH YOU ANY FACTUAL INFORMATION THAT I HAVE REGARDING ANY AND ALL INFORMATION REGARDING THE PUBLIC WATER CRISIS IN FLINT, MICHIGAN. MY NAME IS DARNELL EARLEY. I'VE BEEN A PUBLIC SERVANT FOR NEARLY 40 YEARS IN MICHIGAN, FULFILLING ROLES AS A CITY, TOWNSHIP, COUNTY MANAGER AND ADMINISTRATOR AS WELL AS A STATE GOVERNMENT EMPLOYEE -- APPOINTEE. I'VE ALSO SERVED AS ACTING MAYOR OF FLINT DURING THE TIME THAT I WAS CITY ADMINISTRATOR. AND I WOULD HOPE THAT YOU WOULD GLEAN FROM MY COMMENTS THIS MORNING THAT I HAVE A DEEP AFFINITY FOR THE CITY OF FLINT AND FOR THE PEOPLE THAT RESIDE THERE.

I RECENTLY SERVED AS ONE OF FOUR EMERGENCY MANAGERS APPOINTED TO FLINT BY GOVERNOR RICK SNYDER DURING THE PERIOD DISCUSSED, AND THAT WAS BETWEEN 2011 AND 2015. MY APPOINTMENT WAS OCTOBER 2013, AND I SERVED UNTIL JANUARY OF 2015. SOME IN THIS COMMITTEE, AS I LISTENED TO THE HEARING BEFORE, EXPRESSED CONCERNS ABOUT THE EMERGENCY MANAGER LAW AND ITS NEGATIVE EFFECT ON COMMUNITIES. THE LAW CERTAINLY DOES NOT PROVIDE FOR LIMITLESS DISENFRANCHISEMENT AND TOTAL DISREGARD OF THE COMMUNITY, ITS ELECTED OFFICIALS, AND CERTAINLY NOT ITS PEOPLE.

DURING MY TENURE AS A CITY MANAGER AND AS A TOWNSHIP MANAGER, I'VE ALWAYS, ALWAYS INVOLVED THE ELECTED AND APPOINTED OFFICIALS IN THE MANAGEMENT OF THE DAY-TO-DAY OPERATIONS OF THE CITY. I DID NO DIFFERENT IN FLINT. INDEED, AS THE CHAIRMAN HAS JUST SHARED WITH YOU, I SIGNED AN ORDER DELEGATING DAY-TO-DAY OPERATIONAL AUTHORITY OVER NOT ONLY THE DEPARTMENT OF PLANNING AND DEVELOPMENT BUT OVER THE DEPARTMENT OF PUBLIC WORKS, WHICH INCLUDED THE FLINT WATER TREATMENT PLANT. I ASSIGNED THAT TO THE MAYOR. THE MAYOR SERVED AS PART OF OUR CORE TEAM, AS PART OF OUR ADMINISTRATOR STAFF, AND HAD DAY-TO-DAY RESPONSIBILITIES THAT I CONSULTED WITH HIM AS WELL AS OTHER MEMBERS OF OUR CORE TEAM ABOUT THE DAY-TO-DAY OPERATIONS OF THE CITY – OF THE CITY OF FLINT. THAT'S WHAT CITY MANAGERS DO.

AS THE CRISIS IN FLINT HAS UNFOLDED, WE'VE ALL NOW WITNESSED SOME VERY DIFFICULT AND INEXCUSABLE ACTIONS ON THE PART OF GOVERNMENTAL AGENCIES: DELAY, SOME INEXPLICABLE MISCALCULATIONS ABOUT PROTOCOL. AND, IN THE MIDST OF ALL OF THIS CRISIS, I MUST TELL YOU THAT I BELIEVE THAT I HAVE BEEN UNJUSTLY PERSECUTED, VILIFIED, AND SMEARED BOTH PERSONALLY AND PROFESSIONALLY IN THE MEDIA AND BY SOME LOCAL, STATE, AND FEDERAL OFFICIALS AS WELL AS BY A MISINFORMED PUBLIC.

IT'S IMPORTANT FOR ME TO STATE THAT, BECAUSE PART OF MY MAIN REASON FOR BEING HERE TODAY IS TO SET THE RECORD STRAIGHT AND TO MAKE CLEAR THAT PEOPLE UNDERSTAND THAT THE ROLE OF AN EMERGENCY MANAGER IS DESIGNED TO BENEFIT A COMMUNITY AND TO HELP IT REGAIN ITS FINANCIAL SOLVENCY AND STABILITY.

THERE ARE FOUR CLEAR POINTS I WANT TO MAKE REGARDING MY COMMENTS WITH YOU. THE FIRST IS THAT THE DECISION TO SWITCH FROM DWSD, THE DETROIT WATER AND SEWERAGE DEPARTMENT, TO KWA WAS A LOCAL DECISION. AS THE CHAIRMAN HAS JUST SHARED WITH YOU, THE CITY COUNCIL VOTED TO MOVE FROM THE DWSD TO THE KWA. THIS WAS NOT A ONE IMMEDIATE KIND OF DECISION MADE IN A VACUUM. THERE HAD BEEN DISCUSSIONS ABOUT LEAVING THE DETROIT WATER AND SEWERAGE DEPARTMENT AND BUILDING ITS OWN WATER SYSTEM SINCE THE TIME THAT I WAS THERE AS CITY ADMINISTRATOR FROM 2001 AND 2004. SO THIS IS NOT NEW DISCUSSION.

THE SECOND POINT I WANT TO MAKE IS THAT I MADE NO DECISION ABOUT THE USE OF THE FLINT RIVER. THAT WAS ALL A PART OF THE DISCUSSIONS OF MOVING FROM DWSD TO KWA, HAVING A TWO-YEAR PERIOD WITHIN WHICH WE HAD TO FIND WATER. THE CITY HAD TO HAVE WATER. IN THE NOTICE FROM THE DETROIT WATER AND SEWERAGE DEPARTMENT THAT THEY SENT, THEY TERMINATED THE CONTRACT, WHICH LEFT THE CITY WITH NO VIABLE OPTIONS FOR WATER. THE FLINT RIVER HAD SERVED AS THE BACKUP FOR THE DWSD WATER SYSTEM, AND IT ALSO SERVED AS THE PRIMARY WATER SOURCE FOR THE CITY OF FLINT PRIOR TO THE MID-60s. SO THIS WAS A KNOWN COMMODITY. THE FACT THAT I WAS EM AT THE TIME THAT THE SWITCH WAS MADE DOES NOT MEAN THAT IT WAS MY DECISION, AND THAT'S AN IMPORTANT PART TO MAKE. BECAUSE THERE WERE FOUR EMERGENCY MANAGERS APPOINTED DURING THAT TIME. I HAD THE RESPONSIBILITY OF HAVING IT HAPPEN ON MY WATCH BECAUSE THE CONTRACT TERMINATED. BUT IN THAT PROCESS, I INVOLVED EVERYONE IN THE DISCUSSION. WE DID ALL THAT WE COULD IN ORDER TO MOVE THE CITY FORWARD TOWARDS A NEW WATER SYSTEM.

AND THAT BRINGS ME TO MY FOURTH -- THIRD POINT. AND THAT IS, DURING MY TENURE AS EMERGENCY MANAGER, WHEN COMPLAINTS WERE RAISED REGARDING THE WATER, THE WATER TREATMENT STAFF, EVERYONE, WORKED DILIGENTLY TO ADDRESS THOSE ISSUES. THE ISSUES WE WERE ADDRESSING, HOWEVER -- I MUST MAKE THIS VERY CLEAR -- WERE RELATED TO THE TREATMENT AND THE CHEMISTRY OF THE RIVER. WITHIN THE TREATMENT OF THE CHEMISTRY OF THE RIVER CREATED RESIDUE THAT CAUSED A LOT OF NEGATIVE IMPACT ON THE WATER, BUT THOSE IMPACTS HAD NOTHING TO DO WITH LEAD LEACHING INTO THE PIPES. WE WERE NOT TOLD OF THAT AS AN ISSUE.

WE WERE TRYING TO CREATE A SITUATION OF TREATMENT FOR THE TTHM OR THE RESIDUAL, IF YOU WILL, FOR TREATING THE WATER. SO WE DID THOSE THINGS THAT WERE NECESSARY. WE GAVE TWO BOIL WATER ADVISORIES AT THE DIRECTION OF THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY. BOIL WATER ADVISORIES ARE COMMON IN THE ADMINISTRATION OF WATER SYSTEMS. BUT AFTER TWO OF THOSE BOIL WATER ADVISORIES, I BEGAN TO FEEL THAT WE WERE NOT GETTING TO THE HEART OF THE ISSUE AND HAD ASKED THAT WE BRING IN A SEPARATE WATER CONSULTING AUTHORITY, THE VEOLIA NATIONAL GROUP, TO TAKE A LOOK AT THIS AND FIND OUT WHAT WAS GOING ON.

EVEN IN THEIR ANALYSIS, THERE WAS NO MENTION OF THE LEAD LEACHING INTO THE WATER. SO WE WERE TREATING WATER CONTAMINATED BASED ON TTHM AND OTHER RESIDUAL CHLORIDES, NOT THE LEAD ISSUE. THE LEAD ISSUE SURFACED AFTER I COMPLETED MY TERM AS EMERGENCY MANAGER IN JANUARY OF 2015. AS WE ALL KNOW, WE WERE GROSSLY MISLED BY THE EXPERTS AT MDEQ AND EPA. AND WHILE I DON'T HAVE ANY GREAT PRIDE IN KNOWING THAT, I DO THINK IT IS IMPORTANT, BECAUSE NOT ONLY DOES THE CITY OF FLINT DEPEND ON THE REGULATORY AGENCIES BUT EVERY CITY IN THE STATE OF MICHIGAN AS WELL AS THE UNITED STATES OF AMERICA.

LET ME JUST ALSO STATE, MR. CHAIRMAN AND MEMBERS, KNOW THAT I AM SAD AND I AM VERY, VERY DEEPLY HURT BY WHAT HAS HAPPENED ON MY WATCH AS EMERGENCY MANAGER. I'M DISAPPOINTED IN THE WATER CRISIS IN FLINT. AS I SAID EARLIER, I HAVE A SPECIAL AFFINITY FOR THE COMMUNITY AND THE PEOPLE RESIDING THERE. I USED TO LIVE IN FLINT WHEN I WAS CITY ADMINISTRATOR. I HAVE RELATIVES THERE NOW. I HAVE FAMILY MEMBERS THERE. I'VE WORSHIPED IN THE CHURCHES ALONGSIDE THE PARISHIONERS IN THE CITY OF FLINT. I PATRONIZE ITS BUILDINGS. I WENT BACK TO FLINT AS EMERGENCY MANAGER BECAUSE I BELIEVED I COULD MAKE A DIFFERENCE. I, TOO, DRANK THE WATER.

AS A FORMER ACTING MAYOR OF FLINT, I SINCERELY REGRET WHAT HAS TRANSPIRED. THE HUMAN NATURE INSIDE OF ME CRIES OUT FOR A RESOLUTION OF THIS MATTER ON BEHALF OF THOSE WHO ARE LESS FORTUNATE AND DO NOT HAVE THE CAPACITY TO MAKE THESE THINGS RIGHT. WE DO HAVE THE CAPACITY TO DO THAT. BUT THIS IS A WATER TREATMENT ISSUE. THIS IS NOT A LEADERSHIP ISSUE. THIS IS NOT WHO'S RESPONSIBLE, WHO CAN WE BLAME. THIS IS HOW DO WE FIX A BAD SITUATION AND MAKE IT BETTER FOR A COMMUNITY THAT'S NOW ONLY ABOUT 60 MILES FROM WHERE I LIVE, WHERE I GO AND I KNOW THE PEOPLE. AND NOT ONE DAY GOES BY THAT I DO NOT PRAY FOR A RESOLUTION OF THIS PROBLEM.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, IN CLOSING, THE HARD WORK AND DEDICATION OF MANY WILL BE NEEDED TO SOLVE THIS PROBLEM AND TO BE REASONABLY SURE THAT IT WILL NEVER HAPPEN AGAIN. IT IS THEREFORE MY PRAYER THAT EVERYONE'S ATTENTION WILL NOW TURN TOWARDS SOLVING THESE CHALLENGES, INCLUDING FORMULATING PLANS TO ADDRESS THE AGED AND CRUMBLED CONDITION OF WATER DISTRIBUTION SYSTEMS THAT EXIST NOT ONLY THROUGHOUT FLINT AND GENESEE COUNTY BUT THROUGHOUT URBAN CORE AMERICA. BECAUSE UNTIL WE DO THIS, MANY OTHER CITIES ARE JUST ONE EXPERT'S MISTAKE AWAY FROM AN OUTCOME SIMILAR TO THE FLINT WATER CRISIS.

THANK YOU, MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. I'LL BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

Jason Chaffetz:

THANK YOU, MR. EARLEY. WE'LL NOW RECOGNIZE MAYOR WALLING FOR FIVE MINUTES. YOU ARE NOW RECOGNIZED.

Dayne Walling:

GOOD MORNING, CHAIRMAN CHAFFETZ, RANKING MEMBER CUMMINGS, AND THE HONORABLE MEMBERS OF THE COMMITTEE. I ALSO THANK YOU FOR THE OPPORTUNITY TO PRESENT TESTIMONY AND TO BE INVITED TO THIS HEARING.

THE DRINKING WATER CRISIS IN FLINT IS A CATASTROPHE. IT'S HAD A DEVASTATING EFFECT ON OUR FAMILIES, OUR MOST VULNERABLE CHILDREN AND SENIORS. OUR SCHOOLS, NEIGHBORHOODS, BUSINESSES, THE ENTIRE COMMUNITY. FLINT IS A STRONG CITY. IT'S GOING TO SURVIVE. WITH THE RIGHT SUPPORT, IT WILL THRIVE, BUT FLINT NEVER SHOULD HAVE BEEN IN THIS SITUATION. AS A FATHER RAISING MY OWN FAMILY IN FLINT, I'M DEEPLY CONCERNED FOR THE CHILDREN AND ALL THE PEOPLE WHO HAVE BEEN AFFECTED. I AM SORRY THIS CRISIS HAPPENED EVERY SINGLE DAY. I'M ANGRY MORE WAS NOT DONE TO RESPOND TO THE WATER PROBLEMS, ESPECIALLY BY THE STATE, WHICH CONTROLLED BOTH THE MDEQ AND THE CITY.

I APPRECIATE THE COMMITTEE'S EFFORTS TO IDENTIFY WHAT WENT WRONG SO PROBLEMS CAN BE FIXED. FLINT CAN MOVE FORWARD. AND THIS NEVER HAPPENS AGAIN IN AMERICA. FROM MY EXPERIENCE AS MAYOR UNTIL NOVEMBER 2015, I HAVE THREE MAIN POINTS.

ONE, MICHIGAN'S FINANCIAL MANAGER SYSTEM FOCUSED TOO MUCH ON CUTTING COSTS

WITHOUT ADEQUATE SAFEGUARDS AND TRANSPARENCY. THE REGULATORS PROVIDED FALSE ASSURANCES TO US ABOUT THE SAFETY OF THE WATER AND WITHHELD RISKS. AND, THIRD, GOVERNOR SNYDER UNFORTUNATELY DISCOUNTED LOCAL CONCERNS AND DID NOT ACT WITH URGENCY. THE PROBLEMS STARTED WITH THE SWITCH TO THE FLINT RIVER FOR THE CITY'S DRINKING WATER UNDER THE CONTROL OF A GOVERNOR-APPOINTED FINANCIAL MANAGER MANDATED TO CUT COSTS.

THE SWITCH WAS DECIDED BY EFM KURTZ IN JUNE 2013, WHO SIGNED AN ENGINEERING CONTRACT TO UPGRADE THE WATER PLANT AND WHO ADOPTED A TWO-YEAR BUDGET FOR THE RIVER WATER IMPLEMENTATION WITHOUT ANY PUBLIC INPUT OR INVOLVEMENT FROM US AS LOCAL ELECTED OFFICIALS. I WAS THERE. THAT'S WHAT HAPPENED. THE ACTIONS TAKEN BY MYSELF AND THE CITY COUNCIL IN MARCH OF 2013 TO SUPPORT THE LONG-TERM USE OF A NEW LAKE HURON PIPELINE DID NOT INCLUDE USING THE RIVER AS AN INTERIM SOURCE. THE FINANCE DIRECTOR'S PROJECTIONS, FINANCE DIRECTOR JERRY AMBROSE, WHO LATER BECAME EMERGENCY MANAGER, SHOWED PAYMENTS FOR DETROIT WATER BEING MADE UNTIL THE NEW PIPELINE BECAME OPERATIONAL. BUT THE REALITY WAS THE STATE AND FINANCIAL MANAGERS HAD FULL CONTROL OF THE CITY'S BUDGET, FINANCES, AND PERSONNEL FOR NEARLY FOUR YEARS.

AND EVEN AS I AND THE CITY COUNCIL WERE GRANTED SOME RESPONSIBILITIES, THE APPOINTED MANAGERS CONTINUED TO PARCEL OUT INFORMATION AND MAKE ALL OF THE PURCHASING, PERSONNEL, AND LEGAL DECISIONS IN CONSULTATION WITH THE STATE. I DIDN'T SIGN ONE CITY CONTRACT OR PURCHASING RESOLUTION DURING THE TIME THAT THE EMERGENCY MANAGERS WERE IN PLACE. FROM DAY ONE WITH THE RIVER, THE STATE REGULATORY AGENCY, THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, PROVIDED ASSURANCES TO US THAT THE FLINT WATER WAS SAFE AND MET THE STANDARDS OF THE SAFE DRINKING WATER ACT.

WHEN I REACHED OUT TO THE EPA FOR GUIDANCE, I DID RECEIVE INFORMATION AND ASSISTANCE, BUT THE FULL RISKS WERE NOT SHARED. I HAD MY OWN CONCERNS ABOUT THE RIVER, WAS HEARING CONCERNS FROM THE PUBLIC, BUT I DID RELY ON THE INFORMATION PROVIDED FROM THE MDEQ AND THE APPOINTED PUBLIC WORKS LEADERSHIP. MY FAMILY AND I DRANK THE WATER IN OUR HOME. I ECHOED THESE ASSURANCES TO THE PUBLIC, WHICH I WHOLLY REGRET AND WILL NEVER DO AGAIN.

WE KNOW NOW THAT WE WERE GETTING BAD INFORMATION AND, WORSE, WATER. CHILDREN WERE POISONED WITH LEAD, AND WE FOUND OUT BECAUSE LOCAL DOCTORS ANALYZED HEALTH DATA THEMSELVES, DESPITE CONTINUED RESISTANCE FROM THE MICHIGAN DEPARTMENT OF

HEALTH AND HUMAN SERVICES IN OCTOBER OF 2015.

I PUSHED FOR THE RETURN TO DETROIT WATER AS THE FASTEST WAY TO BRING CORROSION CONTROL IN AND THE COUNTY DECLARED A PUBLIC HEALTH EMERGENCY. TRAGICALLY, THERE WERE OPPORTUNITIES MISSED AND DISMISSED THAT COULD HAVE AVERTED THE WATER CRISIS. I CALLED FOR REFORMS IN PROGRAMS IN JANUARY 2015 TO MAKE THE WATER SAFE WITH ALL TEST RESULTS PUBLICLY RELEASED. THE CITY WAS RELEASING OPERATIONAL REPORTS. BUT THE LEAD TESTS WERE NOT BEING SHARED AND DISCLOSED.

I CONTACTED THE GOVERNOR DIRECTLY WITH MY PLAN, AS I BELIEVE ANY MAYOR IN A CRISIS SHOULD DO REGARDLESS OF THE EMERGENCY MANAGERS. MY INITIAL REQUEST WAS FOR \$20 MILLION. WE RECEIVED ONLY \$2 MILLION IN GRANTS. NOW THE COSTS ARE HUNDREDS OF MILLIONS. WITH AN UNKNOWN NUMBER OF CHILDREN AND FAMILIES AFFECTED. THE GOVERNOR DISCOUNTED THE COMPLAINTS. EVEN OF CONCERNED PASTORS AND PARENTS, APPARENTLY FROM HIS OFFICE'S EMAILS, BECAUSE WE WERE VIEWED AS ADVERSARIES OF THE FINANCIAL MANAGER SYSTEM WITH ILLEGITIMATE CLAIMS. WHEN IN FACT, WE'RE MICHIGAN CITIZENS WITH TOXIC WATER.

AS SOMEONE WHO CONTINUES TO LIVE AND WORK IN FLINT, I HOPE MORE WILL BE DONE TO AID THE CITY, HELP THE CITY HEAL. FLINT CITIZENS HAVE FOUGHT SO HARD. OUR FAMILIES HAVE ENDURED SO MUCH. WE SIMPLY DESERVE THE SAME SAFETY AND OPPORTUNITIES FOR OUR FAMILIES AND CHILDREN IN FLINT AS ANYWHERE ELSE IN AMERICA. THANK YOU FOR THE OPPORTUNITY, AND I LOOK FORWARD TO YOUR QUESTIONS.

Jason Chaffetz:

THANK YOU, MAYOR. NOW TURN TO MR. EDWARDS. YOU'RE NOW RECOGNIZED FOR FIVE MINUTES.

Marc Edwards:

AFTER HEARING THE TESTIMONY OF SUSAN HEDMAN THIS MORNING, I CAN'T HELP BUT COMMENT ON THE QUALITIES THAT SEEM TO BE VALUED IN ADMINISTRATORS AT THE EPA. WILLFUL BLINDNESS IN THIS CASE TO THE PAIN AND SUFFERING OF FLINT RESIDENTS, UNREMORSEFUL FOR THEIR ROLE IN CAUSING THIS MAN-MADE DISASTER, AND COMPLETELY UNREPENTANT AND UNABLE TO LEARN FROM THEIR MISTAKES, MS. HEDMAN SAID EPA HAD NOTHING TO DO WITH CREATING FLINT. EPA HAD EVERYTHING TO DO WITH CREATING FLINT.

MALFEASANCE AT THE U.S. EPA FROM 2001 TO THE PRESENT HAS HARMED CITIES ALL OVER THE UNITED STATES. AND INCREDIBLY, EVEN AS NATIONAL GUARD WALKED THE STREETS OF FLINT DISTRIBUTING BOTTLED WATER AND INSTALLING FILTERS ON TAPS, MICHIGAN AND THE EPA ARE ABLE TO SAY THAT FLINT HAS NEVER FAILED THE LEAD AND COPPER RULE. AND THIS IS POSSIBLE BECAUSE THE EPA HAS EFFECTIVELY CONDONED CHEATING ON THE LEAD AND COPPER RULE MONITORING SINCE 2006.

THIS IS BECAUSE EPA AND OTHER AGENCIES CAUSED A SIMILAR LEAD IN WATER CRISIS IN WASHINGTON, D.C., FROM 2001-2004 THAT ACTUALLY WAS 20 TO 30 TIMES WORSE IN TERMS OF THE HEALTH HARM TO CHILDREN IN WASHINGTON, D.C. AND THEY COMPLETELY COVERED THAT UP FOR SIX YEARS AND WROTE FALSIFIED SCIENTIFIC REPORTS, AND IT CREATED A CLIMATE IN WHICH ANYTHING GOES ACROSS THE UNITED STATES, ANYTHING AT ALL, TO COVER UP HEALTH HARM FROM LEAD IN DRINKING WATER.

SINCE 2006, WHEN WE REALIZED THAT THIS CHEATING WAS OCCURRING, I WORKED WITH A SMALL GROUP OF PEOPLE WHO TRIED TO EXPOSE THESE PRACTICES TO EPA. AND WE FAILED. WE FAILED TO GET EPA TO TAKE LEAD IN WATER RISKS SERIOUSLY. AND BECAUSE WE FAILED, I WAS NOT SURPRISED WHEN FLINT OCCURRED. I WAS EXPECTING A FLINT TO OCCUR.

IF A LANDLORD WERE TO ENGAGE IN SIMILAR PRACTICES AND THROUGH THEIR NEGLIGENCE TO ALLOW EVEN A SINGLE CHILD TO BE EXPOSED TO LEAD PAINT RISK, THE EPA WOULD ARGUE FOR PROSECUTION AND INCARCERATION. YET EPA HAS ALLOWED ENTIRE CITIES TO BE UNNECESSARILY EXPOSED TO ELEVATED LEAD IN THEIR DRINKING WATER. AND THEY'VE COVERED UP EVIDENCE OF THEIR UNETHICAL ACTIONS BY AUTHORIZING THESE FALSIFIED SCIENTIFIC REPORTS. AND THEY'VE NEVER APOLOGIZED FOR WHAT THEY DID IN WASHINGTON, D.C., AND INCREDIBLY, TO THIS DAY, THEY HAVE NOT APOLOGIZED FOR WHAT THEY DID IN FLINT, MICHIGAN. NO APOLOGY FROM EPA, COMPLETELY UNREPENTANT AND UNABLE TO LEARN FROM THEIR MISTAKES. I GUESS BEING A GOVERNMENT AGENCY MEANS YOU NEVER HAVE TO SAY YOU'RE SORRY.

AND YESTERDAY, I HAVE TO SAY, I WAS DUMBFUNDED TO READ AN OP-ED BY EPA ADMINISTRATOR GINA McCARTHY, THAT EFFECTIVELY ABSOLVED EPA OF ANY WRONGDOING OR ANY ROLE IN CREATING THE FLINT DISASTER. ASIDE FROM CREATING THIS CLIMATE IN WHICH A FLINT WAS ALLOWED TO OCCUR, I PURPOSELY OBSERVED, WITNESSED, AND UNCOVERED WRONGDOING BY MS. SUSAN HEDMAN AT THE U.S. EPA IN COVERING UP THIS PROBLEM. MS. HEDMAN AT EVERY STEP AIDED, ABETTED, AND EMBOLDENED THE UNETHICAL BEHAVIOR OF CIVIL

SERVANTS AT THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY. SHE ALLOWED FLINT'S CHILDREN TO BE HARMED. AND WHY SHOULD SHE NOT SUFFER THE SAME OR A WORSE FATE THAN A COMMON LANDLORD WHO DOES THE SAME THING?

HAD FLINT RESIDENTS NOT FOUGHT FOR THE TRUTH, WITH THE ASSISTANCE OF COMPASSIONATE OUTSIDERS, IT'S INCREDIBLE THE HARM TO FLINT'S CHILDREN NEVER WOULD HAVE BEEN EXPOSED. AND SO TO QUOTE MS. McCARTHY'S CLOSING OP-ED STATEMENT, I DO AGREE WITH HER: IT'S TRAGIC IT TOOK A DISASTER OF THIS SORT TO GET THIS ISSUE THE ATTENTION IT DESERVES. LET'S DO SOMETHING ABOUT IT.

MS. McCARTHY, YOU COULD START BY ACKNOWLEDGING EPA'S FAILURES OVER THE LAST DECADE TO ENFORCE THE PROVISIONS OF THE EPA LEAD AND COPPER RULE. THIS IS A CRITICAL AND NECESSARY FIRST STEP TO MAKE EPA ONCE AGAIN WORTHY AND DESERVING OF THE PUBLIC TRUST AND ITS NOBLE MISSION. THANK YOU.

Jason Chaffetz:

THANK YOU, MR. EDWARDS. WE APPRECIATE IT. WE NOW GO TO QUESTIONING. WE'LL FIRST RECOGNIZE THE GENTLEMAN FROM MICHIGAN, MR. WALBERG, FOR FIVE MINUTES.

Tim Walberg:

THANK YOU, MR. CHAIRMAN. AND I APPRECIATE THE FACT THAT WE'VE HAD A HEARING. WE'RE NOW HAVING THIS HEARING AND ANOTHER HEARING, AND I KNOW THAT WE ARE INTENT ON GETTING ANSWERS AND ULTIMATELY ADDRESSING THE CONCERNS OF PEOPLE, CHILDREN, THE FACES THAT ARE IN THE ROOM THAT WE HAD THE PRIVILEGE TO SEE THIS PAST SATURDAY IN FLINT STANDING ALONGSIDE OUR COLLEAGUE DALE KILDEE AS WELL. WE WANT ANSWERS, WE WANT ACTION, AND ULTIMATELY WE WANT SOLUTIONS.

MS. HEDMAN, YOU SAY IN YOUR TESTIMONY, I'LL REITERATE IT AGAIN. YOU READ IT. THE BAD NEWS IS THAT THIS PROBLEM SHOULD HAVE NEVER HAPPENED. IN LOOKING AT THE FACES OF THE CHILDREN, THE COMMUNITY MEMBERS, THERE IN FLINT ON SATURDAY, THEY WOULD CONCUR WITH YOU, AS I WOULD CONCUR WITH YOU AS WELL. BUT YOU WENT ON TO SAY, AS DID GINA McCARTHY, ADMINISTRATOR OF EPA, IN HER ARTICLE, JUST REFERRED TO THAT I READ WITH SHOCK AND AWE THAT SHE WOULD MAKE THE STATEMENTS IN THE "WASHINGTON POST" THAT SHE DID.

BUT YOU MADE THEM TODAY AS WELL WHEN YOU SAID, AND I NEED TO REMIND YOU, EPA HAD NOTHING AT ALL TO DO WITH THAT. TO BE CLEAR, YOU ACTUALLY THINK THE EPA HAD NOTHING TO DO WITH THE CRISIS IN FLINT?

Susan Hedman:

NO.

Tim Walberg:

OKAY, MS. HEDMAN, I HAVE HERE IN FRONT OF ME, SECTION 1431.

Susan Hedman:

YES.

Tim Walberg:

IT'S THE LAW. 1431 OF THE SAFE DRINKING WATER ACT PULLED FROM THE EPA'S WEBSITE THIS MORNING, WHICH DESCRIBES THE EMERGENCY POWERS AUTHORITY GIVEN TO THE EPA IN THE EVENT OF AN IMMINENT -- LET ME STATE THAT AGAIN -- AN IMMINENT AND SUBSTANTIAL ENDANGERMENT TO PUBLIC HEALTH. DO YOU BELIEVE THE PEOPLE OF FLINT HAVE AT ANY TIME FACED AN IMMINENT OR SUBSTANTIAL ENDANGERMENT TO THEIR HEALTH?

Susan Hedman:

YES.

Tim Walberg:

THEN WAS THIS ENDANGERMENT TO THE PEOPLE OF FLINT NOT EVIDENT WHEN THE EPA LEARNED OF THE HIGH LEAD LEVELS IN JUNE OF 2015?

Susan Hedman:

WELL, SECTION 1431 REQUIRES THAT THERE BE BOTH SUBSTANTIAL ENDANGERMENT AND THAT THE STATE FAILS OR THE CITY FAILS TO TAKE ACTION.

Tim Walberg:

WELL, DID THEY FAIL TO TAKE ACTION?

Susan Hedman:

WELL --

Tim Walberg:

I THINK THE ANSWER IS YES. DON'T YOU?

Susan Hedman:

THE LEGAL ADVICE THAT I GOT WAS THAT ONCE THE STATE HAD ISSUED THE ORDER DIRECTING THE CITY OF FLINT TO IMPLEMENT CORROSION CONTROL AND THE MAYOR STEPPED FORWARD TO INDICATE THAT HE WOULD DO SO AS SOON AS POSSIBLE, THAT IT WAS LIKELY THAT THE STATE OF MICHIGAN WOULD ARGUE THAT THERE WAS A JURISDICTIONAL BAR.

Tim Walberg:

WELL, I MEAN, ARGUMENT IS ONE THING. DEALING WITH THE JOB THAT YOU HAVE IS ANOTHER THING. THE ISSUE WAS, WE HAD SEEN SO FAR, THE ACTION WASN'T BEING TAKEN. DR. EDWARDS AND OTHERS, COMMUNITY MEMBERS, AND OTHERS THAT WE'VE ALL HEARD FROM, THANKFULLY, THEY PRESSED IT. IT WASN'T HAPPENING. WHY DIDN'T THE EPA INTERVENE AND TAKE CONTROL OF THE SITUATION AS SOON AS IT LEARNED OF FLINT WATER CRISIS? THIS IS A CRISIS TO HUMAN HEALTH.

DR. EDWARDS, DO YOU THINK MS. HEDMAN'S RESPONSE WAS ADEQUATE?

Marc Edwards:

COMPLETELY UNACCEPTABLE AND CRIMINAL, FRANKLY.

Tim Walberg:

HOW SOON SHOULD SHE HAVE TAKEN ACTION, ACCORDING TO LAW AND ACCORDING TO HUMAN DECENCY AS WELL?

Marc Edwards:

I DON'T KNOW THE LAW, BUT, AS A HUMAN BEING, SHE SHOULD HAVE TOLD PEOPLE IMMEDIATELY.

Tim Walberg:

MS. HEDMAN, IN JULY 2015, YOU TOLD FLINT'S MAYOR TO DISREGARD MR. DEL TORAL'S PRELIMINARY MEMO THAT FOUND HIGH LEVELS OF LEAD IN FLINT'S WATER SUPPLY. WHY DID IT TAKE ANOTHER FIVE MONTHS FOR THE FINAL REPORT TO COME OUT?

Susan Hedman:

I NEVER TOLD THE MAYOR TO DISREGARD THAT MEMO. IN FACT, IF YOU LOOK AT APPENDIX 3 TO MY TESTIMONY, YOU'LL SEE WHAT ACTUALLY OCCURRED DURING THE CONVERSATION THAT I HAD WITH THE MAYOR --

Tim Walberg:

THERE'S GREAT DISPUTE ON THAT COMING ACROSS THE BOARD.

Susan Hedman:

YES. I WROTE THE EMAIL, AND I KNOW WHAT I SAID. AND IF WE COULD TAKE THE TIME TO TAKE A MOMENT TO TALK ABOUT THAT, I THINK WE COULD CLEAR THAT UP.

Tim Walberg:

I'M NOT SURE WE COULD. MR. DEL TORAL CERTAINLY HAS A DIFFERENT -- DIFFERENT RECOLLECTION OF IT AS WELL AS RESPONSES TO HIM. AND I HAD THE OPPORTUNITY TO TALK WITH HIM IN FLINT THIS SATURDAY AS WELL. VERY DIFFERENT FROM WHAT WE'RE BEING TOLD HERE. AND THAT'S THE CONCERN. AGAIN, THE HUMAN DECENCY ACT. WHEN THE ISSUE WAS BROUGHT TO YOU BY AUTHORITIES IN THE FIELD, BY ACTUAL TESTING, THE EPA DIDN'T DO WHAT IT NEEDED TO DO, EVEN IF THE OTHER ENTITIES GOING DOWN TO THE LOCAL LEVEL AND THE STATE LEVEL WEREN'T DOING THEIR DUTY. AND WE ARE CERTAINLY GOING TO ASK THEM ABOUT

THOSE ISSUES, AND I LOOK FORWARD TO THEIR RESPONSES AS WELL.

MR. CHAIRMAN. I SEE MY TIME IS UP. I YIELD BACK AND HOPEFULLY I CAN GAIN SOME OTHER TIME FROM OTHER INDIVIDUALS DOWN THE ROAD.

Jason Chaffetz:

I THANK THE GENTLEMAN, MR. WALBERG. WE NOW RECOGNIZE THE GENTLEWOMAN FROM NEW YORK, MS. MALONEY, FOR FIVE MINUTES.

Carolyn Maloney:

THE FLINT DRINKING WATER CRISIS IS A NATIONAL SCANDAL, AND IT CRIES OUT FOR ACCOUNTABILITY FROM THOSE THAT ARE RESPONSIBLE AND THAT IS WHAT WE ARE TRYING TO ACCOMPLISH TODAY. I WOULD LIKE TO BEGIN WITH MAYOR WALLING.

MAYOR WALLING, IN MR. EARLEY'S STATEMENT FOR THIS COMMITTEE, HE MADE SEVERAL STATEMENTS THAT SPECIFICALLY CONCERN THE INVOLVEMENT OF YOURSELF AND THE CITY COUNCIL IN THE DECISION TO SWITCH TO THE FLINT WATER. FIRST, MR. EARLEY ALLEGES, AND I QUOTE, QUOTE: THE CONCEPT OF USING THE FLINT RIVER AS AN INTERIM WATER SOURCE WAS INHERENT IN THE CITY COUNCIL'S KWA WATER AUTHORITY VOTE AND KURTZ'S MARCH 2013 ORDE, END QUOTE.

SO MAYOR WALLING, AT ANY TIME DID THE CITY COUNCIL EVER VOTE ON USING THE FLINT RIVER AS AN INTERIM SOURCE OF WATER?

Dayne Walling:

NO.

Carolyn Maloney:

NOW, MR. EARLEY NEVER SAYS THAT THE CITY COUNCIL VOTED ON THIS ISSUE. RATHER, HE IMPLIES – HE VERY CLEARLY IMPLIES THAT SOMEHOW THEIR VOTE TO JOIN THE KWA WATER AUTHORITY MEANT THAT THEY APPROVED THE USE OF THE FLINT RIVER AS AN INTERIM SOURCE. SO, MAYOR WALLING, IN YOUR PREPARED STATEMENT TODAY BEFORE THE COMMITTEE, I QUOTE: THE DECISION IN JUNE OF 2013 TO SWITCH TO THE FLINT RIVER WAS CONTRARY TO THE WATER PLANS AND FINANCIAL FORECASTS PROVIDED TO ME AND THE FLINT CITY COUNCIL IN MARCH OF

2013, END QUOTE.

I AM GOING TO PUT ON THE SCREEN A DOCUMENT ENTITLED "ORIGINAL PROJECTION SUMMARY COMPARISON, THE KWA AND DWSD, K WATER AUTHORITY TO THE DETROIT WATER AUTHORITY." AND WHAT'S NOTABLE TO ME WHEN YOU SEE THIS, THIS IS A SEAMLESS MOVEMENT. NEVER DOES THIS DOCUMENT MENTION THE TAKING OF WATER FROM THE FLINT RIVER. IS THAT CORRECT, MR. MAYOR?

Dayne Walling:

THAT'S CORRECT.

Carolyn Maloney:

THIS IS WHAT WAS PUT BEFORE THE CITY COUNCIL. IS THAT CORRECT?

Dayne Walling:

THAT'S RIGHT. THAT WAS MARCH 2013.

Carolyn Maloney:

AND IF I WERE A MEMBER OF THAT CITY COUNCIL, I WOULD THINK THAT WAS A SEAMLESS MOVEMENT AND THAT THE FLINT RIVER WAS NEVER TOUCHED AND THAT THE KWA AND DETROIT WATER WOULD BE WHAT WAS THERE. IS THAT YOUR INTERPRETATION OF IT?

Dayne Walling:

THAT WAS WHAT WAS PROVIDED IN THE DOCUMENTS. THAT'S WHAT TOOK PLACE IN THE CITY COUNCIL MEETING, THE COMMENTS THAT I AND OTHERS MADE.

Carolyn Maloney:

NOW, MR. EARLEY ALSO ALLEGES THAT HE, QUOTE, DELEGATED ALL DAY-TO-DAY OPERATIONAL RESPONSIBILITIES OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT AND THE DEPARTMENT OF PUBLIC WORKS TO MAYOR WALLING AS OF JUNE 2014, WHICH NOTABLY IS AFTER, AFTER THE SWITCHOVER.

SO, MAYOR WALLING, IT APPEARS TO ME THAT MR. EARLEY IS ATTEMPTING TO DEFLECT BLAME FOR THIS CRISIS ONTO YOU AND TO THE CITY COUNCIL OF FLINT. WHAT'S YOUR RESPONSE TO THAT?

Dayne Walling:

I WAS SURPRISED WHEN THIS STATEMENT WAS FIRST MADE. IT WAS MADE THROUGH AN OP-ED, I BELIEVE, IN OCTOBER OF 2015. AND, FIRST OF ALL, MR. EARLEY AT THE TIME WAS SERVING AS CITY MANAGER IN THE CITY OF SAGINAW. HE WAS NOT SERVING IN THE CITY OF FLINT. I WAS, AND I KNOW WHAT HAPPENED AND WHAT THE PROCESS WAS. THE FIRST FREQUENTLY ASKED QUESTIONS THAT THE CITY OF FLINT PROVIDED IN EARLY FEBRUARY OF 2015, WHEN SO MANY OF THE ISSUES CAME OUT ABOUT THE TTHM CRISIS, WAS THAT THE FINANCE DIRECTOR AND THE CITY'S PUBLIC WORKS DIRECTOR PROVIDED THAT RECOMMENDATION TO EFM KURTZ IN JUNE OF 2013.

Carolyn Maloney:

SO IN REALITY, TO CUT TO THE CHASE OF IT, WHO ACTUALLY MADE THE MAJOR DECISIONS RELATED TO THE WATER ISSUES IN FLINT? WHO MADE THOSE DECISIONS?

Dayne Walling:

THEY WERE PUT IN PLACE BY EMERGENCY FINANCIAL MANAGER KURTZ IN JUNE OF 2013. THAT INCLUDED AN ADOPTED TWO-YEAR BUDGET THAT SET THE EQUIPMENT AND PURCHASING AND PERSONNEL FOR THE DEPARTMENT OF PUBLIC WORKS FOR THE NEXT TWO YEARS. THAT'S WHAT MR. EARLEY LATER INHERENTED.

Carolyn Maloney:

AND, MAYOR WALLING, MY TIME IS UP. BUT JUST WOULD MR. FARLEY HAVE HAD THE POWER? WOULD MR. EARLEY HAVE HAD THE POWER TO KEEP CLEAN DETROIT WATER FLOWING, IF HE WANTED TO?

Dayne Walling:

YES. THE EMERGENCY MANAGERS OFTEN AMENDED THE BUDGETS THAT THEY WERE WORKING WITH, IN CONSULTATION WITH THE STATE.

Carolyn Maloney:

AND THEY HAD THAT POWER, NOT THE CITY COUNCIL?

Dayne Walling:

CORRECT

Jason Chaffetz:

THANK THE GENTLEWOMAN. WE NOW RECOGNIZE THE GENTLEMAN FROM MICHIGAN, MR. AMASH, FOR FIVE MINUTES.

Justin Amash:

THANK YOU, MR. CHAIRMAN, AND THANK YOU TO THE PANEL FOR BEING HERE. THANK YOU, ESPECIALLY TO PROFESSOR EDWARDS, WHO HAS BEEN AN EXTREMELY VALUABLE EXPERT IN THIS AREA. AND I SHARE YOUR CONCERNS ABOUT THE EPA AND ITS ROLE AND MS. HEDMAN'S ROLE IN THIS AND MR. WALBERG, MADE MANY IMPORTANT POINTS IN THAT REGARD. I'M GOING TO ASK SOME QUESTIONS TO MR. EARLEY.

MR. EARLEY, YOU WROTE A COLUMN FOR THE DETROIT NEWS IN OCTOBER 2015. IS THAT CORRECT?

Darnell Earley:

THAT IS CORRECT, SIR.

Justin Amash:

MR. CHAIRMAN, I WOULD LIKE TO ASK UNANIMOUS CONSENT TO ENTER THIS OP-ED INTO THE RECORD.

Jason Chaffetz:

WITHOUT OBJECTION, SO ORDERED.

Justin Amash:

YOU'VE MADE CLEAR HERE TODAY AND IN YOUR COLUMN THAT THE DECISION TO SWITCH OVER TO THE FLINT RIVER WAS MADE BY THE PREVIOUS EMERGENCY MANAGER AND THE CITY COUNCIL, CORRECT?

Darnell Earley:

THAT IS CORRECT.

Justin Amash:

IN YOUR OP-ED, YOU SAY IT FELL TO ME TO OVERSEE THE IMPLEMENTATION, CORRECT?

Darnell Earley:

THAT IS CORRECT.

Justin Amash:

NOW, ALSO IN YOUR OP-ED IT SAYS: IT DID NOT FALL TO ME TO QUESTION, SECOND-GUESS, OR INVALIDATE THE ACTIONS TAKEN PRIOR TO MY APPOINTMENT. DO YOU REALLY BELIEVE THAT?

Darnell Earley:

I BELIEVE THAT BASED ON THE FACT THAT THERE WAS NO PETITION. THERE WAS NO EFFORT MADE TO ENGAGE ME TO CHANGE WHAT HAD ALREADY BEEN IMPLEMENTED. WHEN I --

Justin Amash:

I'M SORRY. SO YOU BELIEVE, AS AN EMERGENCY MANAGER, AS SOMEONE WHO'S PUT IN CHARGE OF THE CITY OF FLINT, IT DOESN'T FALL ON YOU TO QUESTION, SECOND-GUESS, OR INVALIDATE ANY ACTIONS TAKEN PRIOR TO YOUR APPOINTMENT?

Darnell Earley:

NO. WHAT I'M MEANING – WHAT I MEAN BY THAT IS IT DOES NOT FALL TO ME TO ARBITRARILY CHANGE THAT, AND THAT'S WHAT I WAS REFERRING TO.

Justin Amash:

ISN'T THE JOB OF A CITY MANAGER TO QUESTION THINGS? ISN'T THAT WHY YOU'RE BROUGHT IN?

Darnell Earley:

THAT'S PART OF THE REASON, YES.

Justin Amash:

IF AS A CONGRESSMAN, IF I TOOK THE POSITION THAT IT'S NOT MY JOB TO QUESTION, SECOND-GUESS, OR INVALIDATE ANY ACTIONS THAT HAPPENED PRIOR TO MY BEING HERE, WOULD I BE DOING MY JOB?

Darnell Earley:

WELL, IF EVERYBODY WERE TELLING YOU THAT THE PROJECT WAS ON COURSE AND EVERYTHING WAS GOING WELL, THERE WAS NOTHING TO SECOND-GUESS.

Justin Amash:

SO IF CONGRESS PASSES SOMETHING IN A PREVIOUS TERM AND I GET ELECTED, I'M JUST SUPPOSED TO SAY, OH, WELL, EVERYTHING'S OKAY. I DON'T HAVE ANY WORK HERE. IS THAT RIGHT?

Darnell Earley:

WHAT I'M SAYING IS THAT YOU WOULD OBVIOUSLY HAVE TO DO YOUR OWN DUE DILIGENCE, BUT IF IT COMES UP THAT THERE'S NOTHING TO CHANGE, THERE'S NOTHING TO CHANGE. AND IF PEOPLE ARE TELLING YOU THAT THE PROJECT IS ON COURSE -- KEEP IN MIND THAT WAS ONLY ONE OF MANY PROJECTS IN A DISTRESSED COMMUNITY THAT THE EMERGENCY MANAGER WAS RESPONSIBLE FOR.

Justin Amash:

SO IN YOUR OP-ED YOU ALSO SAY: AT THE TIME THE DECISION WAS MADE, THERE WAS NO WAY TO PREDICT SUCH AN UNFORTUNATE OUTCOME. YOU ALSO CALL IT AN UNINTENDED CONSEQUENCE WITH NO BLAME TO AFFIX.

SO AS A PERSON APPOINTED IN THIS POSITION OR AS AN ELECTED OFFICIAL LIKE ME, ARE WE NOT SUPPOSED TO CONCERN OURSELVES WITH UNINTENDED CONSEQUENCES? WE'RE JUST NOT SUPPOSED TO THINK ABOUT THOSE THINGS?

Darnell Earley:

NO, THAT'S NOT WHAT I'M SAYING. WHAT I'M SAYING IS THAT, BECAUSE OF THOSE UNINTENDED CONSEQUENCES, WE NOW HAVE WHAT IS KNOWN AS THE FLINT WATER CRISIS. IN HINDSIGHT, THERE'S PROBABLY A LOT MORE THAT EVERYONE WOULD HAVE DONE, A LOT MORE QUESTIONING EVERYONE WOULD HAVE DONE. BUT WHEN YOU HAVE AN 18-MONTH WINDOW TO TURN AROUND A DISTRESSED COMMUNITY GOING THROUGH ITS SECOND ROUND OF STATE INTERVENTION, THE OBJECT IS TO GET THE WORK DONE AND ENLIST AS MANY PEOPLE AS YOU CAN TO ASSIST YOU IN GETTING THAT WORK DONE.

Justin Amash:

ISN'T IT YOUR JOB TO THINK ABOUT UNINTENDED CONSEQUENCES?

Darnell Earley:

WELL, WE ALWAYS THINK ABOUT THE POSSIBILITY OF HYPOTHETICALS, ABSOLUTELY.

Justin Amash:

AND DO YOU FEEL YOU DID THAT IN THIS CASE?

Darnell Earley:

WELL, I BELIEVE, BASED ON THE INFORMATION WE WERE GIVEN, WE ACTED RESPONSIBLY AND DID WHAT WE DID, KNOWING THE INFORMATION WE HAD AT THE TIME, YES, SIR.

Justin Amash:

ALL RIGHT. ACCORDING TO MICHIGAN'S EMERGENCY MANAGER LAW, QUOTE: UPON APPOINTMENT, AN EMERGENCY MANAGER SHALL ACT FOR AND IN THE PLACE AND STEAD OF THE GOVERNING BODY AND THE OFFICE OF CHIEF ADMINISTRATIVE OFFICER OF THE LOCAL GOVERNMENT. ADDITIONALLY, THE EMERGENCY MANAGER SHALL HAVE BROAD POWERS TO ENSURE THE LOCAL GOVERNMENT'S CAPACITY TO PROVIDE OR COST BE PROVIDED AS NECESSARY, GOVERNMENTAL SERVICES ESSENTIAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE.

WHAT, IN YOUR VIEW, IS THE EMERGENCY MANAGER'S ROLE IN OVERSEEING THE DAILY DUTIES OF CITY EMPLOYEES?

Darnell Earley:

WELL, AS I SAID EARLIER IN MY COMMENTS, AS A CITY MANAGER, I'VE ALWAYS INVOLVED THE ELECTED AND THE APPOINTED OFFICIALS IN THE WORK THAT I DO, AND I DID NO DIFFERENT AS THE EMERGENCY MANAGER IN INVOLVING THEM BECAUSE THEY'RE THE EXPERTS. THEY'RE THE ONES THAT HANDLE THE DAY-TO-DAY OPERATIONS, SO THEY WERE VERY MUCH INVOLVED HERE.

Justin Amash:

SO WHEN A CITY HAS AN EMERGENCY MANAGER, WHO IS RESPONSIBLE FOR ENSURING COMPLIANCE WITH STATE AND FEDERAL LAWS REGARDING SAFE DRINKING WATER?

Darnell Earley:

WELL, REGARDING ANYTHING, THE EMERGENCY MANAGER OBVIOUSLY IS THE PERSON RESPONSIBLE FOR MAKING SURE THAT THOSE THINGS GET DONE, AND I'VE ALWAYS ACCEPTED THAT.

Justin Amash:

SO YOU TAKE RESPONSIBILITY FOR THAT? BECAUSE IN YOUR OP-ED YOU SAY -- THE HEADLINE IS: DON'T BLAME EM FOR FLINT WATER DISASTER.

Darnell Earley:

I'M TRYING TO DRAW A DISTINCTION BETWEEN RESPONSIBILITY AND BLAME. SIR, AND WE WERE ALL RESPONSIBLE BY VIRTUE OF OUR ROLES. I WAS VERY RESPONSIBLE IN MY ROLE AS EMERGENCY MANAGER.

Justin Amash:

WHAT ROLE DID YOU HAVE AND WHAT STEPS DID YOU TAKE IN ENSURING THE FLINT WATER TREATMENT PLAN -- TREATMENT PLANT WAS PREPARED TO MEET STATE AND FEDERAL DRINKING WATER STANDARDS, KNOWING THAT THE FLINT RIVER WOULD BE THE PRIMARY WATER SOURCE?

Darnell Earley:

WELL, WE HAD REGULAR MEETINGS ON THE PROGRESS FOR UPGRADING THE PLANT. AS WE GOT UP TO THE SWITCHING OVER TO THE FLINT WATER, I HAD REGULAR MEETINGS WITH THE TREATMENT STAFF. THE MAYOR WAS A PART OF SOME REGULAR MEETINGS THAT WE HAD. WE ALL HAD DISCUSSIONS ABOUT THE PROGRESS AND THE THINGS BEING ENCOUNTERED IN THE SWITCH.

ONCE WE MADE THE SWITCH AND WE GOT THE COMPLAINTS ABOUT THE QUALITY OF THE WATER, WE WENT TO THE DEQ. WE GOT BOIL WATER ADVISORIES, WHICH ARE COMMON IN THE CASE OF TREATING WATER. WE HAD MEETINGS ON A COUPLE OF OCCASIONS WITH THE MDEQ TO TALK ABOUT WHAT'S GOING ON AND WHAT IS ACTUALLY BEING TREATED. AND LET ME AGAIN STATE FOR THE RECORD, IN NONE OF THOSE MEETINGS WERE THE CURRENT ISSUES THAT WE'RE DEALING WITH NOW A PROBLEM. THEY WERE NOT ADDRESSED. THEY WERE NOT ISSUES BROUGHT TO OUR ATTENTION. BUT WE DID EVERYTHING WE COULD TO MAKE SURE WE WERE BEING RESPONSIBLE TO THE COMPLAINTS AND THE CONCERNS ABOUT THE QUALITY OF THE WATER.

Justin Amash:

YEAH, I THINK RESPONSIBILITY INVOLVES PAYING ATTENTION TO UNINTENDED CONSEQUENCES, THINKING ABOUT WHAT MIGHT HAPPEN.

I SEE MY TIME IS EXPIRED. THANK YOU, MR. CHAIRMAN.

Jason Chaffetz:

THANK THE GENTLEMAN. WE'LL NOW RECOGNIZE THE GENTLEWOMAN FROM THE DISTRICT OF COLUMBIA, MS. NORTON, FOR FIVE MINUTES.

Eleanor Norton:

THANK YOU, MR. CHAIRMAN. MR. EDWARDS TALKED ABOUT WILLFUL BLINDNESS. I WANT TO WARN EVERYBODY ABOUT THE WILLFUL BLINDNESS THAT'S BUILT INTO THE SEPARATION OF POWERS SYSTEM, AND THAT IS WHY FINGER-POINTING OF THE FEDERAL AND THE STATE SIDE, EITHER ON THIS COMMITTEE OR AMONG OUR WITNESSES, IS QUITE INAPPROPRIATE.

NOW, THIS COMMITTEE HAS RECOGNIZED THIS. TO ITS CREDIT, THIS COMMITTEE PASSED IN FEBRUARY, THIS PAST FEBRUARY, A BILL, ACTUALLY PASSED A LAW, THAT REQUIRES THE EPA TO NOTIFY RESIDENTS OF HIGH LEVELS OF LEAD WHEN WATER SAMPLES SHOW LEAD LEVELS FOR THE HIGHEST IN 10% OF HOMES TESTED ARE ABOVE 15 PARTS PER BILLION. WHY DO YOU THINK WE NEEDED A LAW? BECAUSE THERE IS UNUSUAL DEFERENCE ON THE PART OF FEDERAL OFFICIALS, AND APPARENTLY IT TOOK A LAW TO SAY, WHEN PEOPLE'S LIVES ARE IN DANGER, WHEN THEIR HEALTH IS IN DANGER, THERE'S AN OBLIGATION TO SPEAK UP WHEN THE STATE ISN'T DOING ITS PART.

MR. DEL TORAL DID SPEAK UP TO HIS SUPERVISORS, BUT HE RISKED BEING A WHISTLEBLOWER AND WE KNOW WHAT HAPPENS TO WHISTLEBLOWERS IN OUR SYSTEM. SO I -- MY QUESTION IS NOT AIMED AT FINGER-POINTING.

IT IS CLEAR, THOUGH, THAT ONCE YOU HAVE THE SLIGHTEST EVIDENCE OF LEAD IN THE WATER WHEREVER YOU ARE IN THE SYSTEM, YOU BETTER SPEAK UP BECAUSE THIS IS IRREVERSIBLE. YOU CAN'T TURN THIS ONE AROUND, PEOPLE. SO I HAVE A QUESTION FOR MR. EARLEY.

RECOGNIZING THE FEDERAL RESPONSIBILITY AS WELL AS THE STATE RESPONSIBILITY, SIR, BUT LET'S SPEAK TO YOUR RESPONSIBILITY. YOU KNOW, PEOPLE ARE NOT CRAZY. THEY BEGAN TO SMELL ODORS IN THE WATER. THEY SAW THE COLOR OF THE FLINT WATER CHANGE, AND THAT STARTED A MONTH AFTER THE WATER PLANT BEGAN PROCESSING, DURING YOUR WATCH, SIR, THE FLINT WATER. NOW, THEY BEGAN TO SPEAK OUT. THEY COMPLAINED EVEN ABOUT SKIN RASHES AND HAIR LOSS. THOSE COMPLAINTS, IT IS OUR INFORMATION, CONTINUED FOR EIGHT MONTHS WHILE YOU WERE EMERGENCY MANAGER OF FLINT. DID YOU EVER CONSIDER, GIVEN

THOSE COMPLAINTS, SWITCHING BACK TO DETROIT WATER ONCE THE PUBLIC STARTED TO SICKEN AND TO SPEAK OUT?

Darnell Earley:

LET ME JUST MAKE AGAIN VERY CLEAR THAT THE FACT OF THE COMPLAINTS, WE RESPONDED TO THOSE. WE SENT OUR WATER STAFF OUT AND COLLECTED SAMPLES. BUT KEEP IN MIND, WE WERE ALSO WORKING VERY CLOSELY WITH THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY ON THESE ISSUES. AND WHILE THE WATER DID HAVE SOME DISCOLORATION, WE WERE TOLD A NUMBER OF REASONS FOR THAT, NONE OF WHICH RAISED THE FACT THAT THE WATER WAS NOT FIT FOR HUMAN CONSUMPTION. WE RELIED ON THE INFORMATION WE RECEIVED FROM THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY AS THIS WAS A MANAGEABLE ISSUE. AND WE DID WHAT WE WERE --

Eleanor Norton:

MR. EARLEY, YOU HAVE EXTRAORDINARY POWERS AS AN EMERGENCY MANAGER. WAS MONEY EVER A CONCERN OR ENOUGH OF A CONCERN FOR YOU TO ASK THE GOVERNOR FOR STATE FUNDS TO RECONNECT TO THE DETROIT WATER SYSTEM DURING YOUR TIME, DURING YOUR WATCH?

Darnell Earley:

AGAIN, WE WERE TRYING TO MANAGE THE ISSUE AND --

Eleanor Norton:

THE AND THE SMELL OF THE WATER AND THE CONSTANT COMPLAINTS WERE NOT ENOUGH OF A WARNING FOR YOU TO TRY TO DO SOMETHING BEYOND RELY ON THE EXPERTS? I MEAN, THE EXPERTS SEEM TO HAVE BEEN, MR. EARLEY, IN THE PUBLIC. DRINKING THE WATER.

Darnell Earley:

WE RELIED ON THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, AND WE GOT THE INFORMATION FROM THEM AND --

Eleanor Norton:

ALL RIGHT. MR. EARLEY, I'M SORRY. MY TIME IS LIMITED. SUE McCORMICK OF DETROIT WATER WROTE TO YOU OFFERING TO CONTINUE SUPPLYING WATER TO FLINT, MICHIGAN, UNTIL THE WATER AUTHORITY'S PROJECT WAS COMPLETE. BUT YOU WROTE BACK THERE WILL BE NO NEED FOR FLINT TO CONTINUE PURCHASING WATER TO SERVE ITS RESIDENTS AND BUSINESSES AFTER APRIL 17th, 2014. WHY DID YOU REJECT THIS OFFER TO CONTINUE USING DETROIT WATER AS A SOURCE?

Darnell Earley:

JUST TO BE CLEAR, THE LETTER THAT YOU REFER TO WENT TO THE CITY CLERK AT THE TIME --

Eleanor Norton:

YOU HAD NO KNOWLEDGE OF THIS LETTER?

Darnell Earley:

I WAS NOT THE EMERGENCY MANAGER AT THE TIME THAT THE LETTER CAME IN. BY THE TIME I GOT THERE, WE HAD ALREADY BEEN NOTIFIED THAT THE CONTRACT HAD BEEN TERMINATED. WHAT WE COULD STILL --

Eleanor Norton:

BUT YOU WERE THE EMERGENCY MANAGER BEFORE THE SWITCH WAS IMPLEMENTED ON YOUR WATCH. YOU COULD SAY WAIT A MINUTE. I'M IN CHARGE NOW. WASN'T THIS YOUR JOB TO LOOK AT WHAT SHOULD BE DONE NOW, NOW THAT YOU ARE IN CHARGE, SIR?

Darnell Earley:

WE DID LOOK AT THAT, AND, AGAIN, WE FOLLOWED THE GUIDELINES BASED ON THE INFORMATION WE WERE GIVEN. BUT IMPORTANTLY IN THAT LETTER, IS THAT --

Eleanor Norton:

WHAT ABOUT THE WARNING THAT CAME -- IMAGINE RECEIVING A WARNING FROM SOMEBODY IN THE LINE WHO SAYS, I HAVE PEOPLE ABOVE ME MAKING PLANS TO DISTRIBUTE WATER AS SOON

AS POSSIBLE. I'M RELUCTANT TO GO -- WAS RELUCTANT TO GO BEFORE. BUT AFTER LOOKING AT THE MONITORING SCHEDULE AND CURRENT STAFFING, I DO NOT ANTICIPATE GIVING THE OKAY TO BEGIN SENDING THIS WATER OUT ANY TIME. IF ANY WATER IS DISTRIBUTED FROM THIS PLANT IN THE NEXT COUPLE OF WEEKS, IT WILL BE AGAINST MY DIRECTION. WHAT DID YOU NEED, MR. EARLEY?

Darnell Earley:

THAT DID NOT GO TO ME, MA'AM. THAT DID NOT GO TO ME. THAT EMAIL WENT TO THE DIRECTOR OF THE DEPARTMENT, I DO BELIEVE. IT DID NOT GO TO ME.

Eleanor Norton:

YET YOUR NAME IS ON THE LETTER, MR. EARLEY.

Darnell Earley:

IS THIS THE ONE FROM -- YOU'RE TALKING TWO DIFFERENT THINGS.

Eleanor Norton:

WHAT'S THE OTHER THINGS, SIR?

Darnell Earley:

WELL, THE LETTER FROM THE MDEQ -- I MEAN FROM THE DWSD AND AN EMAIL THAT CAME FROM ONE OF THE OPERATORS THAT TALKED ABOUT THE DISTRIBUTION OF WATER.

Jason Chaffetz:

THE GENTLEWOMAN'S TIME HAS FAR EXPIRED. WE'LL NOW RECOGNIZE THE GENTLEMAN FROM FLORIDA, MR. MICA.

John Mica:

MR. CHAIRMAN AND THE MEMBERS OF THE COMMITTEE, I THINK THIS HEARING IS GOING TO BE KNOWN AS THE GREAT FINGER-POINTING -- THE GREAT FINTER-POINTING HEARING. AND WE'VE

GOT FLINT MAYOR THROWING PEOPLE UNDER THE BUS, WE'VE GOT THE FLINT EMERGENCY MANAGER THROWING PEOPLE UNDER THE BUS, AND WE'VE GOT MS. HEDMAN, FORMER EPA ADMINISTRATOR FOR THAT AREA. THROWING PEOPLE UNDER THE BUS. IT'S – BUT SOMEWHERE IT SEEMS LIKE PEOPLE WERE ASLEEP AT THE TAP AND NOT DOING THEIR JOB. NOW, IF THE LOCALS FAILED AND THE MAYOR FAILED AND THE EMERGENCY MANAGERS FAILED, AND THERE WERE FAILURES THERE, MR. EDWARDS, WHAT -- WHAT ROLE WOULD THE FEDERAL GOVERNMENT HAVE?

Marc Edwards:

THEY'RE THE LAST RESORT. THEY'RE THE LAST LINE OF DEFENSE. THEY'RE THE LAST HOPE OF FLINT RESIDENTS.

John Mica:

AND THE REASON WE PUT EPA TOGETHER WAS TO PROTECT PEOPLE, RIGHT, IN CITIES, IN COMMUNITIES AND STATES WHERE THEY DID NOT ACT TO PROTECT THE WATER OF THE PEOPLE? RIGHT?

Marc Edwards:

THAT'S CORRECT.

John Mica:

OKAY. WERE THEY NOTIFIED? WELL, THERE'S SOME HEROS IN THIS. FIRST THE HERO, SHE'S HERE TODAY, IS MS. WALTERS AND HER FAMILY, BECAUSE THEY NOTIFIED THE LOCAL PEOPLE AND THE FEDERAL PEOPLE AND EVERYBODY THEY COULD THAT THEY WERE POISONING THEIR KIDS. MR. DEL TORAL WROTE AN INCREDIBLE MEMO. HE ACTED. HE'S AN -- MS. HEDMAN, WASN'T HE AN EPA OFFICIAL?

Susan Hedman:

HE'S AN EPA SCIENTIST.

John Mica:

YEAH. HE DID A GREAT JOB. A HIGH SCHOOLER COULD READ HIS MEMO, WHICH HE PRODUCED, THERE'S A COPY OF HIS MEMO. JUNE 24th. IT TELLS YOU THE VIOLATIONS OF THE CITY. IT TELLS YOU THE INCOMPETENCE. THEN IT TELLS YOU THE POISONING OF THEIR CHILDREN. IT'S DOCUMENTED, AND ALL THE STEPS AND THE VIOLATIONS OF FLINT ARE LISTED HERE. NOT JUST THIS, BUT THEY HAVE A HISTORY. THEY'RE LISTED ON THE BACK. A HIGH SCHOOLER COULD READ THIS AND EVALUATE IT. NOW, YOU GOT THAT MEMO, RIGHT, MS. HEDMAN?

Susan Hedman:

I'M NOT SURE WHEN I GOT THAT MEMO, BUT I --

John Mica:

BUT YOU GOT IT, RIGHT? OKAY. JUNE. AND, MAYOR, YOU WERE AWARE OF THIS AND YOU TWO TALKED, DIDN'T YOU? DID YOU TALK TO HER ABOUT THIS MEMO, MAYOR?

Dayne Walling:

YES.

John Mica:

YOU DID TALK TO HER. BUT, SIR, I WENT BACK AND CHECKED TO SEE IF YOU TALKED TO YOUR CONSTITUENT, THE WOMAN AND FAMILY WHOSE KIDS WERE BEING POISONED. WE KNEW THIS EARLY IN 2015. WE KNEW IT -- THEY KNEW IT AT THE END OF 2014. WE HAVE THE TEST HERE THAT PROVED THAT HE WENT IN AND HE TESTED THE PIPES. HE DID EVERYTHING. FIRST THEY SAID IT WAS THE PIPES WERE LEAD INTO THE HOUSE. THEY WEREN'T LEAD, THEY WERE PLASTIC. THEY WERE PVC. THERE WAS NO LEAD IN THERE. SO YOU TOLD HER AT THE LIBRARY ON MARCH 31ST YOU WERE AWARE OF IT. YOU WENT TO MS. WALTERS AND TOLD HER YOU WERE AWARE OF THE SITUATION. YOU'D TAKE CARE OF IT, RIGHT? YOU'D DO ANYTHING. DIDN'T YOU TELL THAT TO YOUR CONSTITUENT?

Dayne Walling:

YES.

John Mica:

SHE SHOWED UP APRIL 2nd, 2015, AT YOUR OFFICE AND THEY SAID YOU WERE GONE FOR EASTER, BUT THEY WOULD BE BACK WITH HER ON MONDAY, RIGHT? THAT'S WHAT THEY TOLD HER. I'M TELLING YOU. AND THAT'S WHAT SHE TOLD ME. TODAY IS, WHAT, 2015 – OR 2016 MARCH 15th. YOU HAVEN'T BEEN BACK WITH HER SINCE. BUT YOU WERE AWARE OF THIS MEMO. YOU READ THIS MEMO. THEY TRIED TO SUPPRESS THIS MEMO. THIS WASN'T A PRETTY MEMO, BECAUSE IT SAID YOUR CONSTITUENTS WERE BEING POISONED.

SO THIS IS AN INCREDIBLE FAILURE, I BELIEVE, AT ALL LEVELS, PARTICULARLY THE FEDERAL LEVEL. THAT'S OUR RESPONSIBILITY. WHEN WE GET A MEMO LIKE THIS FROM SOMEONE WITH EPA DOING THEIR JOB. AND A CONSTITUENT WHO REPORTS IT AND WE HAVE THE EVIDENCE OF THE POISONING. THIS -- MR. DEL TORAL IS A HERO. AND THE THINGS HE DID, EVERY TEST POSSIBLE. HE CONDUCTED EVERY TEST POSSIBLE. IS THAT RIGHT? YOU READ IT, MR. EDWARDS, DID YOU READ THIS?

Marc Edwards:

HIS MEMO HAS PROVEN TO BE 100 PERCENT ACCURATE IN EVERY WAY, SHAPE, AND FORM.

John Mica:

AND YET IGNORED AT THE LOCAL LEVEL, IGNORED AT THE EMERGENCY MANAGEMENT LEVEL. AND THEN THE OVERSEEING, THAT'S OUR RESPONSIBILITY. WHEN ALL OF THESE LEVELS FAIL, EPA -- YOU NEVER ACTED FOR, WHAT, FIVE MONTHS AFTER THIS MEMO, MS. HEDMAN?

Susan Hedman:

THAT'S INCORRECT. IN FACT, THE FOLLOWING DAY I OFFERED LEAD EXPERTS --

John Mica:

YEAH.

Susan Hedman:

--TO THE MAYOR AND --

John Mica:

WHAT THEY DID --

Susan Hedman:

-- AND WITHIN THREE WEEKS, WE HAD CONCLUDED AN AGREEMENT WITH MDEQ TO ORDER FLINT TO ISSUE CORROSION CONTROL.

John Mica:

AND WHAT DID THEY DO?

Susan Hedman:

THEY ISSUED AN ORDER NOT --

John Mica:

DID THEY DO IT?

Susan Hedman:

THEY DID EVENTUALLY.

John Mica:

EVENTUALLY WHEN?

Susan Hedman:

THEY ISSUED AN ORDER ON AUGUST 17th, DIRECTING THE CITY OF FLINT TO IMPLEMENT CORROSION CONTROL AND ON SEPTEMBER 3RD --

John Mica:

AND THE TIME IS TICKING AND NOTHING IS DONE AND YOU NEVER WENT BACK ON THEM. THERE WAS REALLY NO PLAN IN PLACE FOR MORE THAN FIVE MONTHS.

Susan Hedman:

THAT'S NOT TRUE.

John Mica:

IT WAS IGNORED. IT IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH. I HATE TO TELL YOU. AND, AGAIN, I THINK EPA ALSO FAILED. SO WE HAD FAILURE AT MULTIPLE LEVELS.

MR. EDWARDS, YOU'VE SEEN CASES. YOU SAID THIS ISN'T UNCOMMON OF HOW THEY FAILED ACROSS THE COUNTRY. IS THAT NOT THE CASE IN FLINT?

Marc Edwards:

WELL, I MEAN, THERE'S A CLIMATE OUT THERE WHERE LEAD IN WATER PROBLEMS ARE COVERED UP, THAT PEOPLE ARE CHEATING ON THE SAMPLING, AND THAT CLIMATE ALLOWED FLINT TO OCCUR. IT ALLOWED THESE UNETHICAL CIVIL SERVANTS AT MDEQ TO CLAIM THAT THERE WAS NO PROBLEM IN THE WATER WHATSOEVER, EVEN WHEN THEY WERE BREAKING FEDERAL CORROSION CONTROL LAW.

Jason Chaffetz:

THANK THE GENTLEMAN. MR. CLAY IS RECOGNIZED FOR HIS FIVE MINUTES.

William Clay Sr.:

THANK YOU, MR. CHAIRMAN. YOU KNOW, THERE WERE NUMEROUS RED FLAGS THAT SHOULD HAVE LED THE STATE TO AGREE TO RETURN TO THE DETROIT WATER SYSTEM. BACTERIAL CONTAMINATION IN THE WATER AS EARLY AS SUMMER 2014, THE LEGIONELLA OUTBREAK, THE ASTRONOMICAL LEAD READINGS IN LEEANNE WALTERS' HOME -- ALL OF THESE EARLY SIGNS SHOULD HAVE BEEN REASON ENOUGH TO CONSIDER RETURNING TO A SAFE WATER SUPPLY.

BUT THE RESPONSE WAS ALWAYS THE SAME. IT WAS NOT IN EMERGENCY MANAGER'S FINANCIAL PLAN FOR THE CITY TO RETURN TO THE DETROIT WATER SYSTEM.

ON JANUARY 9th, 2015, IN RESPONSE TO CONCERNS THAT HAD BEEN RAISED ABOUT THE SAFETY

OF FLINT'S WATER, MR. EARLEY, YOU WROTE AND I QUOTE: SUGGESTIONS HAVE BEEN MADE THAT THE CITY OF FLINT SHOULD RETURN TO USING WATER PURCHASED THROUGH THE DETROIT WATER AND SEWERAGE DEPARTMENT. FOR MANY REASONS, FINANCIAL AND OTHERWISE, THE CITY OF FLINT CAN ILL AFFORD TO SWITCH COURSES AT THIS POINT.

YOU ALSO SAID IT IS NOT FINANCIALLY PRUDENT TO SPEND \$18 MILLION TO PURCHASE WATER THAT MEETS THE SAME DEQ STANDARDS AS THE WATER NOW AVAILABLE FROM THE FLINT RIVER.

MR. EARLEY, OBVIOUSLY NOW WE KNOW THAT THE WATER FROM THE FLINT RIVER WAS NOT MEETING THE SAME STANDARDS AS WATER COMING FROM DETROIT WATER. IS THAT CORRECT?

Darnell Earley:

YES, SIR.

William Clay Sr.:

AND THEN DID YOU CONSIDER CHANGING COURSE AT ANY POINT AFTER SERIOUS CONCERNS HAD BEEN RAISED ABOUT THE QUALITY AND SAFETY OF THE RIVER WATER?

Darnell Earley:

WELL, AT THE TIME THAT YOU REFERENCE, WE HAD ALREADY ENLISTED THE AID OF ANOTHER WATER EXPERT TO DETERMINE EXACTLY WHAT THE CAUSES WERE. WE WERE TRYING TO DIAGNOSE THE CAUSES. AGAIN, WE WERE DEALING WITH THE ISSUE OF COLIFORM, TTHM, E. COLI, AND OTHER ISSUES. WE WERE NOT TALKING ABOUT LEAD AT THE TIME. THE POINT IS SIMPLY THIS. THE CITY OF FLINT DID NOT HAVE THE MONEY.

William Clay Sr.:

YEAH, BUT SOMETIMES -- I MEAN, LOOK, COMMON SENSE SHOULD TAKE OVER. THE GENERAL MOTORS PLANT STOPPED USING THE WATER WHEN IT STARTED TO RUST NEW PARTS. WHAT WOULD THAT TELL -- WHAT WOULD THAT TELL THE AVERAGE PERSON? I MEAN, THEY NEED TO STOP DRINKING IT. I MEAN, COME ON, IS IT THAT THAT DIFFICULT TO DETERMINE?

Darnell Earley:

WE CONTINUED TO RELY ON THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY. AND UNTIL SUCH TIME AS THEY DEEMED THE WATER UNSAFE TO DRINK, WE WERE DOING ALL THAT WE COULD TO MANAGE THE CONTAMINATION AND TO ALSO MAKE THE WATER ACCESSIBLE AND POTABLE.

William Clay Sr.:

LOOK, AFTER THAT JANUARY 15th, 2015, LETTER, A FEW DAYS LATER THE DIRECTOR OF THE DETROIT WATER SYSTEM SENT YOU A LETTER OFFERING TO RECONNECT THE CITY OF FLINT TO THE DETROIT WATER SUPPLY. WHY DID YOU REJECT THE DIRECTOR'S OFFER?

Darnell Earley:

I DID NOT DO THAT. I WAS GONE FROM FLINT. I HAD LEFT FLINT BY THAT TIME THAT LETTER CAME OUT. THAT REJECTION WAS WRITTEN BY MY SUCCESSOR. AGAIN, THERE WERE FOUR EMERGENCY MANAGERS DURING THIS PERIOD. THAT LETTER OF REJECTION CAME FROM MY SUCCESSOR.

William Clay Sr.:

OKAY. AND SO IT CAME DOWN TO YOU OR YOUR SUCCESSOR TRYING TO SAVE \$18 MILLION?

Darnell Earley:

NO. IT CAME DOWN TO THE FACT THAT THE CITY DID NOT HAVE \$18 MILLION. THEY WERE ALREADY PAYING SOME OF THE MOST EXORBITANT AND THE HIGHEST WATER RATES IN THE COUNTRY. WE HAVE LITIGATION PENDING NOW FROM THE CUSTOMERS WHO ARE FIGHTING THE RATES FOR THE WATER, EVEN BEFORE THE CONTAMINATION ISSUE, SIR.

William Clay Sr.:

OKAY. GOING ALONG WITH YOUR LINE OF THINKING, THEN, WHERE DOES -- WHEN DO WE SAY, OKAY, PUBLIC HEALTH AND SAFETY MATTERS. AND IT'S THE RESPONSIBILITY OF THE STATE OF MICHIGAN OR THE EPA TO STEP IN AND SAY WE ARE ENDANGERING LIVES. WE ARE DAMAGING PEOPLE FOR THE REST OF THEIR LIVES. AND WHEN DOES THAT OCCUR?

Darnell Earley:

FROM DAY ONE, SIR. FROM DAY ONE.

William Clay Sr.:

YEAH, BUT YOU DIDN'T DO IT.

Darnell Earley:

THE ISSUES OF LEAD CONTAMINATION CAME OUT IN 2015. THEY CAME OUT AFTER THAT. WE WERE -- THE ISSUES WE WERE DEALING WITH IN TERMS OF CONTAMINATED WATER WERE THE TTHMs, THE E. COLI, AND THE COLIFORM MATERIALS THAT WERE FOUND IN THE WATER. AND THAT WAS A RESULT OF THE DISTRIBUTION SYSTEM AGE. IT WAS THE RESULT OF THE NUMBER OF WATERMAIN BREAKS THAT WE HAD AT THAT PARTICULAR TIME. I MEAN, THIS WAS A PERFECT STORM FOR THINGS TO HAPPEN WHILE WE WERE SWITCHING FROM ONE WATER SOURCE TO ANOTHER, BUT WE TRIED TO MANAGE THOSE.

William Clay Sr.:

WELL, I MEAN, BUT DIDN'T COMMON SENSE TELL YOU WHAT GENERAL MOTORS DID WHEN THEY CHANGED THE WATER SYSTEM THAT THEY WERE USING BECAUSE IT WAS RUSTING THE PARTS? WHAT DID THAT SAY TO YOU?

Darnell Earley:

WHAT WE WERE TOLD REGARDING THAT SITUATION WAS BECAUSE OF THE RAW NATURE OF THE MACHINED PARTS THAT GENERAL MOTORS WAS PRODUCING, THE TREATMENT MATERIALS WE WERE PUTTING IN TO TREAT THE WATER WAS INDEED HAVING A NEGATIVE IMPACT ON THEIR PRODUCTS, BUT IT DID NOT CORRELATE TO A NEGATIVE IMPACT ON CONSUMPTION OF THE WATER, ACCORDING TO THE MDEQ.

William Clay Sr.:

MR. CHAIRMAN, FOR THE RECORD, I HAVE A LETTER IN RESPONSE FROM -- SIGNED BY DARNELL EARLEY, REJECTING DETROIT WATER'S OFFER TO CHANGE BACK. SO MAKE THIS PART OF THE RECORD TOO.

Jason Chaffetz:

WITHOUT OBJECTION, SO ORDERED.

William Clay Sr.:

AND I YIELD BACK.

Jason Chaffetz:

BEFORE THE GENTLEMAN YIELDS BACK, MR. EDWARDS, I'LL GIVE YOU AN OPPORTUNITY TO RESPOND TO THIS INQUIRY AS WELL. DID YOU HAVE SOMETHING YOU WANTED TO – IT SOUNDED LIKE YOU WANTED TO COMMENT. GENTLEMAN YIELDS BACK. I'M NOW ACTUALLY RECOGNIZING MYSELF FOR FIVE MINUTES.

MS. HEDMAN, WHEN DID YOU FIRST KNOW THERE WAS A PROBLEM ABOUT WATER IN FLINT?

Susan Hedman:

THE FIRST TIME I WAS BRIEFED WAS DECEMBER OF 2014. I WAS BRIEFED ON THE TTHM ISSUE, THE DISINFECTION BYPRODUCT ISSUE. MY STAFF HAVE INSTRUCTIONS THAT, WHEN THERE'S A SIGNIFICANT VIOLATION IN A SYSTEM, TO BRING IT TO MY ATTENTION AND THEY BRIEFED ME SHORTLY BEFORE --

Jason Chaffetz:

YOU KNEW ABOUT IT IN 2014. WHEN DID YOU HAVE YOUR FIRST CONVERSATION WITH MAYOR WALLING?

Susan Hedman:

MY FIRST CONVERSATION ABOUT TTHM, ABOUT THE DISINFECTION BYPRODUCTS, OCCURRED IN LATE FEBRUARY. HE REQUESTED A DRINKING WATER EXPERT IN THAT AREA, AND I SUPPLIED HIM WITH AN EXPERT FROM THE EPA LAB IN CINCINNATI.

Jason Chaffetz:

SO, MR. WALLING, YOU WENT ON TELEVISION IN JULY OF 2015 AND TOLD EVERYBODY THAT IT WAS SAFE TO DRINK THE WATER. DID YOU JUST DO THAT ON YOUR OWN? OR WHO TOLD YOU THAT THAT WAS A VIABLE THING TO SAY?

Dayne Walling:

THE MDEQ HAD REPEATEDLY PROVIDED ASSURANCES, THAT WE HEARD OVER AND OVER AGAIN IN OUR TECHNICAL ADVISORY MEETINGS, DISCUSSIONS WITH STAFF, THAT THE WATER WAS MEETING THE STANDARDS, THAT IT WAS SAFE TO DRINK.

Jason Chaffetz:

DID YOU HAVE A DISCUSSION WITH THE EPA?

Dayne Walling:

DR. HEDMAN AND I SPOKE AROUND THAT TIME AFTER THE DEL TORAL MEMO WAS PROVIDED TO ME IN FLINT.

Jason Chaffetz:

WHAT DID SHE SAY?

Dayne Walling:

AND IT WAS EXPLAINED TO ME THAT THAT MEMO WAS UNDER REVIEW. THAT THE SCOPE OF THE PROBLEM WAS BEING ASSESSED. AND MY UNDERSTANDING AT THE TIME WAS THIS WAS LIMITED TO VERY PARTICULAR CASES BECAUSE OF WHAT WAS THERE FOR LEAD SERVICE LINES AND PLUMBING IN INDIVIDUAL HOUSES.

Jason Chaffetz:

MR. EDWARDS, WHAT'S YOUR TAKE ON THAT?

Marc Edwards:

WELL, THE E-MAIL IS VERY CLEAR FROM MS. HEDMAN THAT SHE APOLOGIZED FOR MR. DEL TORAL'S MEMO, AND MR. WALLING ASKED HER IF THERE WAS ANYTHING THAT SHOULD BE OF CONCERN TO FLINT RESIDENTS. AND SHE SAID FRANKLY, NO.

Jason Chaffetz:

MS. HEDMAN, WHY DID YOU DO THAT?

Susan Hedman:

I DIDN'T APOLOGIZE FOR THE MEMO. I APOLOGIZED FOR TAKING ALL DAY TO GET BACK TO THE MAYOR, AND THAT IS BECAUSE I WAS OUT OF THE OFFICE FOR A MEDICAL PROCEDURE. AND IN FACT --

Jason Chaffetz:

SO THAT WAS ONE DAY.

Susan Hedman:

AND, IN FACT, DURING THE ENTIRE TIME PERIOD THAT DR. EDWARDS IMAGINES I WAS COVERING UP DATA AND SILENCING SCIENTISTS, I WAS ACTUALLY OUT OF THE OFFICE. I DID NOT RETURN UNTIL JULY 13th. DURING THAT TIME PERIOD, MY DEPUTY, BOB KAPLAN, WHO DR. EDWARDS DESCRIBES AS ONE OF THE GOOD GUYS, WAS ACTUALLY IN CHARGE OF THE OFFICE.

Jason Chaffetz:

SO, MR. EDWARDS, THIS MEMO FROM MR. DEL TORAL IS PRETTY COMPREHENSIVE, IS IT NOT? DOES IT TACKLE THE ISSUE? DOES IT INFORM THEM AS TO THE HEALTH OF THIS WATER?

Marc Edwards:

YES. IT POINTS OUT THAT FLINT'S NOT BEING PROTECTED BY FEDERAL LAW AND THAT PUBLIC HEALTH IS IN DANGER.

Jason Chaffetz:

WHEN SHOULD THAT INFORMATION HAVE BEEN RELEASED?

Marc Edwards:

HAD EPA JUST STAYED SILENT AND NOT APOLOGIZED FOR THE MEMO TO MR. WALLING AND TOLD MR. WALLING THAT MR. DEL TORAL WAS ACCURATE IN WHAT HE SAID, I DOUBT MR. WALLING WOULD HAVE GONE ON TV TO DRINK THE WATER AND TELL FLINT RESIDENTS IT WAS SAFE.

Jason Chaffetz:

IS THAT TRUE, MR. WALLING? WERE YOU TALKED OUT OF IT? I MEAN, THE MEMO COMES OUT. YOU'RE GETTING INQUIRIES FROM NEWS ORGANIZATIONS, THE ACLU, AND OTHERS SAYING, HEY, WHAT ARE YOU DOING ABOUT THIS? AND YOU GO ON TELEVISION AND SAY IT'S SAFE.

Dayne Walling:

I DID TRUST THE GUIDANCE THAT I WAS RECEIVING, AND THAT'S WHAT I REGRET IN THIS, LOOKING BACK. BUT I DELIBERATELY REACHED OUT. I ASKED THE WHITE HOUSE OFFICE OF INTERGOVERNMENTAL AFFAIRS FOR A POINT OF CONTACT IN THE EPA. THIS IS WHILE THE CITY OF FLINT WAS STILL UNDER EMERGENCY MANAGE, BECAUSE I WANTED TO DOUBLE-CHECK ON WHAT WE WERE HEARING FROM THE STATE REGULATORS. AND WHEN WE'RE HEARING ESSENTIALLY THE SAME THING FROM THE STATE AND THE FEDERAL REGULATORS, THEN I RELIED ON THAT INFORMATION AND THAT'S WHAT I --

Jason Chaffetz:

SO WHAT DID THE WHITE HOUSE ASK YOU TO DO? THEY ASKED YOU TO COMMUNICATE WITH WHO?

Dayne Walling:

NO. I ASKED THE WHITE HOUSE --

Jason Chaffetz:

RIGHT.

Dayne Walling:

--FOR A POINT OF CONTACT AND ONCE --

Jason Chaffetz:

AND THE WHITE HOUSE DIRECTED YOU TO --

Dayne Walling:

DR. SUSAN HEDMAN

Jason Chaffetz:

AND THAT'S WHERE -- HOW LONG DID IT TAKE BEFORE THE EPA FINALLY CONFIRMED, CAME BACK AND SAID, YEAH, THAT DEL TORAL REPORT IS ACCURATE? THEY DIDN'T, DID THEY? THEY NEVER DID. THAT'S THE POINT. YOU LEFT OFFICE. YOU WERE THERE FOR MONTHS AND MONTHS AND MONTHS, AND THEY NEVER DID COME BACK AND ACTUALLY CONFIRM IT. MR. EDWARDS, IS THAT CORRECT?

Marc Edwards:

THAT'S CORRECT.

Jason Chaffetz:

MS. HEDMAN, YOU WERE IN OFFICER. YOU WERE THERE BEING PAID BY THE TAXPAYERS UNTIL JANUARY, LATE JANUARY OF 2016. WHY DID IT TAKE YOU SO LONG?

Susan Hedman:

MR. DEL TORAL'S MEMO ACTUALLY DEALT WITH LEAD AT ONE RESIDENCE AND TWO NEIGHBORING RESIDENCES, AND THE CONCLUSION OF THE FINAL VERSION OF HIS MEMO WAS THAT THE PROBLEM HAD BEEN CAUSED BY A PHYSICAL DISTURBANCE OF A LEAD SERVICE LINE AND THAT IT WAS PARTICULAR TO THAT HOUSEHOLD.

Jason Chaffetz:

MR. EDWARDS, THIS IS NOT A REPORT ABOUT ONE HOUSE, WAS IT?

Marc Edwards:

MR. DEL TORAL CLEARLY POINTED OUT THAT FLINT WAS NOT BEING PROTECTED BY FEDERAL CORROSION CONTROL LAWS, PERIOD, AND THAT THE PUBLIC HEALTH OF AN ENTIRE CITY WAS IN DANGER.

Jason Chaffetz:

THIS IS WHERE YOU'RE FUNDAMENTALLY AND TOTALLY WRONG, MS. HEDMAN. AND IF YOU DON'T RECOGNIZE THAT NOW, WE'RE IN MID MARCH 2016 AND YOU STILL DON'T GET IT. YOU STILL DON'T GET IT, AND NEITHER DOES THE EPA ADMINISTRATOR. YOU SCREWED UP AND YOU MESSED UP PEOPLE'S LIVES.

Susan Hedman:

MR. CHAIRMAN, MR. DEL TORAL --

Jason Chaffetz:

NO, NO, THE AUDIENCE, PLEASE. MS. HEDMAN?

Susan Hedman:

MR. DEL TORAL WAS JUST ONE OF SEVERAL PEOPLE AT REGION 5 WHO WERE CONCERNED ABOUT THE FAILURE TO IMPLEMENT CORROSION CONTROL AND HAD BEEN COMMUNICATING TO MDEQ AT HIGHER AND HIGHER LEVELS OF EPA MANAGEMENT.

Jason Chaffetz:

THIS INFORMATION WAS OUT THERE PUBLICLY. IT HAD BEEN RELEASED. YOU DIDN'T LIKE IT, DID YOU? DID MR. DEL TORAL -- IF SOMEBODY RELEASED THAT REPORT, DID HE DO THE RIGHT THING OR NOT DO THE RIGHT THING?

Susan Hedman:

I DON'T BELIEVE HE RELEASED THE REPORT.

Jason Chaffetz:

OKAY.

Susan Hedman:

I THINK WE NEED TO BE CLEAR THAT THERE WAS –

Jason Chaffetz:

WAS THAT THE RIGHT THING FOR THAT REPORT TO GO PUBLIC?

Susan Hedman:

THERE WERE THREE REASONS WHY EPA COULD NOT RELEASE THAT REPORT.

Jason Chaffetz:

WHAT ARE THOSE?

Susan Hedman:

THE FIRST IS THAT IT CONTAINED PERSONALLY IDENTIFIABLE INFORMATION, HEALTH INFORMATION, AND THAT KIND OF INFORMATION IS NOT SOMETHING THAT WE COULD RELEASE. AND SO BEFORE A REPORT IS RELEASED, THAT IS TYPICALLY REDACTED BY OUR OFFICE OF REGIONAL --

Jason Chaffetz:

OKAY. SO A BLACK PEN WOULD TAKE TEN SECONDS OR SO?

Susan Hedman:

RIGHT.

Jason Chaffetz:

YEAH? OKAY. KEEP GOING.

Susan Hedman:

AND SECONDLY, THE MATERIAL IN THE REPORT INCLUDED ENFORCEMENT-SENSITIVE INFORMATION, AND WE DO NOT RELEASE THAT TO THE TARGETS OR TO THE GENERAL PUBLIC. AGAIN, THAT WOULD HAVE BEEN A REDEACTION ISSUE. AND THEN, ADDITIONALLY, THERE WAS DATA IN THE REPORT THAT WE NEITHER COLLECTED NOR ANALYZED, AND IT NEEDED TO GO THROUGH A KIND OF STANDARD QA/QC. I DIRECTED THAT THAT BE DONE AS SOON AS POSSIBLE. IT WAS MY EXPECTATION THAT THE REPORT COULD BE FINALIZED AND PUT IN A FORM THAT COULD BE PUBLICLY RELEASED BEFORE THE REPORTER HAD TO FILE HIS STORY. THAT WAS MY EXPECTATION AT THE TIME.

Jason Chaffetz:

AND IT TOOK SEVEN MONTHS. MR. EDWARDS, YOUR REACTION TO HER COMMENTS.

Marc Edwards:

I'M JUST IN DISBELIEF.

Jason Chaffetz:

MY TIME IS WELL EXPIRED. WE'LL NOW RECOGNIZE THE GENTLEMAN FROM VIRGINIA, MR. CONNOLLY, FOR FIVE MINUTES.

Gerry Connolly:

THANK YOU, MR. CHAIRMAN. YOU KNOW, I WAS IN LOCAL GOVERNMENT, MR. EDWARDS, FOR 14 YEARS IN VIRGINIA, AND MY POINT OF CONTACT ON THE ENVIRONMENT ALMOST ALWAYS WAS THE DEPARTMENT OF ENVIRONMENTAL QUALITY. I THOUGHT YOU GAVE A VERY ELOQUENT, PASSIONATE, AND SUITABLY OUTRAGED OPENING STATEMENT, BUT YOU FOCUS ON EPA ALMOST EXCLUSIVELY IN THAT STATEMENT.

BUT WHEN WE ACTUALLY GET TO HOW GOVERNMENT WORKS AND WHAT THE MECHANICS OF IT ARE, A LOCAL GOVERNMENT RELATES FIRST TO THE DEQ. AND THE ENVIRONMENTAL PROTECTION AGENCY DOESN'T RUN WATER AUTHORITIES AROUND THE COUNTRY. IT REQUIRES - - IT RELIES ON THE STATE DEQ. AND I JUST -- YOU KNOW, I'VE HEARD A LOT OF TALK ABOUT LET'S NOT FINGER-POINT. BUT WE DO NEED TO GET TO THE BOTTOM OF THIS AND HOW IT WORKS.

AND I DON'T THINK THIS IS EPA'S FINEST MOMENT, BUT I, FOR ONE, COMING FROM LOCAL GOVERNMENT FOR 14 YEARS, AM NOT GOING TO LET THE LOCAL DEQ OFF THE HOOK BECAUSE IT SOUNDS BETTER FOR ONE POLITICAL PHILOSOPHY TO TRY TO SHIFT THIS ENTIRE BLAME ONTO THE FEDERAL GOVERNMENT. THERE'S PLENTY OF BLAME TO GO AROUND, BUT I DON'T WANT TO BE AN ENABLER TO AVOID GETTING TO THE BOTTOM OF WHAT HAPPENED AND WHO LET IT HAPPEN.

LET ME JUST SAY, MR. EARLEY. YOU SAID THAT IT WAS YOUR SUCCESSOR WHO DECLINED THE OFFER OF DETROIT WATER. BUT MY COLLEAGUE, MR. CLAY, ENTERED INTO THE RECORD A LETTER DATED MARCH 7th, 2014, ADDRESSED TO SUE McCORMICK, DETROIT WATER AND SEWERA DEPARTMENT, SIGNED BY YOU. AND YOU SAY IN THAT LETTER: WE EXPECT THE FLINT WATER TREATMENT PLANT WILL BE FULLY OPERATIONAL AND CAPABLE OF TREATING FLINT WATER. PRIOR TO THE DATE OF TERMINATION IN THAT CASE THERE WILL BE NO NEED FOR FLINT TO CONTINUE PURCHASING WATER SERVICE TO SERVE ITS RESIDENTS AND BUSINESSES AFTER APRIL 17th.

NOW, SUE McCORMICK TOOK THAT LETTER TO BE A REJECTION LETTER OF THE OFFER. DID YOU INTEND IT TO BE A REJECTION LETTER OF THE OFFER?

Darnell Earley:

LET ME RESPOND TO THAT LETTER. THERE WERE TWO VERY DISTINCT LETTERS BACK TO THE DETROIT WATER AND SEWERAGE DEPARTMENT. ONE WAS DRAFTED BY ME BEFORE -- BEFORE THE ISSUES OF LEAD WERE DISCUSSED. THAT'S THE LETTER THAT YOU'RE MAKING REFERENCE TO. AND THERE WAS ANOTHER DRAFTED BY THE SUCCESSOR, MR. AMBROSE, THAT ALSO SAID THE SAME THING.

MY LETTER WAS IN RESPONSE TO THE FACT THAT THE PROJECT WAS ALREADY UNDERWAY, THAT THE CITY HAD INVESTED MILLIONS OF DOLLARS INTO THE NEW WATER SYSTEM, AND THEY WANTED A LONG-TERM WATER AGREEMENT, WHICH WAS NOT FEASIBLE.

Gerry Connolly:

WERE YOU AWARE, WHEN YOU WROTE THIS LETTER, OF CONCERNS ABOUT THE QUALITY OF WATER COMING FROM THE FLINT RIVER?

Darnell Earley:

IN MARCH OF?

Gerry Connolly:

THIS IS MARCH 7, 2014.

Darnell Earley:

THAT WAS BEFORE THE SWITCH. THAT WAS BEFORE THE SWITCH FROM THE DETROIT –

Gerry Connolly:

BUT YOU WERE PLANNING THE SWITCH.

Darnell Earley:

THE SWITCH WAS ALREADY PLANNED WELL BEFORE I GOT THERE.

Gerry Connolly:

I UNDERSTAND.

Darnell Earley:

YEAH.

Gerry Connolly:

WERE YOU AWARE WHEN YOU WROTE THIS LETTER THAT THERE WERE CONCERNS ABOUT THE QUALITY OF THE WATER COMING FROM THE FLINT RIVER?

Darnell Earley:

WE HADN'T SWITCHED YET. WE HADN'T --

Gerry Connolly:

I'M NOT ASKING IN A QUESTION. WERE YOU AWARE? HAD ANYONE BROUGHT TO YOUR ATTENTION --

Darnell Earley:

NO

Gerry Connolly:

--THAT THERE WERE CONCERNS ABOUT THE FLINT RIVER?

Darnell Earley:

NO.

Gerry Connolly:

DID YOU HAVE ANY REASON TO BELIEVE THERE COULD BE WATER QUALITY CONCERNS TAKING WATER FROM THE FLINT RIVER?

Darnell Earley:

I DID NOT, SIR, BECAUSE THE DEQ HAD CERTIFIED THE WATER. THE STATE HAD GIVEN THE PERMITS. ALL OF THE THINGS NECESSARY TO MOVE FORWARD WITH THE PROJECT.

Gerry Connolly:

OKAY. YOUR TESTIMONY TODAY AND OTHER THINGS YOU'VE WRITTEN ARE PRETTY HARSH ABOUT THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, CORRECT?

Darnell Earley:

YES.

Gerry Connolly:

YOU SAY IT MISSED ITS OPPORTUNITY TO IDENTIFY SERIOUS PIPE CORROSION PROBLEMS. YOU SAY THAT IT HAD MULTIPLE EMPHATIC WARNINGS FROM THE EPA. IS THAT CORRECT?

Darnell Earley:

YES.

Gerry Connolly:

ARE YOU -- IS IT YOUR TESTIMONY THAT MDEQ IGNORED WARNINGS FROM THE EPA?

Darnell Earley:

I CAN'T SPEAK TO WHY THEY REACTED THE WAY THAT THEY DID.

Gerry Connolly:

I DIDN'T ASK THAT QUESTION. FACTUALLY, DID THEY -- ARE YOU SAYING, BY SAYING THAT, THAT THEY HAD MULTIPLE EMPHATIC WARNINGS FROM THE EPA, THE CLEAR IMPLICATION OF THAT STATEMENT IS AND THEY IGNORED THEM. IS THAT YOUR TESTIMONY?

Darnell Earley:

NO.

Gerry Connolly:

MS. HEDMAN, THAT STATEMENT THAT THERE WERE MULTIPLE EMPHATIC WARNINGS FROM THE EPA, WHAT IS MR. EARLEY REFERRING TO FROM YOUR POINT OF VIEW?

Susan Hedman:

WHAT DATE IS THE LETTER AGAIN, PLEASE?

Gerry Connolly:

HE SAYS IN HIS TESTIMONY THAT THE MDEQ RECEIVED MULTIPLE EMPHATIC WARNINGS FROM THE EPA

Susan Hedman:

I THOUGHT YOU WERE REFERRING TO THE LETTER. YES, WE --

Gerry Connolly:

NO, I'M NOT REFERRING TO THE LETTER. I'M REFERRING TO MR. EARLEY'S TESTIMONY.

Susan Hedman:

SO IN FEBRUARY OF 2015, EPA INQUIRED ABOUT THE TYPE OF CORROSION CONTROL THAT WAS BEING IMPLEMENTED IN FLINT, AND MY STAFF WAS TOLD THAT FLINT WAS FULLY OPTIMIZED FOR CORROSION CONTROL. IT WASN'T UNTIL APRIL 24th THAT MDEQ ADMITTED TO MY STAFF FOR THE FIRST TIME THAT FLINT WAS NOT PRACTICING CORROSION CONTROL. AND AT THAT TIME, FROM THAT DAY FORWARD AT HIGHER AND HIGHER LEVELS AT EPA, WE REPEATEDLY, EMPHATICALLY, AND URGENTLY TOLD MDEQ THAT IT WAS IMPORTANT TO IMPLEMENT CORROSION CONTROL AS SOON AS POSSIBLE.

Gerry Connolly:

ALL RIGHT. MY TIME IS UP. MR. CHAIRMAN, I WANT TO THANK YOU FOR THE HEARING AND I WANT TO THANK YOU AGAIN FOR THURSDAY'S PLANNED HEARING. IRRESPECTIVE OF OUR POLITICS OR ANYTHING ELSE, THIS IS A CATASTROPHIC FAILURE WITH OUR CITIZENS. AND IF GOVERNMENT EXISTS FOR ANY PURPOSE. IT IS TO PROTECT OUR CITIZENS IN HEALTH AND SAFETY, AND THIS IS A CATASTROPHIC FAILURE IN THAT MISSION.

Jason Chaffetz:

THANK YOU. THE GENTLEMAN YIELDS BACK. WE'LL RECOGNIZE THE GENTLEMAN FROM OHIO,

MR. JORDAN.

Mr. Jordan:

I THANK THE CHAIRMAN AND YIELD MY TIME TO THE GENTLEMAN FROM MICHIGAN.

Jason Chaffetz:

MR. WALBERG, SIR.

Tim Walberg:

I THANK THE GENTLEMAN FROM OHIO. LET'S GO A LITTLE BIT DIFFERENT TRACK. I'D LIKE TO COME BACK TO MS. HEDMAN AGAIN. BUT INITIALLY, AT FIRST, EPA FINALLY ACTIVELY INTERVENED IN FLINT IN LATE JANUARY 2016. MR. EDWARDS, OR DR. EDWARDS, IN THE LAST FEW MONTHS, WHAT STEPS HAVE BEEN TAKEN TO MAKE FLINT'S WATER LEAD-FREE? I SAW YOU THERE SATURDAY. I SAW YOU TALKING WITH RESIDENTS, TALKING ABOUT FILTERS, AND ALL OF THE REST. WHAT STEPS HAVE BEEN TAKEN?

Marc Edwards:

THEY HAVE SWITCHED BACK TO DETROIT WATER. EPA HAS IMPLEMENTED VERY GOOD CORROSION CONTROL EFFECTIVE DECEMBER. WE BELIEVE THE LEAD LEVELS ARE DROPPING DRAMATICALLY, AS THE PIPE COATING IS REESTABLISHED. AND WE ARE CURRENTLY SAMPLING WITH FLINT RESIDENTS LAST WEEK TO SEE HOUSE BY HOUSE HOW MUCH LOWER LEAD LEVELS ARE NOW. AND IT'S OUR HYPOTHESIS THAT LEAD IS ABOUT FOUR TIMES BETTER NOW THAN IT WAS BACK DURING THE HEIGHT OF THE LEAD POISONING INCIDENTS IN FLINT NEIGHBORHOODS.

Tim Walberg:

HOW LONG DO YOU THINK IT WILL TAKE FOR -- REASONABLY SPEAKING, FOR FLINT'S WATER TO BE SAFE?

Marc Edwards:

IN ORDER TO MEET EXISTING FEDERAL STANDARDS, WHICH IS NOT A HIGH BAR, AS I'VE ALREADY SAID, YOU HAVE TO DO A FEDERALLY APPROVED LEAD AND COPPER RULE SAMPLING EVENT THAT

FLINT HAS NEVER DONE IN ITS HISTORY, BECAUSE THEY'VE NEVER SAMPLED THE RIGHT HOMES AND THEY'VE BEEN USING SAMPLING PROTOCOLS THAT MISSED LEAD AND WATER RISKS.

Tim Walberg:

DO YOU HAVE RECORD EVEN OF THOSE HOMES THAT THEY HAVE SAMPLED?

Marc Edwards:

YES, WE DO. BUT THEY DID NOT HAVE LEAD PIPE AS THEY -- AS IS SPECIFIED. LIKE OTHER CITIES AROUND THE UNITED STATES, PHILADELPHIA, IT'S NOW ACKNOWLEDGED, THEY DIDN'T SAMPLE ENOUGH HOMES WITH LEAD PIPE, ACCORDING TO THE REQUIREMENTS OF THE LAW. THIS IS SOMETHING THAT EPA HAS BEEN ALLOWING FOR SINCE 2006.

Tim Walberg:

DO YOU BELIEVE IT'S NECESSARY AND REASONABLE FOR FLINT TO REPLACE ALL OF THE LEAD PIPES?

Marc Edwards:

I THINK THAT WE HAVE TO -- YOU KNOW, OBVIOUSLY THAT'S DESIRABLE. I THINK EVERYONE WANTS THAT TO HAPPEN. NO ONE WANTS IT MORE THAN ME, BUT I THINK WE HAVE TO CONSIDER SERIOUSLY WHAT'S THE SERIOUSLY WHAT'S THE BEST PLACE TO INVEST IN FLINT'S FUTURE TO HELP FLINT GET BACK ON THEIR FEET. THEY HAVE NEEDS IN TERMS OF THE WATERMANS. FLINT HAS MORE WATERMAIN BREAKS PER MILE THAN ALMOST ANY OTHER CITY IN THE UNITED STATES. THAT'S ONE OF THE REASONS THEIR WATERBILLS ARE SO HIGH. SO THERE'S MANY INFRASTRUCTURE NEEDS THAT HAVE TO BE ADDRESSED AND THAT'S WHY I'M IN FAVOR -- ALTHOUGH I DON'T THINK IT DOES ENOUGH, I'M IN FAVOR OF THIS FLINT BILL TO GET MONEY TO FLINT RESIDENTS FOR THEIR INFRASTRUCTURE.

Tim Walberg:

WE HAD HEARD, I BELIEVE, SATURDAY 40 PERCENT WATER BEING WASTED DUE TO BREAKS IN THE LINES, LEAKING OUT. THAT'S AMAZING. AND THEN YOU'RE TALKING ABOUT PEOPLE HAVING TO PAY THOSE WATER BILLS WHEN THEY'RE NOT EVEN GETTING THE WATER, LET ALONE THE WATER BEING SAFE TO DRINK.

LET ME GO BACK TO MS. HEDMAN. IN YOUR TESTIMONY YOU STATED THAT, QUOTE: I RESIGNED IN PART BECAUSE OF THE FALSE ALLEGATIONS ABOUT ME THAT WERE PUBLISHED IN EARLY JANUARY.

YOU SPECIFICALLY CITE A JANUARY 12th DETROIT NEWS ARTICLE TITLED "EPA STAYED SILENT ON FLINT'S TAINTED WATER" IN WHICH MARC EDWARDS IS EXTENSIVELY QUOTE, SAYING THAT THE PEOPLE WHO KNEW ABOUT THE LACK OF CORROSION CONTROL SHOULD HAVE ACTED IMMEDIATELY.

LET ME ASK YOU, IS IT FALSE -- A FALSE ALLEGATION TO SAY THAT PEOPLE WHO KNEW ABOUT THE CONTAMINATED WATER SHOULD HAVE ACTED?

Susan Hedman:

NO. AND WE DID. WE DID. AS SOON AS I LEARNED ABOUT THIS, I OFFERED LEAD EXPERTS TO THE MAYOR AND WE REACHED OUT AGAIN TO MDEQ AND WITHIN THREE WEEKS HAD REACHED AGREEMENT THAT MDEQ WOULD ORDER FLINT TO IMPLEMENT CORROSION CONTROL AS SOON AS POSSIBLE. AND IN THE INTERIM WE ISSUED A STATEMENT --

Tim Walberg:

I THINK MR. DEL TORAL WOULD NOT AGREE WITH THAT. MR. EDWARDS, WHAT'S YOUR POSITION?

Marc Edwards:

SHE DID NOTHING TO PROTECT FLINT'S CHILDREN. NOTHING.

Tim Walberg:

THE ARTICLE ALSO QUOTED MICHIGAN SENATE MINORITY LEADER, JIM ANANICH, OF FLINT WHO SAYS: ANYONE WHO READ HIS MEMO AND FAILED TO ACT SHOULD BE HELD ACCOUNTABLE TO THE FULLEST EXTENT OF THE LAW. THAT'S THE MINORITY LEADER OF THE MICHIGAN LEGISLATURE, MR. ANANICH. IS HE WRONG, MS. HEDMAN?

Susan Hedman:

MR. DEL TORAL'S MEMO CONTAINED THE SAME RECOMMENDATIONS THAT I HAD BEEN RECEIVING FROM OTHERS IN EPA WHO HAD FOLLOWED THROUGH STARTING ON JUNE 10th BEFORE THAT DEL TORAL MEMO WAS --

Tim Walberg:

YET HE WAS DISCIPLINED FOR HIS MEMO.

Susan Hedman:

NO, HE WAS NOT.

Tim Walberg:

HE WAS DISCIPLINED FOR STANDING UP AS A WHISTLEBLOWER

Susan Hedman:

HE WAS NOT.

Tim Walberg:

HE WAS ABSOLUTELY.

Susan Hedman:

HE WAS NOT. HE WAS NOT

Tim Walberg:

MR. CHAIRMAN, WITH THAT DISAGREEMENT, I YIELD BACK.

Jason Chaffetz:

IF THE GENTLEMAN YIELD FIRST, DID YOU MAKE HIM GO THROUGH ETHICS TRAINING?

Susan Hedman:

NO.

Jason Chaffetz:

NO?

Susan Hedman:

NO.

Jason Chaffetz:

YOU REALLY BELIEVE THAT? DID YOU MAKE HIM -- DID YOU LIMIT HIS TRAVEL?

Susan Hedman:

NO.

Jason Chaffetz:

THERE WAS NO DISCIPLINE WHATSOEVER?

Susan Hedman:

NONE WHATSOEVER.

Jason Chaffetz:

IS HE A HERO OR A VILLAIN IN THIS?

Susan Hedman:

HE IS A HERO. AND TO BE CLEAR, I RECOMMENDED HIM FOR EPA'S HIGHEST AWARD.

Jason Chaffetz:

WHEN?

Susan Hedman:

IN ABOUT SEPTEMBER. AND IN HIS TYPICAL MODEST WAY, HE DECLINED TO BE NOMINATED BECAUSE HIS WORK WASN'T FINISHED.

Jason Chaffetz:

YOU NEED TO GO BACK AND READ THE E-MAILS AND THE MEMOS THAT WERE PROVIDED TO US BY THE EPA. BECAUSE THAT IS NOT WHAT WAS HAPPENING WITHIN YOUR ORGANIZATION.

Susan Hedman:

SO --

Jason Chaffetz:

AND YOU WERE ARE IN CHARGE OF THAT ORGANIZATION.

Susan Hedman:

SO I CAN TELL YOU THAT MY DEPUTY, WHO WAS IN CHARGE DURING THE TIME PERIOD THAT YOU'RE CONCERNED ABOUT, GOT WIND OF THAT AND HE WENT DOWN TO THE WATER DIVISION AND PUT AN END TO IT. AND WHEN I CALLED HIM, HE TOLD ME THAT I DIDN'T EVEN HAVE TO TELL HIM. HE TOOK CARE OF IT.

Jason Chaffetz:

DID ANYBODY AT THE EPA DO ANYTHING WRONG?

Susan Hedman:

ARE YOU ASKING ME THE QUESTION IF IN -- IF I COULD DO THIS ALL OVER AGAIN? SOMETHING I WOULD DO --

Jason Chaffetz:

NO. I'M ASKING YOU. YOU WERE IN CHARGE. DID ANYBODY AT THE EPA DO ANYTHING WRONG?

Susan Hedman:

I DON'T THINK ANYONE AT EPA DID ANYTHING WRONG, BUT I DO BELIEVE WE COULD HAVE DONE MORE.

Jason Chaffetz:

WOW. MR CUMMINGS.

Elijah Cummings:

MR. CHAIRMAN, I WANT TO CLEAR -- WELL, MS. HEDMAN, YOU'RE UNDER OATH. YOU UNDERSTAND THAT?

Susan Hedman:

YES.

Elijah Cummings:

AND I THINK -- I JUST WANT TO MAKE SURE YOU ARE CLEAR AS TO WHAT YOU'RE SAYING. BECAUSE I DON'T -- IF YOU'RE NOT CLEAR, I DON'T WANT YOU TO BE SUBJECTED TO SOME KIND OF CRIMINAL INQUIRY. I JUST WANT TO ASK YOU THIS. DID YOU RETALIATE AGAINST MR. DEL TORAL IN ANY WAY?

Susan Hedman:

ABSOLUTELY NOT.

Elijah Cummings:

AND SO YOU SAID SOMETHING JUST A MOMENT AGO. YOU SAID YOUR DEPUTY DID SOMETHING. WHAT WAS THAT? YOU SAID HE CLEARED IT UP. WHAT DID HE CLEAR UP?

Susan Hedman:

SO AFTER I SENT AN E-MAIL TO THE MAYOR -- THE MAYOR REQUESTED THAT WE REACH OUT TO THE REPORTER AGAIN. AND I REPLIED TO THE MAYOR BY SAYING AT THIS POINT I'M NOT INCLINED TO HAVE MY STAFF HAVE CONTACT WITH THE REPORTER. THEY NEED TO FINISH THE REPORT. BECAUSE I DID BELIEVE THEY WOULD BE ABLE TO GET A FINAL REPORT OUT. I UNDERSTAND THROUGH A SERIES OF E-MAILS THAT CAME TO ME LATER, I WOULD SAY AROUND JULY 7th OR 8th, THAT THAT WAS FORWARDED AND INTERPRETED AS SOME SORT OF DIRECTION THAT NOBODY WAS SUPPOSED TO TALK TO REPORTERS. AND WHEN I SAW THAT E-MAIL, I CALLED MY DEPUTY, BECAUSE I WAS CONCERNED ABOUT THE FLAVOR OF THAT INTERPRETATION, AND HE SAID, NO PROBLEM, I'VE ALREADY HANDLED IT.

Elijah Cummings:

THANK YOU, MR. CHAIR.

Jason Chaffetz:

THANK THE GENTLEMAN. WE'LL NOW GO TO THE GENTLEMAN FROM PENNSYLVANIA, MR. CARTWRIGHT, FOR FIVE MINUTES.

Matt Cartwright:

THANK YOU, MR. CHAIRMAN. MR. EARLEY, I WANT TO REVISIT A QUESTION WITH YOU ON THE DECISION ON USING THE FLINT RIVER. YOU SUBMITTED AN OPENING STATEMENT IN WRITING. AM I CORRECT IN THAT?

Darnell Earley:

THAT IS CORRECT, SIR.

Matt Cartwright:

AND I READ IT, IT SAID IT WAS NOT MY DECISION TO USE THE FLINT RIVER, NOR WAS IT A TWO-PRONGED DECISION. YOU SAID THE CONCEPT OF USING THE FLINT RIVER AS AN INTERIM WATER SOURCE WAS INHERENT IN THE CITY COUNCIL'S KWA VOTE AND KURTZ'S MARCH 2013 ORDER. HAVE I READ THAT CORRECTLY?

Darnell Earley:

YES, SIR.

Matt Cartwright:

SO YOU SAID THE DECISION TO USE THE FLINT RIVER WAS INHERENT IN THE CITY COUNCIL'S VOTE. THAT'S AS OPPOSED TO EXPLICIT. IT WAS NOT EXPLICIT, CORRECT?

Darnell Earley:

THAT IS CORRECT, SIR.

Matt Cartwright:

ALL RIGHT. BUT YOU KNOW WHAT? THAT'S NOT WHAT MAYOR WALLING TESTIFIED TO. IN FACT, MAYOR WALLING ALSO SUBMITTED A WRITTEN STATEMENT AND HE SAID ON PAGE FOUR OF NINE: CONTRARY TO THE FACTS, GOVERNOR SNYDER'S OFFICE AND FORMER EMERGENCY MANAGER, DARNELL EARLEY, HAVE STATED AND REPEATED BLATANTLY FALSE CLAIMS THAT I AND THE FLINT CITY COUNCIL MADE THE SWITCH TO THE FLINT RIVER. DID YOU READ THAT? DID YOU HAVE ACCESS TO HIS OPENING STATEMENT?

Darnell Earley:

I DID NOT, SIR.

Matt Cartwright:

OKAY. WELL, HE SAID THAT. AND MR. WALLING, A SIMPLE YES OR NO. DO YOU STAND BY THAT REMARK?

Dayne Walling:

YES.

Matt Cartwright:

THAT'S A YES FOR THE RECORD.

Dayne Walling:

YES.

Matt Cartwright:

ALL RIGHT. SO HERE'S THE POINT, MR. EARLEY. YOU WERE THE ONE WITH THE POWER AT THE TIME. I WOULD LIKE TO CLARIFY YOUR POWERS AS EMERGENCY MANAGER AT THE TIME. I'M GOING TO READ TO YOU THE PASSAGE FROM THE 2012 LAW THAT CREATED THE POSITION OF EMERGENCY MANAGER AND IT SAYS THIS: THE EMERGENCY MANAGER SHALL HAVE BROAD POWERS AND RECEIVERSHIP TO RECTIFY THE FINANCIAL EMERGENCY AND TO ASSURE THE FISCAL ACCOUNTABILITY OF THE LOCAL GOVERNMENT AND THE LOCAL GOVERNMENT'S CAPACITY TO PROVIDE OR CAUSE TO BE PROVIDED NECESSARY GOVERNMENT SERVICES ESSENTIAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE. HAVE I READ THAT CORRECTLY?

Darnell Earley:

THAT IS CORRECT, SIR.

Matt Cartwright:

MR. EARLEY, DO YOU AGREE THAT AS EMERGENCY MANAGER YOU HAD BROAD POWERS?

Darnell Earley:

YES, SIR.

Matt Cartwright:

AND ONCE YOU ISSUED AN OPINION, IT WAS LAW. THE EMERGENCY MANAGER LAW SAYS, QUOTE: AN ORDER ISSUED UNDER THIS SECTION IS BINDING ON THE LOCAL ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES, AGENTS, AND CONTRACTORS. HAVE I READ THAT CORRECTLY?

Darnell Earley:

YES, SIR.

Matt Cartwright:

AND YOU USED THOSE BROAD POWERS TO CUT ABOUT \$18 MILLION FROM THE BUDGET BY MOVING AWAY FROM THE DETROIT WATER TO THE FLINT RIVER, AND THIS WAS THE AGENDA FROM GOVERNOR SNYDER'S OFFICE TO SAVE MONEY. THAT WAS THE EMERGENCY REFERRED TO IN EMERGENCY MANAGER. IT WASN'T AN EMERGENCY IN THE ENVIRONMENT OR IN PUBLIC WATER OR DRINKING SUPPLY. IT WAS AN EMERGENCY ABOUT MONEY. IT WAS A MONEY EMERGENCY MANAGER THAT YOU WERE. IN YOUR TESTIMONY, YOU SAID A PROPOSAL TO STAY ON DETROIT WATER WAS, QUOTE, AN UNSUSTAINABLE FINANCIAL FANTASY. HAVE I READ THAT CORRECTLY?

Darnell Earley:

YES, SIR.

Matt Cartwright:

DID YOU AT ANY TIME USE YOUR BROAD POWERS TO REQUEST ADDITIONAL STATE FUNDS TO HELP FLINT PURCHASE SAFE DETROIT WATER DURING THE TRANSITION TO KWA?

Darnell Earley:

NO, SIR.

Matt Cartwright:

BUT THAT'S EXACTLY WHAT THEY DID AFTER TENS OF THOUSANDS OF PEOPLE WERE POISONED BY LEAD IN THE DRINKING WATER OF FLINT, CORRECT?

Darnell Earley:

YES, SIR.

Matt Cartwright:

MR. EARLEY, IT TOOK A PUBLIC HEALTH CRISIS OF THESE PROPORTIONS WITH THOUSANDS OF VICTIMS FOR FLINT FINALLY TO RECEIVE THE STATE FUNDS IT NEEDED TO PROTECT ITS CITIZENS, DIDN'T IT?

Darnell Earley:

YES, SIR.

Matt Cartwright:

SO I WONDER WHAT ALL THIS SAYS ABOUT THE GOVERNOR OF MICHIGAN. THE EMERGENCY MANAGER LAW SAYS THIS, AND I QUOTE: THE EMERGENCY MANAGER SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. YOU ARE DOING THE GOVERNOR'S BIDDING. IN FACT, I READ THE "DETROIT NEWS" THIS MORNING AND YOUR PASTOR, REVEREND MARLON JENNINGS – THAT'S YOUR PASTOR?

Darnell Earley:

HE IS A PASTOR THAT I DO KNOW FROM THE CITY OF FLINT, YES.

Matt Cartwright:

HE WAS TALKING ABOUT YOU IN TODAY'S PAPER. IT'S UNFORTUNATE THAT HE WAS CAUGHT UP IN THIS QUAGMIRE OF RESPONSIBILITY TO THE GOVERNOR AND HIS POSITION AND AT THE SAME TIME TRYING TO SERVE THE PEOPLE OF FLINT, JENNINGS SAID. QUOTE: IT TURNED OUT THAT THE TWO WERE DIAMETRICALLY OPPOSED. HIS JOB AS EMERGENCY MANAGER IS TO CARRY OUT THE WISHES AND EXECUTE THE PLAN AND PROGRAM OF THE GOVERNOR. DID YOU SEE THAT IN THE PAPER THIS MORNING?

Darnell Earley:

I HAVE NOT SEEN THAT YET, SIR.

Matt Cartwright:

YOU DON'T HAVE REASON TO DISAGREE WITH THE PASTOR, DO YOU?

Darnell Earley:

WELL, I WOULD SAY THAT THE ROLE AS DEFINED THERE IS PRETTY NARROW. IT'S A MUCH BROADER ROLE. I THINK THE REAL GOAL IS TO RETURN THE CITY OR THE SCHOOL DISTRICT BACK TO FINANCIAL SOLVENCY.

Matt Cartwright:

AFTER ALL OF THIS, THE GOVERNOR APPOINTED YOU TO BE EMERGENCY MANAGER OF THE DETROIT PUBLIC SCHOOLS AFTER YOU GOT DONE WITH FLINT, AND YOUR SALARY FOR THAT JOB WAS \$41,000 MORE THAN WHAT YOU MADE IN FLINT. AM I CORRECT IN THAT?

Darnell Earley:

YES.

Matt Cartwright:

IT LOOKS LIKE THE GOVERNOR WAS PLEASED WITH YOUR PERFORMANCE IN FLINT. I YIELD BACK, MR. CHAIRMAN.

Jason Chaffetz:

THANK THE GENTLEMAN. WE'LL NOW RECOGNIZE THE GENTLEMAN FROM NORTH CAROLING, MR. MEADOWS, FOR FIVE MINUTES.

Mark Meadows:

THANK YOU, MR. CHAIRMAN. MS. HEDMAN, LET ME COME TO YOU BECAUSE THE CHAIRMAN AND THE RANKING MEMBER BOTH QUESTION, I GUESS, YOUR LAST ROUND OF TESTIMONY. AND SO IS IT YOUR SWORN TESTIMONY THAT YOU DID NOT DIRECTLY OR INDIRECTLY RETALIATE AGAINST MR. DEL TORAL FOR HIM BEING A WHISTLEBLOWER? IS THAT YOUR SWORN TESTIMONY?

Susan Hedman:

MY SWORN TESTIMONY IS THAT I CERTAINLY DID NOT AND I HAVE NO KNOWLEDGE OF ANYONE IN EPA WHO DID SO.

Mark Meadows:

AND YOU'VE LOOKED VERY CLOSELY AT THAT? BECAUSE WE'VE BEEN LED TO BELIEVE VERY DIFFERENTLY, AND THAT'S WHY I'M GIVING YOU ONE LAST CHANCE TO PERHAPS CORRECT YOUR TESTIMONY HERE TODAY. BECAUSE YOU'RE UNDER SWORN TESTIMONY, AND WE'RE VERY CONCERNED THAT WE GET THE WHOLE TRUTH AND NOTHING BUT THE TRUTH. SO THAT'S -- YOU HAVE NO KNOWLEDGE INDIRECTLY OR DIRECTLY OF ANY RETALIATION THAT CAME AGAINST HIM?

Susan Hedman:

NO.

Mark Meadows:

ALL RIGHT. MR. EDWARDS, YOU'VE WORKED VERY CLOSELY WITH MR. DEL TORAL. HOW WOULD YOU CHARACTERIZE THAT STATEMENT IN LIGHT OF YOUR CLOSE WORKING WITH HIM?

Marc Edwards:

I DON'T THINK MS. HEDMAN UNDERSTANDS THE CLIMATE SHE CREATED AT REGION 5 EPA. EVEN BEFORE MR. DEL TORAL WROTE THAT MEMO, HE TOLD ME THAT HE HAD TO PROTECT FLINT'S CHILDREN WHILE MINIMIZING THE LIKELIHOOD HE WOULD BE RETALIATED AGAINST.

Mark Meadows:

SO DO YOU THINK -- HAD HE SHARED WITH YOU THAT HE'S BEEN RETALIATED AGAINST? IS THAT YOUR BELIEF?

Marc Edwards:

WELL, I MEAN, OBVIOUSLY HE WAS TOLD NOT TO TALK TO ANYONE TO FLINT OR ABOUT FLINT. A DEAL OF SOME SORT WAS MADE BETWEEN EPA AND MDEQ WHERE MDEQ FELT EMBOLDENED TO SAY THAT, QUOTE, THEY HAD HANDLED MR. DEL TORAL, THAT FLINT RESIDENTS WOULD NOT BE HEARING FROM MR. DEL TORAL AGAIN. AND SO THAT'S WHEN WE GOT INVOLVED. I MEAN, I INVESTED \$200,000 OF MY OWN MONEY. A TEAM OF 25 VOLUNTEERS FROM VIRGINIA TECH HAD

TO GO IN AND DEMONSTRATE THAT FLINT RESIDENTS WERE NOT CRAZY AND THAT LEAD IN WATER WAS HIGH.

Mark Meadows:

SO IS IT YOUR TESTIMONY THAT SOMEHOW MR. DEL TORAL WAS HANDLED BY THE EPA AND THE DEPARTMENT OF WATER QUALITY FOR MICHIGAN TO SILENCE HIM IN HIS DEFENSE OF THE CHILDREN OF FLINT, MICHIGAN?

Marc Edwards:

ABSOLUTELY.

Mark Meadows:

MS. HEDMAN, HOW DO YOU RESPOND TO THAT?

Susan Hedman:

I KNOW OF ABSOLUTELY NO EVIDENCE TO SUBSTANTIATE THAT CLAIM.

Mark Meadows:

WELL, LET ME GO A LITTLE BIT FURTHER. BECAUSE SOME OF WHAT YOU KNOW AND WHAT YOU DON'T KNOW IS, I GUESS, THE PROBLEM. BECAUSE YOUR TESTIMONY HERE TODAY SAYS THAT THE EPA HAD NO FAULT. THAT WAS IN YOUR OPENING TESTIMONY. THERE IS NO FAULT.

Susan Hedman:

NO.

Mark Meadows:

AND SO YOU STAND BY, I MEAN, IN LIGHT OF EVERYTHING THAT'S COMING OUT, THAT THERE'S NO FAULT FOR THE EPA ON BEHALF OF THE EPA?

Susan Hedman:

THAT IS NOT WHAT I SAID IN MY TESTIMONY OR IN MY ANSWERS TO THE QUESTIONS TO THE GENTLEMEN.

Mark Meadows:

SO THE EPA IS AT FAULT?

Susan Hedman:

I SAID THAT I THOUGHT WE COULD HAVE DONE MORE.

Mark Meadows:

LISTEN, THAT'S POLITICAL SPEAK. ARE YOU AT FAULT OR NOT? YES OR NO.

Susan Hedman:

IN WHAT RESPECT?

Mark Meadows:

IN ANY RESPECT, I GUESS, MS. HEDMAN. I MEAN, HERE'S THE PROBLEM. IS WE'VE GOT CHILDREN THAT HAVE BEEN HARMED, AND YET WE'RE SITTING HERE EQUIVOCATING OVER WORDS THAT MAY OR MAY NOT ESTABLISH BLAME AND I'M CONCERNED THAT WHAT WE'RE DOING IS WE'RE JUST WIPING OUR HANDS OF IT AND SAYING THAT I HAD NOTHING TO DO WITH IT. IS THAT YOUR TESTIMONY?

Susan Hedman:

IT'S NOT.

Mark Meadows:

ALL RIGHT. SO IS EPA PARTIALLY AT FAULT?

Susan Hedman:

I BELIEVE WE COULD HAVE DONE MORE.

Mark Meadows:

ALL RIGHT. SO LET ME GO ON A LITTLE BIT FURTHER. MR. EDWARDS, IN OUR LAST TIME WHEN YOU WERE HERE BEFORE THIS EXACT SAME COMMITTEE, I ASKED YOU ABOUT A FOIA REQUEST FROM THE EPA BECAUSE YOU HAD GOTTEN LOTS OF INFORMATION FROM MICHIGAN AND ZERO FROM THE EPA. DID YOU EVER GET YOUR FOIA REQUEST RESPONDED TO?

Marc Edwards:

NO. THERE'S STILL OUTSTANDING APPEALS FROM NINE YEARS AGO. THE REQUEST THAT WE HAD FOR FLINT E-MAILS CAME IN ALL REDACTED SO I HOPE --

Mark Meadows:

SO WHEN DID THOSE COME IN? WHEN DID THOSE COME IN? THE DAY AFTER THE HEARING?

Marc Edwards:

I DID GET ONE FOIA THE DAY AFTER THE HEARING.

Mark Meadows:

ISN'T IT AMAZING HOW IT TAKES A CONGRESSIONAL HEARING TO HAVE THE FEDERAL LAW ADHERED TO SO -- AND IT'S REDACTED?

Marc Edwards:

THE E-MAILS IN RELATION --

Mark Meadows:

MORE THAN PERSONAL INFORMATION. OBVIOUSLY WE WANT TO REDACT PERSONAL --

Marc Edwards:

THE E-MAILS THAT WE REQUESTED ABOUT THE FLINT WATER CRISIS FROM EPA WERE ALMOST 90 PERCENT REDACTED IN TERMS OF DELIBERATIVE, ATTORNEY-CLIENT PRIVILEGE, OR UNRESPONSIVE. EVERY -- EVERYTHING VIRTUALLY WAS REDACTED FROM THOSE E-MAILS.

Mark Meadows:

MS. HEDMAN, I MEAN, SO REDACTING ALL OF THAT -- NORMALLY WHEN WE REDACT IT'S FOR NATIONAL SECURITY CONCERNS. DO YOU THINK THE EPA HAS NATIONAL SECURITY CONCERN HERE?

Susan Hedman:

I'M NOT FAMILIAR AT ALL WITH THE E-MAILS.

Mark Meadows:

I YIELD BACK.

Jason Chaffetz:

BEFORE THE GENTLEMAN YIELDS BACK, THE GENTLEMAN FROM --

Elijah Cummings:

NO. I WAS GOING TO TAKE MY TURN.

Jason Chaffetz:

OH, OKAY. NOW RECOGNIZES THE --

Elijah Cummings:

THANK YOU VERY MUCH WERE MR. CHAIRMAN. I WANT TO GO BACK. I WANT TO FOLLOW UP ON SOME OF THE THINGS THAT MR. MEADOWS SAID. THE CHAIRMAN INTRODUCED, MS. HEDMAN, A DOCUMENT. IT'S AN E-MAIL, AND IT'S PERSONAL E-MAIL EXHIBIT 6. IS THAT RIGHT? ANYWAY, MR. DEL TORAL IS WRITING A LETTER TO SOMEONE NAMED RITA BEAR. DO YOU KNOW RITA BEAR?

Susan Hedman:

SHE WORKS IN THE REGION 5 WATER DIVISION.

Elijah Cummings:

AND SO HE HAD BEEN DENIED AN OPPORTUNITY TO GO TO MILWAUKEE FOR SOME KIND OF CONFERENCE. AND THIS IS WHAT KIND OF STRUCK ME, AND IT KIND OF BEARS OUT WHAT THE CHAIRMAN AND MR. MEADOWS HAVE BEEN GETTING TO. IT SAYS: I TOLD YOU ABOUT THIS PROJECT DURING THE CHECK-INS AS WELL AS IN MY PERFORMANCE REVIEW SO I'M NOT SURE WHAT YOU INTEND BY YOUR MESSAGE.

THIS IS THE PIECE THAT GETS ME. IT ALMOST SOUNDS LIKE I'M TO BE STUCK IN A CORNER HOLDING UP A POTTED PLANT BECAUSE OF FLINT. ONE MISSTEP IN 27-PLUS YEARS HERE AND PEOPLE LOSE THEIR MINDS. WHY DO YOU THINK HE SAID THAT?

Susan Hedman:

FIRST OF ALL –

Elijah Cummings:

IT SOUNDS LIKE HE FEELS LIKE HE'S BEING RETALIATED AGAINST.

Susan Hedman:

FIRST OF ALL, I HAD NEVER HEARD OF THAT E-MAIL UNTIL THIS MORNING. AND I AM APPALLED THAT ANYTHING MIGHT HAVE BEEN DONE TO MAKE HIM FEEL THAT WAY.

Elijah Cummings:

YEAH, WELL, I'M KIND OF GLAD YOU QUIT. I'M GLAD YOU RESIGNED. LET ME TELL YOU WHY, AND I'VE TOLD THE CHAIRMAN THIS. THERE'S SOMETHING GOING ON IN THAT REGION 5 THAT WE NEED TO DEAL WITH. AND I DON'T KNOW EXACTLY WHAT IT IS, BUT THERE ARE PROBLEMS. AND I AM DETERMINED TO MAKE SURE THAT WE DO THAT.

YOU KNOW, MR. EARLEY, I GOT TO TELL YOU, I ALMOST VOMITED WHEN I HEARD YOU SAY SOMETHING A MOMENT AGO. YOU SAID THAT, EVEN AFTER YOU FOUND OUT THAT NEWLY MANUFACTURED PARTS WERE STARTING TO RUST OUT BY USING THE FLINT WATER, THAT YOU DIDN'T SEE THAT AS A PROBLEM TO BE -- I MEAN, WAIT A MINUTE NOW. I'M CONFUSED. IF THEY'RE GOING TO RUST OUT, NEWLY MANUFACTURED PARTS, YOU MEAN THAT DOESN'T SEND YOU A WARNING THAT MAYBE HUMAN BEINGS MIGHT BE BEING HARMED? COME ON, NOW.

Darnell Earley:

WELL, AGAIN, I WAS RELYING ON THE INFORMATION THAT I WAS GETTING FROM THE MDEQ AND FROM THE STAFF. I MEAN --

Elijah Cummings:

BUT IF SOMEBODY --

Darnell Earley:

I'M NOT A WATER TREATMENT EXPERT.

Elijah Cummings:

YOU DON'T HAVE TO BE A WATER TREATMENT EXPERT. A 5-YEAR-OLD COULD FIGURE THAT OUT. BUT ANYWAY, LET ME GO ON TO MR. WALLING.

AS YOU KNOW, GOVERNOR SNYDER HAS AGREED TO TESTIFY, MR. WALLING, BEFORE US ON THURSDAY AND I'M LOOKING FORWARD TO THAT AND I REALLY DO THANK THE CHAIRMAN FOR HAVING HIM. IT'S CLEAR THAT THE GOVERNOR HAD A VERY IMPORTANT ROLE TO PLAY IN THE FLINT WATER CRISIS. THE GOVERNOR APPOINTED THE EMERGENCY MANAGERS WHO RAN FLINE DURING THE CRISIS, AND THE GOVERNOR MADE THE BELATED DECISION TO HELP PAY FOR FLINT TO RECONNECT THE DETROIT WATER SYSTEM IN OCTOBER OF LAST YEAR.

MAYOR WALLING, I WANT TO GET YOUR PERSPECTIVE ON HOW THE GOVERNOR HANDLED THE FLINT WATER CRISIS, BECAUSE I WANT TO MAKE SURE WE ADDRESS EVERYBODY WHO MAY HAVE BEEN RESPONSIBLE FOR THIS FIASCO. MAYOR WALLING, WHEN DID YOU FIRST START HAVING SERIOUS CONCERNS ABOUT THE SAFETY OF THE WATER COMING FROM THE FLINT RIVER?

Dayne Walling:

I HAD GROWING CONCERNS AS THE COMPLAINTS WERE COMING IN FROM THE CITIZENS.

Elijah Cummings:

GIVE ME A DATE. GIVE ME A DATE.

Dayne Walling:

THROUGHOUT THE SUMMER OF 2014.

Elijah Cummings:

ALL RIGHT.

Dayne Walling:

AND --

Elijah Cummings:

AND WHEN DID YOU FIRST REACH OUT TO THE GOVERNOR FOR HELP?

Dayne Walling:

I REACHED OUT TO THE GOVERNOR IN JANUARY OF 2015.

Elijah Cummings:

ALL RIGHT. AND IN YOUR JANUARY 18th LETTER YOU WROTE, AND I QUOTE: I AM WRITING TO CONVEY SERIOUS CONCERNS ABOUT WATER QUALITY AND TO REQUEST YOUR SUPPORT FOR MY PROPOSED FLINT WATER IMPROVEMENT PLAN.

MAYOR, WHY DID YOU WRITE THE LETTER TO THE GOVERNOR AND WHAT WERE YOU HOPING TO ACHIEVE?

Dayne Walling:

WELL, I WASN'T SEEING ENOUGH BEING DONE BY THE EMERGENCY MANAGERS IN FLINT TO ADDRESS THIS PROBLEM. I BELIEVE THIS NEEDED TO GO DIRECTLY TO THE GOVERNOR. I OF COURSE DIDN'T KNOW WHAT HIS STAFF WERE TELLING HIM OR NOT. BUT HE NEEDED TO HEAR DIRECTLY FROM ME AS THE MAYOR OF THE CITY WHAT NEEDED TO BE DONE TO PROTECT AND SERVE THE CITIZENS.

Elijah Cummings:

SO LET ME READ AN INTERNAL E-MAIL FROM ONE OF THE GOVERNOR'S SENIOR STAFF COMMENTING ON YOUR REQUEST. HE WROTE, AND I QUOTE: MAYOR WALLING IS SEEKING TO DRAG THE GOVERNOR INTO THE CONFLICT WITH BOTH HANDS, END OF QUOTE. MAYOR WALLING WHAT IS YOUR RESPONSE TO THAT AND WHY DO YOU THINK THE GOVERNOR FOLKS WROTE THAT?

Dayne Walling:

I'VE READ SIMILAR E-MAILS IN WHAT'S BEEN DISCLOSED AND I WAS HIGHLY DISAPPOINTED THAT THE CHIEF ELECTED OFFICIAL FOR THE STATE OF MICHIGAN WOULD VIEW MY CONCERNS AS THE CHIEF ELECTED OFFICIAL FOR THE CITY OF FLINT IN THAT KIND OF MANNER AND THAT STAFF AROUND HIM WOULD BE GIVING HIM THAT COUNSEL. AND HERE'S A COMMUNITY THAT'S ALREADY UNDER THE FINANCIAL MANAGER THAT'S NOW DEALING WITH A TTHM CRISIS AND OTHER ISSUES THAT ARE UNRESOLVED. AND I COME TO THE GOVERNOR WITH A PROFESSIONAL LETTER, COMPREHENSIVE, AND ASKING FOR HIM TO RESPOND TO HELP INVEST, TO COME TO THE CITY OF FLINT AND MEET WITH RESIDENTS --

Elijah Cummings:

I GOT YOU.

Dayne Walling:

--WHICH TOOK HIM A YEAR TO DO.

Elijah Cummings:

I GOT IT. I GET THE GIST OF IT. I DON'T HAVE BUT SO MUCH TIME. YOU SENT ANOTHER LETTER TO GOVERNOR SNYDER ABOUT EIGHT MONTHS LATER ON SEPTEMBER 14th, 2015. IS THAT CORRECT?

Dayne Walling:

YES.

Elijah Cummings:

YOU WROTE, AND I QUOTE: THE COMMUNITY IS HEIGHTENED CONCERNED ABOUT LEAD LEACHING INTO THE WATER FROM OLD SERVICE LINES IN HOME PLUMBING AND ALSO NEEDS TO BE ADDRESSED. SO -- END OF QUOTE.

SO EIGHT MONTHS AFTER YOUR FIRST LETTER, YOU WERE STILL ASKING FOR HELP TO IMPROVE THE SAFETY OF THE WATER IN YOUR COMMUNITY AND STILL NOTHING WAS HAPPENING. MAYOR WALLING, HOW DID YOU FEEL WHEN YOU FOUND OUT THAT THE STATE WAS NOT TREATING THE FLINT RIVER WATER WITH CORROSION CONTROL AGENTS FOR NEARLY A YEAR AND A HALF? HOW DID YOU FEEL?

Dayne Walling:

I WAS JUST STUNNED, BECAUSE THAT HAD BEEN SAID TO ME, I KNOW TO OTHER STAFF, TO OUR COMMUNITY IN PUBLIC FORUMS THAT IT WAS MEETING THE STANDARDS, THAT IT WAS COMPARABLE WITH DETROIT, THAT IT WAS SAFE. WE HAD HEARD THAT TIME AND TIME AND TIME AGAIN. AND THIS WAS FROM THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY THAT WE LOOKED TO FOR THAT GUIDANCE.

Elijah Cummings:

MR. CHAIRMAN, I JUST NEED ONE MORE MINUTE. LET ME READ YOU ANOTHER E-MAIL THAT GOVERNOR SNYDER'S CHIEF OF STAFF, DENNIS MUCHMORE – BY THE WAY, DO YOU KNOW DENNIS MUCHMORE?

Jason Chaffetz:

I DO.

Elijah Cummings:

HE WON'T TALK TO US. OKAY? HE WAS THE CHIEF OF STAFF, BUT HE REFUSED TO TALK TO US. SO MR. MUCHMORE SENT TO THE GOVERNOR SEPTEMBER 2015, HE WROTE AND I QUOTE -- LISTEN TO THIS ONE. QUOTE: FRANKLY, I THINK BOTH KNOW THAT WALLING WENT OUT ON A CYA EFFORT. YOU KNOW WHAT THAT MEANS, RIGHT?

Dayne Walling:

YES, I DO.

Elijah Cummings:

YEAH, COVER IT. DUE TO THE ELECTION BUT OF COURSE CAN'T SAY SO, END OF QUOTE. WHAT'S YOUR REACTION TO THAT E-MAIL?

Dayne Walling:

WELL, IT'S SICKENING. BECAUSE THIS IS WHEN WE'RE GETTING THE RESEARCH RESULTS FROM DR. EDWARDS AND WE'RE LOOKING FOR WAYS TO RESPOND, DESPITE GETTING RESISTANCE. AND TO SUGGEST THAT THAT WAS A POLITICAL MOTIVE ON MY PART WHEN I'M DOING EVERYTHING I CAN, DESPITE THE BUDGETS THAT WE'RE REQUIRED TO FOLLOW, THE CONTRACTS THAT ARE IN PLACE. WE'RE LOOKING FOR ANSWERS. WE'RE LOOKING FOR HELP. AND IT APPEARS THAT THE GOVERNOR'S OFFICE DID THAT ACROSS THE BOARD WITH OUR LOCAL ELECTED OFFICIALS, THAT WE WERE ALL DISCOUNTED FOR SOME -- SOME REASON.

Elijah Cummings:

ALL RIGHT. I GOT TO QUIT NOW. BUT I GOT TO TELL YOU. AS I'M SITTING HERE LISTENING TO ALL OF THIS, IT IS SICKENING, ALL OF IT. I MEAN, THERE IS NO REASON IN 2016 WHERE PEOPLE SHOULD BE -- WHEN THEY TURN ON THEIR FAUCET, SHOULD BE GETTING POISONED WATER. YOU KNOW WHAT? SOMEBODY SAID IT A LITTLE BIT EARLIER. THIS IS LIKE THE POINTING OF THE FINGER. YOU DID IT. YOU DID IT. YOU DID IT. YOU KNOW, WE -- WE --WE ARE SO MUCH BETTER THAN THIS, AND WE HAVE TO BE. THIS CANNOT BE THE NORM. AND I DON'T KNOW WHY THAT IS, BUT I'M TELLING YOU, I THINK THERE'S A LOT OF FAILURES AND I HOPE THAT WE GET TO THE BOTTOM OF IT. THANK YOU, MR. CHAIRMAN.

Jason Chaffetz:

THANK YOU. WE'LL NOW RECOGNIZE THE GENTLEMAN FROM GEORGIA, MR. HICE, FOR FIVE MINUTES.

Jody Hice:

THANK YOU, MR. CHAIRMAN. MR. EDWARDS, LET ME BEGIN WITH YOU. LAST MONTH WHEN YOU WERE HERE, I ASKED YOU SOME VERY POINTED QUESTIONS ABOUT THE EPA'S RESPONSIBILITY AND, QUITE FRANKLY, I AM SHOCKED, STUNNED BY THE AUDACITY OF MS. HEDMAN'S TESTIMONY TODAY. LET'S BEGIN WITH A BRIEF CLIP FROM THE HEARING LAST MONTH.

>>MR. HICE: OKAY, MR. EDWARDS, LET ME GO TO YOU. DO YOU BELIEVE IN ANY WAY THAT THE EPA'S MANAGEMENT OF THIS WHOLE THING HINDERED ITS EMPLOYEES FROM HAVING THE ABILITY TO DO THEIR JOB IN FLINT?

>>MR EDWARDS: ABSOLUTELY.

>>MR. HICE: ABSOLUTELY. OKAY. DO YOU BELIEVE THAT THE EPA'S MANAGEMENT MADE THE LEAD CRISIS IN FLINT WORSE?

>>MR. EDWARDS: ABSOLUTELY.

>>MR. HICE: ABSOLUTELY. WHO AT THE EPA DO YOU FIND FAULT?

>>MR. EDWARDS: SUSAN HEDMAN

>>MR. HICE: PARDON ME?

>>MR. EDWARDS: MS. SUSAN HEDMAN WHO HAD THE MEMO BURIED AND COVERED UP, STOOD SILENT AS MR. DEL TORAL WAS PUBLICLY DISCREDITED FOR HIS WORK. WHEN SHE WAS QUESTIONED BY POLITICIANS FROM ALL PARTIES THROUGH AS LATE AS SEPTEMBER OF THIS YEAR, SHE DISCOUNTED THAT THERE WAS ANYTHING OF CONCERN IN FLINT OCCURRING AT ALL, AND THAT INCLUDES MAYOR WALLING, PEOPLE FROM THE STATE GOVERNMENT, AS WELL AS DEMOCRATIC CONGRESSIONAL STAFF.

>>MR. HICE: OKAY.

THOSE ARE POWERFUL WORDS. AFTER SEEING THIS CLIP, DO YOU STILL STAND BY THOSE STATEMENTS?

Marc Edwards:

YES, I DO. AND I'LL POINT OUT THAT SILENCE ON THE PART OF EPA IS INTERPRETED AS ACQUIESCENCE.

Jody Hice:

ALL RIGHT. WELL, LET'S GO FURTHER THEN, BECAUSE THERE'S BEEN MORE INFORMATION BROUGHT TO THE TABLE TODAY. IS THERE ANYTHING YOU WOULD LIKE TO ADD TO YOUR STATEMENT THAT WE JUST WATCHED, BASED ON TESTIMONIES WE'VE HEARD TODAY?

Marc Edwards:

JUST THAT MR. DEL TORAL'S MISSTEP, AS QUOTED IN HIS E-MAIL, WAS HIS PROUDEST MOMENT AND ONE OF EPAS PROUDEST MOMENTS TOO.

Jody Hice:

A FEW MOMENTS AGO, MS. HEDMAN STATED THAT SHE RESPONDED IMMEDIATELY, AND I NOTICED WHILE SHE WAS SAYING THAT THAT YOU WERE SHAKING YOUR HEAD. IN FACT, WHEN GIVEN THE OPPORTUNITY YOU RESPONDED AUTHORITATIVELY THAT SHE DID NOTHING. YOU SAID IT A COUPLE OF TIMES. SHE DID NOTHING. FIRST OF ALL, DO YOU BELIEVE THAT MS. HEDMAN HAS PROVIDED SOME FALSE TESTIMONY TODAY WHEN YOU ARE SAYING ONE THING AND SHE'S SAYING ANOTHER?

Marc Edwards:

THE BOTTOM LINE IS SHE DID NOTHING IMMEDIATELY TO GET FLINT'S CHILDREN OUT OF HARM'S WAY. AND SHE HAS THAT OBLIGATION. SHE IS THE TOP POLICEMAN IN THE REGION. AND BY REMAINING QUIET, SILENT ABOUT WHAT WAS HAPPENING, SHE WAS ACQUIESCING. SHE WAS ALLOWING MR. WALLING TO BELIEVE THAT MR. DEL TORAL WAS A ROGUE EMPLOYEE THAT DID NOT SPEAK FOR THE AGENCY. MR. WALLING WAS QUOTED IN THE PAPER ON THAT. AT NO POINT DID MS. HEDMAN TELL MR. WALLING THAT MR. DEL TORAL HAD DONE HIS JOB AND THAT MEMO WAS ACCURATE.

Jody Hice:

SO IT'S VERY QUESTIONABLE TO YOU WHEN SHE SAYS THAT SHE ACTED IMMEDIATELY WHETHER OR NOT THAT WAS -- REALLY TOOK PLACE. RANKING MEMBER, MR. CUMMINGS, A FEW MOMENTS AGO STATED THAT, IN ESSENCE, HE SMELLS A RAT IN REGION 5. WAS THE SITUATION AT FLINT THE FIRST TIME THAT YOU HEARD OF PROBLEMS IN THE WAY THAT REGION 5 WAS BEING HANDLED UNDER THE LEADERSHIP OF MS. HEDMAN?

Marc Edwards:

THE FIRST TIME I HEARD OF PROBLEMS WAS WHEN MR. DEL TORAL WAS THINKING ABOUT HOW TO REVEAL THE PROBLEM. MR. DEL TORAL WAS AFRAID THAT HE WOULD BE RETALIATED AGAINST, BUT HE NONETHELESS HAD THE MORAL OBLIGATION TO PROTECT FLINT'S CHILDREN. AND SO IN THAT CLIMATE, TYPE OF ENVIRONMENT, WHAT IS AN EMPLOYEE TO DO? HE TOOK THE BEST COURSE OF ACTION THAT HE COULD TO GET THIS MEMO OUT, BOTH IN THE EPA AND INTO THE HANDS OF MS. WALTERS AND MYSELF. A PRESS STORY WAS WRITTEN ABOUT THIS MEMO, AND EVEN THEN MS. HEDMAN COVERED THIS UP.

Jody Hice:

SO YOU FIRMLY BELIEVE THERE WAS A COVERUP?

Marc Edwards:

NOTHING WAS DONE TO PROTECT FLINT'S CHILDREN.

Jody Hice:

OKAY. LET ME ASK --

Marc Edwards:

UNTIL WE -- UNTIL WE GOT INVOLVED, UNTIL WE STARTED SAMPLING AND I INVESTED \$200,000 AND THIS TEAM OF VOLUNTEERS FROM VIRGINIA TECH DONATED FOUR PERSON YEARS OF EFFORT, THEY NEVER WOULD HAVE INSTALLED CORROSION CONTROL. NEVER.

Jody Hice:

SO IT WOULD STILL BE TAKING PLACE HAD YOU NOT STEPPED --

Marc Edwards:

I BELIEVE SO. I BELIEVE THERE'S NO RECORD THAT MDEQ WOULD HAVE BEEN FORCED TO MEET FEDERAL LAW IN FLINT.

Jody Hice:

OKAY. MR. CHAIRMAN, I SEE MY TIME HAS EXPIRED. THANK YOU.

Jason Chaffetz:

THANK THE GENTLEMAN. NOW RECOGNIZE THE GENTLEWOMAN FROM ILLINOIS, MS. KELLY, FOR FIVE MINUTES.

Robin Kelly:

THANK YOU, MR. CHAIR. I WANT TO THANK THE CHAIRMAN AND THE RANKING MEMBER FOR WORKING TOGETHER TO BRING THOSE RESPONSIBLE FOR THIS CRISIS HERE, AND I WANT TO THANK MR. EDWARDS FOR COMING BACK BEFORE THIS COMMITTEE AGAIN. THE CRISIS IN FLINT IS AN INEXCUSABLE FAILURE AT VARIOUS LEVELS OF GOVERNMENT, BUT WE ALSO HAVE AN OBLIGATION TO LEARN HOW WE CAN PREVENT FURTHER TRAGEDY. FLINT'S WATER CRISIS IS CAUSING LOCAL MUNICIPALITIES AND CITIES TO TAKE A CLOSER LOOK AT THEIR OWN WATER SUPPLY. EVERY DAY I HEAR FROM CONSTITUENTS WHO WANT TO KNOW IF THEIR TOWN'S WATER IS SAFE. I HAVE PREGNANT MOTHERS THAT HAVE CALLED ME FROM FORD HEIGHTS AND FATHERS IN PEMBROKE TOWNSHIP WHO WANT TO KNOW THAT THEIR LOCAL GOVERNMENTS AREN'T MISMANAGING THEIR WATER SUPPLY, GIVEN THE GRAVE PUBLIC HEALTH AND SAFETY DANGERS THAT CAN ARISE. MR. EDWARDS, WHAT WOULD YOU RECOMMEND TO MUNICIPALITIES USING LEAD PIPES OR PIPES WITH LEAD SOLDERING THAT ARE NOW CONCERNED ABOUT THEIR OWN WATER SUPPLY?

Marc Edwards:

WELL, I ACTUALLY APPLAUD AN ACTION EPA TOOK TWO WEEKS AGO TO FINALLY CLOSE SOME OF THE LOOPHOLES IN SAMPLING THAT ALLOW LEAD IN WATER TO BE LOW WHEN YOU COLLECT SAMPLES AND HIGH WHEN PEOPLE DRINK THE WATER. THESE PRACTICES ARE OCCURRING ALL OVER THE COUNTRY AND WE'VE BEEN COMPLAINING ABOUT THEM, SHOUTING ABOUT THEM, FOR TEN YEARS. AND IT TOOK SOMETHING LIKE FLINT BEFORE EPA OFFICE OF DRINKING WATER AND GROUND WATER RELEASED A MEMO THAT WILL BETTER MEET THE INTENT OF THE LEAD AND COPPER RULE.

Robin Kelly:

ANYTHING ELSE YOU WOULD RECOMMEND ALONG THOSE LINES?

Marc Edwards:

ALL'S I'VE EVER WANTED WAS THE ORIGINAL INTENT OF THE LEAD AND COPPER RULE TO BE MET.

Robin Kelly:

AND WHAT ABOUT STATE GOVERNMENTS? WHAT MORE CAN THEY DO?

Marc Edwards:

WELL, YOU KNOW, THE STATE GOVERNMENTS HAD BEEN OPERATING IN THIS CLIMATE THAT EPA CREATED IN WHICH CHEATING WAS CONDONED. AND MDEQ EXPLOITED EVERY ONE OF THOSE LOOPHOLES TO HIDE THE HIGH LEAD IN FLINT'S WATER, EVEN TO THE POINT WHERE THEY WOULD NOT HAVE HAD TO INSTALL CORROSION CONTROL. THAT IS A FACT. IT'S ABSOLUTELY CLEAR IN THE RECORD THEY WERE PASSING THE LEAD AND COPPER RULE USING THESE LOOPHOLES AND THEY WERE USING THAT AS AN EXCUSE TO NOT INSTALL CORROSION CONTROL. AND, IN FACT, THERE IS AN E-MAIL WHERE MR. DEL TORAL ASKED MDEQ TO STOP PREFLUSHING, PRECLEANING THE PIPES THE NIGHT BEFORE SAMPLING. THIS IS SOMETHING WE'VE BEEN SCREAMING ABOUT TO STOP BECAUSE IT CAUSED LEAD POISONING OF CHILDREN IN D.C. IN 2006 TO 2008. AND MDEQ SAID, WELL, IT'S NOT THE LAW YET AND WE'RE NOT GOING TO DO THAT UNTIL EPA MAKES IT THE LAW. AND SO THAT WAS VERY CLEAR IN THE E-MAILS THEY WERE GOING TO USE EVERY SINGLE LOOPHOLE, EVERY TRICK THAT EPA ALLOWED TO HIDE THIS LEAD IN WATER PROBLEM.

Robin Kelly:

THEN FINALLY, WHAT CAN WE DO AS A CONGRESS OR AS A COMMITTEE TO ENSURE THAT GOVERNMENTS OF ALL LEVELS ARE DOING ALL THEY CAN TO PERFORM BASIC FUNCTIONING OF PROVIDING EVERY AMERICAN WITH SAFE DRINKING WATER?

Marc Edwards:

WELL, I THINK THE MOST IMPORTANT THING IS TO CREATE A CLIMATE IN WHICH THE THOUSANDS AND THOUSANDS OF GREAT EMPLOYEES AT EPA ALL ACROSS THE COUNTRY AND AT MDEQS ALL ACROSS THE COUNTRY CAN DO THEIR JOB, WHERE EMPLOYEES LIKE MR. DEL TORAL ARE

ALLOWED TO DO THEIR JOB WITHOUT FEAR OF BEING RETALIATED AGAINST EITHER DIRECTLY OR INDIRECTLY.

Robin Kelly:

THANK YOU. MS. HEDMAN, YOU WERE THE REGION 5 ADMINISTRATOR FOR THE EPA AND PRIOR TO THAT WORKED AS AN ENVIRONMENTAL ATTORNEY IN THE OFFICE OF THE ILLINOIS ATTORNEY GENERAL. DO YOU AGREE WITH MR. EDWARDS ASSESSMENTS?

Susan Hedman:

I AGREE GENERALLY THAT THERE ARE IMPROVEMENTS TO BE MADE IN SAMPLING PROTOCOLS AND IN THE LEAD AND COPPER RULE. AND ALTHOUGH I'M NO LONGER AT EPA, I'M PLEASED TO SEE THAT EPA IS MOVING IN THAT DIRECTION.

Robin Kelly:

OKAY. ONE THING I WOULD LIKE TO SEE THAT WE CONTINUE TO HAVE HEARINGS, LIKE WE DON'T HAVE THESE HEARINGS AND JUST STOP, BUT MAYBE SIX MONTHS FROM NOW OR A YEAR FROM NOW THAT WE CHECK BACK ON FLINT SO THE PEOPLE OF FLINT STILL KNOW THAT WE'RE CONCERNED. OF COURSE THEY KNOW THEY HAVE REPRESENTATIVE LAWRENCE AND KILDEE AND MY COLLEAGUES ON THE OTHER SIDE FROM MICHIGAN, BUT I WANT YOU TO KNOW THAT WE'RE ALL CONCERNED. AND WITH THAT, I YIELD THE REMAINDER OF MY TIME TO RANKING MEMBER CUMMINGS.

Elijah Cummings:

I WANT TO JUST SAY TO THE GENTLE LADY THAT I AGREE WITH YOU THAT WE HAVE TO CONTINUOUSLY FOLLOW UP ON THIS SITUATION. BECAUSE THE THING I DON'T WANT -- EVERY TIME I THINK ABOUT FLINT, I THINK ABOUT KATRINA, TO BE FRANK WITH YOU. AND SO AFTER ALL OF THE CAMERAS ARE GONE AND THE ATTENTION MOVES AWAY, THE QUESTION IS WHERE ARE THE PEOPLE LEFT? WHERE ARE THESE CHILDREN LEFT? AND I KNOW WE TALK A LOT ABOUT CHILDREN, BUT I'M ALSO CONCERNED ABOUT THE ADULTS BECAUSE THEY, TOO, ARE DRINKING THIS WATER. SO I'M SURE THE CHAIRMAN WILL WORK WITH US. I'M LOOKING FORWARD TO THAT SO THAT WE CAN STAY ON TOP OF IT. THANK YOU, SIR.

Jason Chaffetz:

ABSOLUTELY. I CONCUR AND I APPRECIATE THE GENTLEWOMAN'S QUESTIONS. AND SHE HAS MY COMMITMENT THAT WE WILL CONTINUE TO FOLLOW UP. SO WE'LL NOW RECOGNIZE THE GENTLEMAN FROM WISCONSIN, MR. GROTHMAN, FOR FIVE MINUTES.

Glen Grothman:

SURE. JUST HAVE A FEW QUESTIONS FOR MS. HEDMAN. IT'S GOOD TO FLESH OUT YOUR BACKGROUND, AND I SEE YOU GRADUATED FROM THE UNIVERSITY OF WISCONSIN LAW SCHOOL WITH ME, SO CONGRATULATIONS. I WANT TO FIND OUT A LITTLE BIT ABOUT HOW YOU GOT THE JOB. YOU USED TO WORK FOR LISA ^MADDY DOWN THERE IN ILLINOIS AND YOU SWITCHED OVER TO THIS JOB. CAN I ASK WHY YOU APPLIED FOR THE JOB? WHO LET YOU KNOW THE JOB WAS AVAILABLE? THAT SORT OF THING IN.

Susan Hedman:

I DIDN'T APPLY FOR THE JOB. IN FACT, I ACTUALLY WROTE A NUMBER OF RECOMMENDATIONS FOR OTHER PEOPLE TO TAKE THE JOB. AND WHEN I WAS FIRST APPROACHED, MY ANSWER WAS NO. I, HOWEVER, WAS PERSUADED TO TAKE THE JOB. I WILL TELL YOU THAT ONE OF THE REASONS I WAS HESITANT IS I RECOGNIZED THE HUGE, HUGE PROBLEMS THAT EPA HAS TO DEAL WITH IN A PERIOD OF DECLINING BUDGETS, PARTICULARLY INFRASTRUCTURE BUDGETS, AND IT SEEMED A HUGE TASK TO TAKE ON. BUT I DID.

Glen Grothman:

OKAY. WHO ASKED YOU TO -- WHO APPROACHED YOU ABOUT THE JOB? YOU SAID YOU DIDN'T WANT THE JOB, BUT PEOPLE APPROACHED AND KIND OF BEGGED YOU TO TAKE IT.

Susan Hedman:

I RECEIVED A CALL FROM THE EPA ADMINISTRATOR.

Glen Grothman:

SECRETARY JACKSON?

Susan Hedman:

YES, ADMINISTRATOR JACKSON.

Glen Grothman:

OKAY. MR. EDWARDS, YOU'RE KIND OF FAMILIAR WITH MS. HEDMAN'S BACKGROUND?

Jason Chaffetz:

SORRY. MR. EDWARDS, WE CAN COME BACK TO YOU. HE HAS HIS OWN PERSONAL WATER ISSUE AT THE MOMENT. SO HE'LL BE RIGHT BACK.

Glen Grothman:

WHY DON'T I – SHOULD WE --

Jason Chaffetz:

WE WILL COME BACK TO YOU IF YOU WOULD LIKE. THERE HE COMES. HERE HE COMES. SORRY. HE'S BACK. WE WON'T DOCK YOU THE TIME. GO AHEAD, MR. GROTHMAN.

Glen Grothman:

I'LL DO ONE MORE QUESTION. WHY SPECIFICALLY OR WHAT WAS YOUR BACKGROUND THAT CAUSED SECRETARY JACKSON TO FEEL YOU WOULD BE QUALIFIED FOR THIS JOB?

Susan Hedman:

I UNDERSTAND I HAD BEEN RECOMMENDED BY A NUMBER OF PEOPLE TO HER. I HAVE, AS YOU POINTED OUT, A LAW DEGREE. I ALSO HAVE A Ph.D. IN ENVIRONMENTAL STUDIES, AND I'VE SPENT MY ENTIRE LIFE ESSENTIALLY WORKING TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT, OFTEN REPRESENTING CITIZEN GROUPS LIKE THE GOOD PEOPLE OF FLINT.

Glen Grothman:

OKAY. MR. EDWARDS, WE JUST ASKED A QUESTION OF MS. HEDMAN. ARE YOU FAMILIAR WITH HER BACKGROUND OR COULD YOU COMMENT IN GENERAL ABOUT WHAT YOU FEEL ARE HER QUALIFICATIONS FOR RUNNING DISTRICT 5?

Marc Edwards:

NO, I DON'T KNOW ANYTHING ABOUT HER BACKGROUND.

Glen Grothman:

OKAY. SO IN OTHER WORDS -- OKAY, BACK TO MS. HEDMAN. SO YOU WERE HIRED FOR EPA AT THE SUGGESTION OF MS. JACKSON. OTHER PEOPLE MAY HAVE RECOMMENDED YOU. COULD YOU GIVE ME EXAMPLES OF PEOPLE THAT YOU SAID BROUGHT HER UP AS SOMEBODY -- THAT WOULD CAUSE YOU TO BE A GOOD PERSON IN DISTRICT 5? YOU SAID OTHER PEOPLE RECOMMENDED YOU. DO YOU KNOW WHO THOSE PEOPLE WERE?

Susan Hedman:

I BELIEVE THAT SOME PEOPLE IN ENVIRONMENTAL GROUPS ACTUALLY RECOMMENDED ME FOR THE JOB.

Glen Grothman:

OKAY. I'LL YIELD. WOULD YOU LIKE ME TO YIELD THE REMAINDER OF MY TIME TO YOU?

Jason Chaffetz:

WE'LL COME BACK NEXT, I THINK.

Glen Grothman:

OKAY. I YIELD THE REMAINDER OF MY TIME.

Jason Chaffetz:

THANK YOU. NOW RECOGNIZE THE GENTLEWOMAN FROM MICHIGAN, MS. LAWRENCE, FOR FIVE MINUTES.

Brenda Lawrence:

I WANT TO THANK THE RANKING MEMBER AND THE CHAIRMAN FOR CALLING THIS HEARING. YOU KNOW, I'M A CHILD OF MICHIGAN AND HAVE DEDICATED 25 YEARS OF MY LIFE TO PUBLIC SERVICE. AND THIS ISSUE HAS CREATED ANXIETY, SADNESS, FRUSTRATION, AND RIGHT NOW I HAVE KNOTS IN MY STOMACH. BECAUSE AS MY COLLEAGUES HAVE SAID, WE'RE POINTING THE FINGERS AT EACH OTHER WHERE THIS IS A POINT WHERE EACH OF YOU SHOULD STAND UP AND ACCEPT RESPONSIBILITY. I WANT TO ASK A FEW QUESTIONS. MR. EDWARDS, BECAUSE WE NEED TO FIX THIS PROBLEM. AND I SHARE WITH YOU YOUR FRUSTRATION AND YOUR PASSION ABOUT EPA, AND WE COLLECTIVELY -- BECAUSE EVERYONE IS TALKING ABOUT IS THIS A PARTISAN ISSUE. WE WORK TOGETHER. FIRST OF ALL, WE'RE HERE TODAY BECAUSE WE WORK TOGETHER. THE REPUBLICAN CHAIR AND THE RANKING MEMBER DEMOCRAT AGREE THAT THIS IS SOMETHING THAT'S WORTHY OF A HEARING. AND EPA SHOULD HAVE, AS WE HAVE NOW PASSED A LAW THAT DOES NOT GIVE THEM AN OPTION -- IT WAS A LOOPHOLE AND YOU AGREED TO THAT. LET'S TALK ABOUT THE PRIMACY ISSUE. SO THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY HAS PRIMACY AND THAT MEANS THAT THEY HAVE THE RESPONSIBILITY FOR THE WATER -- PUBLIC WATER SYSTEM. AND SOMETHING THAT WAS INTERESTING TO ME, THEY DID NOT PROVIDE THE CORROSION CONTROL. WHY NOT?

Marc Edwards:

FOR THE LIFE OF ME, I CAN'T FIGURE THIS OUT. THIS IS SUCH A SPECIALIZED SKILL. THAT'S WHY WE HAVE A LAW THAT SAYS THOU SHALT HAVE CORROSION CONTROL. WE HAVE PEOPLE AT STATE, AT THE PRIMACY AGENCY TO MAKE SURE THAT LAW IS FOLLOWED. SO FOR THE LIFE OF ME, I DO NOT UNDERSTAND WHY IT WAS NOT FOLLOWED. BECAUSE EVERY DOLLAR YOU SPEND ON CORROSION CONTROL NOT ONLY PROTECTS CHILDREN FROM LEAD, IT SAVES \$10, A MINIMUM, IN TERMS OF DAMAGE TO YOUR PIPE INFRASTRUCTURE. AND IN FLINT'S CASE, IT WOULD HAVE SAVED \$10,000 PER DOLLAR INVESTED.

Brenda Lawrence:

MR. EARLEY, YOU ARE AN APPOINTEE OF THE STATE. THE MICHIGAN ENVIRONMENTAL DEPARTMENT IS A STATE. CAN YOU TELL ME WHY -- HAVE YOU BEEN ADVISED OR TOLD WHY THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY DID NOT PROVIDE CORROSION CONTROL? WAS IT FINANCIAL? WAS IT, OOPS, WE FORGOT? BECAUSE THERE'S CLEAR DOCUMENTATION THAT EPA, ALTHOUGH THEY DID NOT TELL THE PUBLIC, MADE THEM AWARE,

YOU, IN YOUR CAPACITY AS AN APPOINTEE OF THE STATE, HAS ANYONE MADE YOU AWARE OF WHY THEY DID NOT PROVIDE THE CORROSION?

Darnell Earley:

NO, THAT HAS NOT BEEN BROUGHT TO MY ATTENTION. THE ISSUE OF THE CORROSION CONTROL AND ALL OF THAT CAME PRETTY MUCH AFTER I WAS THERE. AS I TRIED TO SAY EARLIER, THE ISSUES WE WERE DEALING WITH WERE RELATED TO THE TTHM AND THE OTHER CONTAMINANTS

Brenda Lawrence:

AND THAT'S A GOOD POINT. BECAUSE CLEARLY WATER THAT WE DRINK OUT OF OUR FAUCETS DO NOT HAVE THAT IN THERE. SO THERE SHOULD HAVE BEEN COME CHEMICAL ADDED TO THE WATER. IT SOUNDS AS IF THEY WENT TO THE FLINT RIVER AND JUST TURNED ON THE FAUCET. SO WHY – WHY DID THEY NOT PROVIDE, AT MINIMUM, BACTERIA CONTROL?

Darnell Earley:

I CAN'T ANSWER THE REASON WHY THEY DIDN'T.

Brenda Lawrence:

DID ANYONE, WHILE YOU WERE THERE, ASK THAT QUESTION? WHY DID THEY NOT TREAT THE WATER IN FLINT?

Darnell Earley:

THE QUESTIONS THAT WE WERE ASKING DURING MY TENURE WAS HOW TO DEAL WITH THE CONTAMINANTS THAT WE KNEW WERE IN THE WATER, THE TTHM, THE E. COLI, AND THE COLIFORM.

Brenda Lawrence:

AND AT NO TIME DID ANYONE ASK, WHY IN THE CITY OF FLINT, YOU WOULD TURN WATER ON, MAKE IT GO THROUGH THE FAUCETS FOR HUMAN BEINGS TO DRINK, AND THEY ARE EXPERTS, YOU HAVE A WATER TREATMENT SYSTEM, AND NO ONE TREATED THE WATER.

Darnell Earley:

WELL, THE WATER WAS TREATED, BUT THE CORROSION CONTROLS WERE NOT THERE AND THEY WERE NOT PART OF THE DISCUSSIONS.

Brenda Lawrence:

SIR, AT FIRST WE HAD BACTERIA IN THE WATER. YOU DO NOT HAVE BACTERIA IN THE WATER THAT IS TREATED. SO WE'RE TALKING ABOUT THE CORROSION CONTROL. THAT'S FOR THE LEAD. BUT UNDER YOUR LEADERSHIP, IT WAS CONTAMINATED WATER.

Darnell Earley:

UH-HUH. YES.

Brenda Lawrence:

AND NO ONE ASKED THE QUESTION. SO HOW DO WE KNOW HOW TO FIX IT IF NO ONE EVER ASKED WHY WOULD WE IN AMERICA IN 2016, WITH YOU BEING IN CHARGE AND YOU SIGNED THE CONTRACT, REGARDLESS OF WHO INITIATED IT, AND PEOPLE IN FLINT, INCLUDING YOURSELF, KNEW THAT THE WATER THAT WAS DRINKING HAD BACTERIA IN IT, WHICH IS UNACCEPTABLE? AT NO TIME WE ASKED WHY DID THIS HAPPEN?

Darnell Earley:

OF COURSE WE ASKED WHY DID IT HAPPEN AS --

Brenda Lawrence:

AND WHAT WAS THE ANSWER?

Darnell Earley:

AS IT RELATED TO THE ISSUES THAT WE WERE TREATING, WE WERE TOLD THE PROTOCOLS IN WHICH WE TREAT THE CONTAMINANTS THAT WE WERE WORKING WITH, THE TTHM AND THE E. COLI. AND THE COLIFORM TREATMENT. THE ISSUE OF LEAD TREATMENT AND LEAD CORROSION --

Brenda Lawrence:

I'M NOT TALKING ABOUT LEAD. LET'S TALK ABOUT WHEN YOU WERE THERE.

Darnell Earley:

OKAY. WHEN I WAS THERE, WE TREATED FOR THE CONTAMINANTS THAT WERE IN THE WATER. WE FOLLOWED THE DEQ PROTOCOLS FOR BOILING WATER ADVISORIES ON TWO SEPARATE OCCASIONS. WHEN WE STILL HAD PROBLEMS WITH THE WATER AND STILL WERE NOT --

Brenda Lawrence:

IN AMERICA WE DON'T NORMALLY BOIL WATER. WE TURN ON THE FAUCET AND DRINK IT AND TRUST THE GOVERNMENT TO PROVIDE US WITH WATER THAT'S SAFE. IF I WAS RESPONSIBLE FOR THE PUBLIC TRUST, THAT WOULD HAVE BEEN MY NUMBER ONE ANSWER TO MAKE SURE WE DIDN'T HAVE TO KEEP BOILING THE WATER. WHY DID IT HAPPEN?

Darnell Earley:

WELL, WHEN IT HAPPENED THE SECOND TIME, I SOUGHT THE INPUT --

Brenda Lawrence:

THE SECOND TIME?

Darnell Earley:

YES. BECAUSE WE WERE TOLD AFTER WE DID THE THINGS THAT WE HAD DONE BEFORE, WE WERE GIVEN ALL-CLEARs FOR THE WATER AND THAT THE TREATMENT, THE PRECAUTIONARY MEASURES HAD WORKED.

Brenda Lawrence:

I SERVED AS A MAYOR OF A LOCAL COMMUNITY AND THIS IS MY CORE PROBLEM WITH EMERGENCY MANAGEMENT. AT ANY TIME DID YOU HOLD A PUBLIC MEETING WITH THE CITIZENS TO FIND OUT WHAT THEIR CONCERNS WERE? DID YOU HOLD PUBLIC INPUT MEETINGS?

Darnell Earley:

THERE WERE MEETINGS HELD AFTER THE ISSUE OF THE CONTAMINATION WHEN I LEFT IN JANUARY. THERE WERE MEETINGS HELD AFTER THAT.

Brenda Lawrence:

BUT WHILE YOU WERE THERE, YOU DID NOT ENGAGE THE PUBLIC?

Darnell Earley:

WE DID NOT HAVE MEETING --

Brenda Lawrence:

YOU DID NOT ENGAGE THE PUBLIC.

Darnell Earley:

THE WATER STAFF DID ENGAGE THE PUBLIC, AS COMPLAINTS CAME IN, AND WERE A PART OF TRYING TO FIND SOLUTIONS FOR THE PROBLEMS THAT WE WERE DEALING WITH.

Brenda Lawrence:

THIS IS A FUNDAMENTAL PROBLEM WITH THE EMERGENCY MANAGEMENT PHILOSOPHY, IS THAT YOU REPORT ONLY TO A BOTTOM LINE AND TO THE GOVERNOR AND THAT THE VOICE OF THE PEOPLE ARE ELIMINATED IN THIS PROCESS. MR. CHAIR, I KNOW I'M OVER, BUT MAY I ASK ONE MORE QUESTION? I WANT TO ASK THIS QUESTION. WHEN IT COMES TO PRIMACY, SEE, I'M INFURIATED THAT SOMEONE MADE A DELIBERATE DECISION NOT TO TREAT THIS WATER WHEN THE PRIMACY OR THE RESPONSIBILITY OF DRINKING WATER RESTS WITH THE STATE. YES, WE SHOULD HOLD EPA ACCOUNTABLE. WE HAVE PASSED A LAW NOW FROM ALL SIDES, BOTH SIDES, AGREEING THAT THIS SHALL NOT -- IT MUST -- EPA MUST NOTIFY THE PUBLIC AND STOP THE WATER. BUT BEFORE THAT, HOW DO WE GET OUR ARMS AROUND, AS A CONGRESSIONAL BODY, THAT NO STATE WILL TAKE THE ARROGANCE AND THE DESTRUCTIVE CRIMINAL -- I FEEL CRIMINAL ACTIVITY TO POISON PEOPLE? HOW DO WE GET THERE?

Marc Edwards:

I WOULD LIKE TO KNOW THAT QUESTION MYSELF, HOW THIS DECISION WAS MADE TO NOT FOLLOW THE LAW. I MEAN, DID THEY FORGET? WERE THEY TRYING TO SAVE MONEY? I REALLY HAVE NO IDEA.

Brenda Lawrence:

MR. EARLEY, HE SAID HE WAS SITTING THERE IN CHARGE AS THE EMERGENCY MANAGEMENT. YOU DON'T KNOW THE ANSWER. MAYOR WALLING, CAN YOU GIVE ME AN ANSWER?

Dayne Walling:

I DON'T HAVE AN ANSWER, BECAUSE THE INITIAL TREATMENT DESIGN DID NOT INCLUDE THE CARBON FILTER THAT HAD TO BE ADDED. THAT ACTUALLY MEANT THERE WAS ADDITIONAL CHLORINE AND THE TTHM PROBLEM. SO THERE WAS NO CORROSION CONTROL. THERE WAS NO CARBON FILTER. ALL OF THESE WARNINGS SIGNS THAT WERE GOING OFF, THEY ALL GO BACK TO THE ORIGINAL TREATMENT DESIGN THAT THE MDEQ AND THE EMERGENCY MANAGER PUT IN PLACE AND BUDGETED FOR IN JUNE OF 2013, AND WE'RE STILL WAITING ON ANSWERS AS TO HOW THOSE DECISIONS ACTUALLY GOT MADE, WHAT THE CONSIDERATIONS WERE. I DON'T KNOW THE ANSWER.

Brenda Lawrence:

I YIELD BACK MY TIME. THIS IS WHERE WE NEED TO GO, BECAUSE WE CANNOT HAVE THIS HAPPEN AGAIN. THANK YOU.

Jason Chaffetz:

THANK THE GENTLEWOMAN. NOW RECOGNIZE THE GENTLEMAN FROM ALABAMA, MR. PALMER, FOR FIVE MINUTES.

Gary Palmer:

THANK YOU, MR. CHAIRMAN. DR. EDWARDS, IN AN E-MAIL RECENTLY RELEASED TO THE PUBLIC DATED SEPTEMBER 11TH, 2015, EPA'S MICHIGAN PROGRAM DIRECTOR STATES THE FOLLOWING: JUST TO CLARIFY ON OUR CALL, I WANTED TO REMIND YOU THAT MIGUEL'S REPORT HAD THE DEQ CC'D. SO IF THE LEGISLATURE OR WHOEVER MIGHT SAY YOU WERE ALL CC'D, YOU CAN

TRUTHFULLY RESPOND THAT IT WAS THE EPA'S REQUEST THAT THE REPORT NOT BE SENT TO THE CCs. CONSEQUENTLY, YOU ALL NEVER RECEIVED THE REPORT FROM MIGUEL. GOOD TO TALK WITH YOU ALL.

THE PROGRAM DIRECTOR WAS REFERRING TO MIGUEL DEL TORAL'S MEMO THAT HAS RECENTLY BEEN MADE PUBLIC AND IS ADDRESSED TO A NUMBER OF EMPLOYEES WITH EPA.GOV AND MICHIGAN.GOV DOMAIN NAMES. IT APPEARS TO FUNCTION TO INSTRUCT SUCH EMPLOYEES ON A WAY TO CIRCUMVENT PUBLIC AND LEGISLATIVE ACCOUNTABILITY. IT ALSO PORTRAYS GOVERNMENT COLLABORATION TO MANAGE AND SPIN THE SITUATION. WHEN YOU SEE AN E-MAIL LIKE THIS, DR. EDWARDS, WHAT DOES IT TELL YOU ABOUT THE GOVERNMENT PRIORITIZING OBFUSCATION OVER PROTECTING THE PUBLIC INTEREST?

Marc Edwards:

WELL, IT'S VERY CLEAR THAT MDEQ AND EPA WERE WORKING HAND IN HAND TO COVER THIS PROBLEM UP, AS REFLECTED BY THAT E-MAIL WITH JENNIFER CROOKS, AND THIS REVISIONIST HISTORY WHERE EPA WAS FIGHTING MDEQ EVERY STEP OF THE WAY IS JUST LUDICROUS.

Gary Palmer:

WHAT DOES THIS E-MAIL TELL YOU ABOUT THE EPA'S CONTINUED DISREGARD FOR MR. DEL TORAL'S WARNINGS?

Marc Edwards:

I JUST DON'T KNOW HOW YOU COULD HAVE DISREGARDED THOSE WARNINGS AS THEY DID. THEY JUST SAT THERE SILENT.

Gary Palmer:

WELL, THERE HAS GOT TO BE A REASON FOR WHY THEY DIDN'T WANT HIS WARNINGS TO GET OUT THERE, WHY THEY WANTED TO APPARENTLY GIVE COVER.

Marc Edwards:

THEY PROVIDED ALL KINDS OF COVER FOR MDEQ AT EVERY STEP OF THE WAY. EVERY STEP OF THE WAY EPA WAS THERE COVERING UP FOR MDEQ.

Gary Palmer:

DO YOU BELIEVE IT PROVIDES COVER, THAT A MEMO LIKE THAT WAS INTENDED TO PROVIDE COVER?

Marc Edwards:

MDEQ ACTUALLY TOOK HER ADVICE. IN THE LETTER RESPONDING TO KILDEE, THEY BASICALLY CITED THAT EXCUSE VERBATIM.

Gary Palmer:

DO YOU BELIEVE THIS E-MAIL SHOWS, AT A MINIMUM, A CALLOUS DISREGARD FOR PUBLIC SAFETY?

Marc Edwards:

AMONGST A FEW EPA EMPLOYEES. THE VAST MAJORITY OF THE EPA EMPLOYEES AT REGION 5 COME TO WORK EVERY DAY AND DO THEIR BEST TO DO THEIR JOB UNDER DIFFICULT CIRCUMSTANCES.

Gary Palmer:

I THANK YOU FOR THAT CLARIFICATION, BECAUSE I AGREE WITH YOU THAT MOST – AND I BELIEVE THIS IS TRUE ACROSS THE BOARD WITH FEDERAL EMPLOYEES. THEY COME TO WORK EVERY DAY TO DO THE BEST JOB THEY CAN, BUT IT'S THAT HANDFUL WHO DON'T THAT CREATE PROBLEMS LIKE THIS AND THAT CAUSE INCREDIBLE SUFFERING FOR THE PUBLIC. MS. HEDMAN, FOLLOWING – OR I SHOULD, I GUESS, REFER TO YOU AS DR. HEDMAN. FOLLOWING UP ON THE QUESTIONS POSED EARLIER REGARDING OUTSTANDING FOIA REQUESTS, THE E-MAIL I READ TO DR. EDWARDS SHOWS THE EPA MICHIGAN PROGRAM DIRECTOR, YOUR FORMER COLLEAGUE, E-MAILING OTHER EPA AND MICHIGAN EMPLOYEES TO THEIR OFFICIAL ACCOUNTS TO PROVIDE THEM COVER FROM THE LEGISLATURE OR WHOEVER, WHO MIGHT THEORETICALLY ASK ABOUT THEIR EXPOSURE TO MR. DEL TORAL'S MEMO.

IS IT WORTH NOTING -- IT IS WORTH NOTING THAT THE PROGRAM DIRECTOR SENT THIS FROM HER PERSONAL GMAIL ACCOUNT TO THEIR OFFICIAL E-MAIL. EPA HAS A HISTORY OF USING SUCH METHODS TO CIRCUMVENT TRANSPARENCY. FOR INSTANCE, GINA McCARTHY HAS BEEN CALLED BEFORE THIS COMMITTEE OR THE SCIENCE COMMITTEE – I BELIEVE IT'S THE SCIENCE

COMMITTEE -- FOR EXAMPLE, BECAUSE OF USING HER PERSONAL E-MAIL FOR GOVERNMENT BUSINESS. THIS E-MAIL THAT I'VE READ TODAY APPEARS TO ME TO BE EVIDENCE OF A DELIBERATE INTENTION TO MISLEAD. GOING BACK TO THE FACT THAT MOST EMPLOYEES TRY TO DO THE BEST THEY CAN, THAT A HANDFUL DON'T, I THINK THAT THIS INDICATES THAT THERE'S A CULTURE OF SECRECY AND A LACK OF TRANSPARENCY THAT STARTS AT THE TOP. HOW WOULD YOU RESPOND TO THAT?

Susan Hedman:

I WOULD RESPOND BY SAYING THAT EPA HAS A POLICY OF NOT USING PERSONAL E-MAIL. AND IF THERE IS AN INSTANCE WHERE IT IS NECESSARY, FOR TECHNICAL REASONS, TO COPY ONE'S GOVERNMENT ACCOUNT.

Gary Palmer:

WELL, YOU KNOW, SHE DID THAT SIX WEEKS LATER. I'VE GOT A COPY OF THE LAW HERE, TITLE 44, REGARDING FEDERAL RECORDS THAT REQUIRES -- THAT INDICATES, MR. CHAIRMAN, THAT SHE DIDN'T COPY THIS IN A TIMELY MANNER. YOU KNOW, I WANT TO -- THIS IS NOT ABOUT FINGER-POINTING. AND THAT'S WHAT TROUBLES ME ABOUT THIS HEARING. IT'S NOT ABOUT POLITICS. IT'S ABOUT THESE PEOPLE WHO HAVE SUFFERED INJURY BECAUSE OF THE FAILURE OF GOVERNMENT. AND I JUST WANT TO SAY THIS. I BELIEVE EVERY MEMBER OF THIS COMMITTEE HAS A RESPONSIBILITY TO GET TO THE TRUTH, TO MAKE SURE THAT GOVERNMENT FULFILLS ITS RESPONSIBILITY TO SERVE THE PUBLIC, AND, IN THIS CASE, TO PROTECT THE PUBLIC. WE WANT THE TRUTH. I'VE TALKED -- I'VE GOTTEN TO KNOW A LOT OF THE MEMBERS ON THIS COMMITTEE, AND I CAN ASSURE YOU WE CAN HANDLE THE TRUTH, THE WHOLE TRUTH. MR. CHAIRMAN, I'M JUST NOT AT ALL CONFIDENT THAT WE'VE HEARD THE WHOLE TRUTH TODAY. I YIELD BACK.

Jason Chaffetz:

THANK THE GENTLEMAN. WE'LL NOW RECOGNIZE THE GENTLEWOMAN FROM NEW JERSEY, MS. WATSON-COLEMAN, FOR FIVE MINUTES.

Bonnie Coleman:

THANK YOU, MR. CHAIRMAN, AND THANK YOU TO YOU AND OUR RANKING MEMBER FOR HOLDING THIS HEARING. THIS IS INDEED A SAD DAY AND A LITTLE BIT CONFUSING HOW WE GET TO THE BOTTOM OF SOMETHING WHEN EVERYONE IS POINTING THEIR FINGER IN ANOTHER DIRECTION, WITH THE EXCEPTION OF MAYOR WALLING AND MR. EDWARDS. MR. EDWARDS, I WANT TO ASK

YOU A QUESTION THAT HAS NOTHING TO DO WITH FLINT. MY STATE, THE STATE OF NEW JERSEY, IS EXPERIENCING A KNOWLEDGE OF A HIGH LEAD CONTENT, PARTICULARLY IN 11 CITIES, BUT RIGHT NOW CONCENTRATING ON ONE CITY. DO YOU KNOW WHETHER OR NOT EPA IS AT ALL MONITORING OR GETTING INVOLVED IN THAT SITUATION AT THIS EARLY STAGE SO THAT WE WON'T HAVE A FLINT, MICHIGAN, SITUATION?

Marc Edwards:

MY SUSPICION IS THAT THEY'RE PROBABLY NOT. ALTHOUGH THEY DID SEND THAT MEMO. AND, AGAIN, I APPLAUD THIS THAT THEY SENT THE MEMO OUT THAT BASICALLY SAID THOU SHALT STOP CHEATING ON THE LEAD AND COPPER RULE MONITORING. IT TOOK TOO LONG TO GET TO THAT POINT, BUT THAT MEMO HAS GONE OUT. IT'S NOT GOING TO HELP YOU IN THE SHORT TERM, BECAUSE IT'S GOING TO TAKE SIX MONTHS BEFORE THOSE RULES ARE CHANGED.

Bonnie Coleman:

MR. CHAIRMAN AND RANKING MEMBER CUMMINGS, I BELIEVE THAT THIS ISSUE IS BROADER THAN WHAT WE'RE EXPERIENCING, THIS VERY SAD SITUATION, AND I VERY MUCH WOULD LOOK FORWARD TO HAVING OVERSIGHT COMMITTEE HEARING ON EPA'S ROLE IN THIS WHOLE ISSUE ACROSS THE UNITED STATES. BECAUSE I THINK IT WILL BE VERY REVEALING AND VERY SCARY WHAT'S HAPPENING IN OUR OLDER, POORER COMMUNITIES. AND SO I MAKE THAT REQUEST FOR YOU CONSIDERATION. MS. HEDMAN, WHERE IS MR. DEL TORAL?

Susan Hedman:

WHERE IS HE IN THE --

Bonnie Coleman:

WHERE IS HE?

Susan Hedman:

PHYSICALLY RIGHT NOW?

Bonnie Coleman:

WORKING. WHERE IS HE WORKING? WHERE IS LOCATED? WHERE IS HE WORKING?

Susan Hedman:

HE WORKS OUT OF THE REGION 5 OFFICE. I KNOW THAT RECENTLY HE HAS SPENT A GREAT DEAL OF TIME IN FLINT, SO HE MAY VERY WELL BE THERE WORKING RIGHT NOW.

Bonnie Coleman:

LET ME ASK YOU THIS QUESTION. FOR 50 YEARS, FLINT, MICHIGAN, WAS RECEIVING ITS WATER FROM THE DETROIT SYSTEM. IS THAT CORRECT? SO FOR THOSE 50 YEARS, THE WATER TREATMENT SYSTEM IN FLINT WAS DORMANT. IS THAT FAIR? OKAY. WAS THERE ANY REQUIREMENT THAT BEFORE YOU REACTIVATE A DORMANT SYSTEM THAT YOU DO CERTAIN PRECAUTIONARY TESTING AND PREPARATION?

Susan Hedman:

I KNOW THAT THERE ARE REQUIREMENTS, BUT I CAN'T SPEAK TO THE SPECIFICS.

Bonnie Coleman:

ARE THERE ANY EPA REQUIREMENTS?

Susan Hedman:

AGAIN, I CAN'T SPEAK TO THE SPECIFICS OF THAT.

Bonnie Coleman:

DR. EDWARDS, CAN YOU ANSWER THAT QUESTION?

Marc Edwards:

THE LAW REQUIRES THAT WHEN YOU SWITCH TO A NEW WATER SOURCE THAT YOU DO CORROSION CONTROL STUDIES IN ADVANCE OF THE SWITCH TO MAKE SURE THAT YOU HAVE EFFECTIVE CORROSION CONTROL IN PLACE. AND, IN THE ABSENCE OF DOING A STUDY, THE SIMPLEST THING, THE MINIMUM THAT WOULD HAVE BEEN ALLOWED UNDER THE LAW, WOULD HAVE BEEN TO CONTINUE THE CORROSION CONTROL THAT WAS USED IN FLINT – I MEAN IN

DETROIT WATER, WHICH WOULD HAVE BEEN DOSING OF ORTHOPHOSPHATE. SO HAD THEY DONE THE MINIMUM UNDER THE LAW, ADDING THAT ORTHOPHOSPHATE TO THE FLINT WATER, WHICH HAD BEEN DONE FOR 50 YEARS UNDER DETROIT, THE VAST MAJORITY OF THESE PROBLEMS, INCLUDING THE LEAKING PIPES, THE LEGIONELLA, THE LEAD WOULD NOT HAVE OCCURRED.

Bonnie Coleman:

SO TELL ME, GIVE ME A TIME FRAME, BECAUSE I'M CONFUSED SOMEWHAT ABOUT THE TIME FRAME WHEN THIS SHOULD HAVE HAPPENED. SHOULD THAT HAVE HAPPENED IN APRIL OF 2014?

Marc Edwards:

THIS SHOULD HAVE BEEN DONE MONTHS BEFORE THE SWITCH.

Bonnie Coleman:

THE SWITCH WAS APRIL OF 2014?

Marc Edwards:

YES.

Bonnie Coleman:

AND WHO WAS THE EMERGENCY MANAGER DURING THAT PERIOD OF TIME?

Marc Edwards:

I DON'T KNOW AT ALL.

Bonnie Coleman:

DO YOU KNOW, MR. EARLEY?

Darnell Earley:

YES, IN APRIL OF 2014 I WAS THE EMERGENCY MANAGER.

Bonnie Coleman:

SO THEN WHY DIDN'T YOU, AS THE EMERGENCY MANAGER, ENSURE THAT BEFORE THIS SWITCH WAS GOING TO TAKE PLACE THAT ALL OF THE SAFETY AND SECURITY MEASURES WERE IN PLACE?

Darnell Earley:

I DID. AND I WAS ASSURED THAT ALL THAT WERE REQUIRED HAD TAKEN PLACE. WE HAD BEEN MONITORING THE SWITCH. AGAIN, AS I SAID, THE PROJECT STARTED BEFORE I GOT THERE, AND, ONCE I GOT THERE, WE CONTINUED TO MONITOR AND I RECEIVED UPDATES FROM --

Bonnie Coleman:

WELL, MR. EARLEY, WHO TOLD YOU? WHO ASSURED YOU THAT THESE SAFETY AND SECURITY MEASURES WERE IN PLACE BEFORE ACTUALLY TURNING ON THE SWITCH?

Darnell Earley:

THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS, WHICH IS ALSO THE DIRECTOR OF THE FLINT WATER TREATMENT SUPPLY -- OR WATER TREATMENT DEPARTMENT. IT WAS HIS RESPONSIBILITY TO MAKE SURE THAT ALL OF THOSE THINGS WERE IN PLACE, AND HE HAS STAFF WORKING WITH HIM, AND THEY, IN TURN, WORK DIRECTLY WITH THE MDEQ AND THE EPA TO MAKE SURE WE WERE MEETING ALL OF THE REQUIREMENTS. THOSE WERE THE REQUIREMENTS FOR GETTING LICENSED --

Bonnie Coleman:

OKAY. SO NOW WE'VE INTRODUCED ANOTHER LEVEL. THE LOCAL SANITATION DEPARTMENT OR WATER DEPARTMENT MANAGER?

Darnell Earley:

THE TREATMENT PEOPLE AT THE WATER PLANT.

Bonnie Coleman:

THE TREATMENT PEOPLE?

Darnell Earley:

YES.

Bonnie Coleman:

SO NOW IT'S HIS -- IT WAS HIS RESPONSIBILITY TO ENSURE THAT THESE MEASURES WERE IN PLACE, AND HE'S THE ONE THAT INFORMED YOU THAT THESE MEASURES WERE IN PLACE? HE MISREPRESENTED?

Darnell Earley:

THAT WE WERE MEETING THE REQUIREMENTS --

Bonnie Coleman:

DID HE MISREPRESENT? DID HE TELL YOU THE TRUTH?

Darnell Earley:

WELL, WE ALL KNOW NOW THAT THE INFORMATION THAT WE ALL GOT WAS SOMEWHAT MISINFORMED BASED ON --

Bonnie Coleman:

WHERE DID THE LIE START?

Darnell Earley:

WELL, THE INFORMATION THAT WE GOT WAS FROM THE MDEQ, WHICH GOVERNED OUR SWITCH FROM THE DETROIT WATER AND SEWER DEPARTMENT TO THE FLINT RIVER. WE RELIED ON THE INFORMATION WE RECEIVED FROM THE STATE REGULATORY AGENCIES.

Bonnie Coleman:

I CAN'T BELIEVE MY FIVE MINUTES IS UP SO QUICKLY, BECAUSE GOD KNOWS WE HAVEN'T GOTTEN TO THE BOTTOM OF THIS YET. BUT THANK YOU, MR. CHAIRMAN. I YIELD BACK. THIS IS INCREDIBLY UPSETTING.

Jason Chaffetz:

THANK THE GENTLEWOMAN. WE'LL NOW RECOGNIZE THE GENTLEMAN FROM GEORGIA, MR. CARTER, FOR FIVE MINUTES.

Buddy Carter:

THANK YOU, MR. CHAIRMAN. MS. HEDMAN, I'M CORRECT WHEN I SAY THAT EPA HAS THE AUTHORITY TO INTERVENE WHEN THERE'S CONTAMINATION IN DRINKING WATER THAT POSES A THREAT TO HUMANS. IS THAT CORRECT? YES.

Susan Hedman:

WHEN THERE IS A THREAT AND THE STATE HAS FAILED --

Buddy Carter:

WHEN THERE IS A THREAT TO HUMANS, EPA HAS THE AUTHORITY TO INTERVENE, CORRECT?

Susan Hedman:

AND THE STATE HAS FAILED TO TAKE ACTION.

Buddy Carter:

COME ON, MS. HEDMAN. EPA HAS A RESPONSIBILITY TO THE CITIZENS. YOU HAVE TO INTERVENE, NOT WHEN THE STATE DOESN'T DO IT. WHEN YOU SEE THAT IT HAPPENS, YOU HAVE TO DO IT THEN. NO, NO. YOU DON'T -- I'LL ASK THE QUESTIONS, OKAY? YOU'RE AWARE OF THE MEMO THAT CAME IN JUNE OF 2015 FROM MIGUEL DEL TORAL, RIGHT? YOU'RE AWARE OF THAT MEMO. IN JUNE OF 2015, MR. DEL TORAL'S TITLE WAS REGULATIONS MANAGER, GROUND WATER AND DRINKING WATER BRANCH. HE'S A DRINKING WATER SPECIALIST.

Susan Hedman:

YES.

Buddy Carter:

IN FACT, I BELIEVE THAT HE WAS ONE OF THE KEY MEMBERS OF YOUR SAFE DRINKING WATER TEAM.

Susan Hedman:

YES.

Buddy Carter:

IN FACT, I BELIEVE THAT YOU'VE SAID HE'S ONE OF THE TOP EXPERTS IN THIS FIELD.

Susan Hedman:

HE IS.

Buddy Carter:

HE IS. YET, WHEN MR. DEL TORAL REPORTED THE HIGH LEVELS OF LEAD IN FLINT'S DRINKING WATER, NOT ONLY DID YOU SILENCE HIM, BUT YOU SAT AROUND IDLY AND DID NOTHING. WHY WOULD YOU DO THAT?

Susan Hedman:

I DIDN'T DO THAT.

Buddy Carter:

IF HE IS -- IF HE IS AN EXPERT, AS YOU HAVE ACKNOWLEDGED, WHY DIDN'T YOU LISTEN TO HIM?

Susan Hedman:

I DID. AND I DID NOT SIT SILENTLY. I DID NOT FAIL TO --

Buddy Carter:

I BEG TO DIFFER, MS. HEDMAN. INSTEAD OF HEEDING THE WARNING OF ONE OF YOUR TOP EXPERTS, ONE OF YOUR TOP EXPERTS -- LISTEN, ALL OF US HERE, WE DEPEND ON PEOPLE. WE DEPEND ON STAFF. BUT IF WE DON'T LISTEN TO THEM, THEY DO US NO GOOD WHATSOEVER. YOU SURROUND YOURSELF WITH GOOD PEOPLE, AS YOU DID. YOU SURROUNDED YOURSELF WITH A SPECIALIST. YOU GOT TO LISTEN TO HIM, BUT YOU DIDN'T DO THAT.

Susan Hedman:

I DID.

Buddy Carter:

NOT ONLY DID YOU NOT LISTEN TO HIM, YOU TRIED TO SILENCE HIM.

Susan Hedman:

I DID NOT.

Buddy Carter:

YOU KNOW, THIS IS -- SO WHAT DID YOU DO? YOU SOUGHT A LEGAL OPINION. IS THAT CORRECT?

Susan Hedman:

WELL, IMMEDIATELY --

Buddy Carter:

IMMEDIATELY --

Susan Hedman:

IMMEDIATELY IN JUNE, I OFFERED TECHNICAL ASSISTANCE TO THE FLINT MAYOR. THAT WAS JULY 1st. ON JULY 10th, WE ISSUED OUR FIRST STATEMENT URGING FLINT RESIDENTS TO GET THEIR WATER TESTED AND TO TAKE PRECAUTIONS TO LIMIT --

Buddy Carter:

HERE YOU HAVE AN EXPERT WHO'S TELLING YOU WE GOT A PROBLEM. WE GOT LEAD IN OUR DRINKING WATER. INSTEAD OF PROTECTING THE CITIZENS, LIKE THE EPA -- THAT'S WHAT EPA IS ABOUT. THE ENVIRONMENTAL PROTECTION, ENVIRONMENTAL – EPA, ENVIRONMENTAL PROTECTION AGENCY.

Susan Hedman:

YES.

Buddy Carter:

PROTECTING THE PUBLIC. INSTEAD OF SAYING WE'VE GOT AN EXPERT HERE. ONE OF MY TEAM MEMBERS, WHO IS AN EXPERT IN THIS FIELD, IS TELLING US WE GOT LEAD IN THIS WATER. STOP DRINKING IT. STOP DRINKING IT RIGHT NOW. BUT YOU DIDN'T DO THAT. YOU SOUGHT A LEGAL OPINION, BECAUSE YOU WERE WANTING TO FOLLOW THE LAW?

Susan Hedman:

NO. LET'S BE CLEAR. THE DATA REPORTED IN MR. DEL TORAL'S MEMO WAS DATA RELATED TO ONE RESIDENCE, FIRST OF ALL. MY FIRST QUESTION ABOUT THAT WAS, HAD THE LEAD SERVICE LINE BEEN REMOVED? IT WAS. AND THE FOLLOW-UP TESTING SHOWED THAT THE WATER WAS SAFE TO DRINK. AND THEN TWO NEIGHBORING HOUSES, ONE OF WHICH DID SHOW HIGH LEVELS AND ONE OF WHICH DID NOT. THAT DATA BY ITSELF INDICATED SOMETHING ABOUT THE TAP WATER IN THOSE THREE RESIDENCES. AND ULTIMATELY MR. DEL TORAL'S FINAL VERSION OF THE MEMO CONCLUDED THAT THE RESIDENTS WITH VERY HIGH LEAD LEVELS HAD HIGH LEAD LEVELS NOT DUE TO LACK OF CORROSION CONTROL BUT BECAUSE OF PHYSICAL DISTURBANCE THE OF THE LEAD SERVICE LINE.

Buddy Carter:

BECAUSE OF PHYSICAL DISTURBANCE OF THE LEAD SERVICE LINE.

Susan Hedman:

CONSTRUCTION IN THE STREET.

Buddy Carter:

CONSTRUCTION IN THE STREET. YOU KNOW --

Susan Hedman:

SO THE POINT BEING, HIS MEMO -- HIS MEMO ALSO MADE THE POINT THAT CORROSION CONTROL HAD NOT BEEN IMPLEMENTED IN FLINT. THAT WAS A POINT THAT PREVIOUSLY OTHER --

Buddy Carter:

DR. HEDMAN, I'M SORRY. DR. EDWARDS, WHAT DO YOU MAKE OF THIS?

Marc Edwards:

I'M KIND OF WONDERING IF SHE'S READ THE MEMO TO THIS DAY, BECAUSE THERE ARE THREE REPORTS THAT THE CITY HAD COLLECTED HIGH LEAD IN DRINKING WATER FROM LEEANNE'S HOUSE 100, 300, 700 PARTS PER BILLION BEFORE THERE WAS ANY DISTURBANCE. AND, MOREOVER, HER STATEMENT THAT SHE WARNED FLINT RESIDENTS TO START FLUSHING THE WATER, NO FLINT RESIDENTS GOT A WARNING THAT THE WATER WAS UNSAFE TO DRINK. WHAT THEY GOT IS MR. WALLING GOING ON TV AND SAYING THAT THE WATER IS SAFE TO DRINK. THAT'S THE MESSAGE THAT WAS SENT. NO FLINT RESIDENT GOT ANY WARNING ABOUT DANGEROUS LEVELS OF LEAD IN DRINKING WATER OR THE FACT THAT CORROSION CONTROL LAWS WERE NOT BEING FOLLOWED IN FLINT. NO ONE KNEW THAT.

Buddy Carter:

YOU KNOW, LET ME TELL YOU. DR. HEDMAN, I'M SORRY. THERE'S A SPECIAL PLACE IN HELL FOR ACTIONS LIKE THIS. MR. CHAIRMAN, I YIELD.

Jason Chaffetz:

THE GENTLEMAN YIELDS BACK. RECOGNIZE THE GENTLEMAN FROM CALIFORNIA, MR. LIEU, FOR FIVE MINUTES.

Ted Lieu:

THANK YOU, MR. CHAIRMAN. I'D LIKE TO START WITH THE NATIONAL ISSUES AND THEN COME DOWN TO FLINT. WE KNOW THAT, IN ADDITION TO FLINT, WE'VE HAD LEAD-TAINTED WATER IN WASHINGTON, D.C., IN SEBRING, OHIO, AND NOW IN NEWARK, NEW JERSEY, WHERE SCHOOL CHILDREN HAVE BEEN POISONED. MS. HEDMAN, THIS REALLY IS A NATIONAL ISSUE AS WELL, ISN'T IT?

Susan Hedman:

GIVEN THAT I'M NO LONGER AT THE AGENCY, I DON'T WANT TO SPEAK FOR EPA, BUT, INDEED, LEAD IS AN ISSUE OF CONCERN THROUGHOUT THE COUNTRY.

Ted Lieu:

I HAVE TWO ARTICLES HERE, ONE IS A REPORT FROM THE NRDC THAT SAYS STUDY FINDS SAFETY DRINKING WATER IN U.S. CITIES AT RISK. NRDC REPORTS ON DRINKING SYSTEMS OF 19 CITIES AND FINDS THAT POLLUTION, OLD PIPES, AND OUTDATED TREATMENT THREATEN TAP WATER QUALITY. AND THEN I HAVE A SECOND ARTICLE IN "SALON," IT SAYS IT'S NOT JUST A FLINT PROBLEM. OTHER U.S. CITIES ARE SUFFERING FROM TOXIC WATER. AND, MR. CHAIRMAN, IF I COULD ENTER THESE INTO THE RECORD.

Jason Chaffetz:

WITHOUT OBJECTION, SO ORDERED.

Ted Lieu:

MS. HEDMAN, I'M GOING TO READ YOU A COUPLE STATEMENTS FROM THIS "SALON" ARTICLE. THE AUTHOR WRITES: THE SAFE DRINKING WATER ACT ENACTED IN 1986 REQUIRED THE EPA TO SET STANDARDS FOR THE CONCENTRATION OF LEAD IN PUBLIC PIPES WITH A PUSH FOR LEAD-FREE. THIS STIRRED THE COUNTRY ON A ROAD TOWARDS REPLACING OLD WATER PIPES WITH PLASTIC PIPES AS AN ECOFRIENDLY ALTERNATIVE. HOWEVER, MANY POOR MUNICIPALITIES INSTEAD

TURNTD TO ANTICORROSIVE AGENTS AS A CHEAPER AND FASTER SOLUTION. IF FLINT HAD PLASTIC PIPES, NONE OF US WOULD BE HERE TODAY, CORRECT?

Susan Hedman:

THAT'S TRUE.

Ted Lieu:

IN FACT, IF SEBRING, NEWARK, AND WASHINGTON, D.C., HAD PLASTIC PIPES, NONE OF THAT LEAD CONTAMINATION WOULD HAVE HAPPENED. CORRECT?

Susan Hedman:

THAT'S TRUE. ALTHOUGH IF THERE WERE LEAD IN FIXTURES, IT WOULD STILL BE A CONCERN.

Ted Lieu:

I UNDERSTAND. THANK YOU. NOW LET'S TALK ABOUT FLINT. MR. EARLEY, I READ YOUR TESTIMONY AND I HEARD IT TODAY AS WELL. YOU ESSENTIALLY SAY EVERYTHING WAS FINE AND EVERYONE TOLD YOU EVERYTHING WAS FINE AND YOU HAD REGULAR MEETINGS WITH THE WATER TREATMENT OFFICIALS. DID YOU KNOW THAT THE WATER TREATMENT PLANT OPERATOR, MICHAEL GLASGOW, WROTE AN E-MAIL SAYING I HAD PEOPLE ABOVE ME MAKING PLANS TO DISTRIBUTE WATER ASAP. IF WATER IS DISTRIBUTED FROM THIS PLANT IN THE NEXT COUPLE OF WEEKS, IT WILL BE AGAINST MY DIRECTION. SO IT WAS NOT FINE FOR MICHAEL GLASGOW. WERE YOU AWARE OF THAT?

Susan Hedman:

I WAS --

Ted Lieu:

MR. EARLEY, YES.

Darnell Earley:

I WAS MADE AWARE OF THAT E-MAIL WHEN I SAT BEFORE THE GOVERNOR'S TASK FORCE. IT WAS THE FIRST TIME I HAD SEEN THAT E-MAIL, SO I'M NOT SURE WHAT HE'S REFERRING TO WHEN HE TALKS ABOUT PEOPLE ABOVE HIM. BECAUSE THERE WERE AT LEAST TWO OTHER LAYERS, ONE, POSSIBLY TWO OTHER LAYERS OF SUPERVISION BEFORE IT GOT TO ME.

Ted Lieu:

SO EVEN THOUGH YOU REGULARLY -- AS YOU SAID, REGULARLY MET WITH WATER TREATMENT PLANT OFFICIALS, YOU HAD NO IDEA THAT THE WATER TREATMENT PLANT OPERATOR HAS SAID I AM NOT READY TO GO ON THIS? YOU HAD NO IDEA?

Darnell Earley:

NO. THERE WAS NO REGULAR DISCUSSION IN THAT IN OUR REGULAR MEETINGS. WHAT WAS GOING ON --

Ted Lieu:

STOP RIGHT THERE. YOU ALSO TESTIFIED THAT THIS WAS NOT A LEADERSHIP ISSUE, THIS IS PURELY A WATER TREATMENT ISSUE. I SUGGEST THAT THIS WAS A LEADERSHIP ISSUE IF YOU HAD NO IDEA, EVEN THOUGH YOU HAVE REGULAR MEETINGS, THAT THIS WATER TREATMENT PLANT OPERATOR WAS MAKING THESE STATEMENTS THAT HE WAS NOT READY TO GO. I'M CURIOUS. YOU KNOW, MR. WALLING, I COMMEND HIM FOR SAYING I'M SORRY AND FOR APOLOGIZING. THAT TOOK COURAGE. MR. EARLEY, I DON'T SEE ANYWHERE IN YOUR TESTIMONY. ARE YOU READY TO SAY YOU'RE SORRY?

Darnell Earley:

WHAT I'VE SAID AND WILL SAY AGAIN IS THAT, YOU KNOW, I WAS RESPONSIBLE. IT HAPPENED ON MY WATCH.

Ted Lieu:

ARE YOU SORRY?

Darnell Earley:

I FEEL VERY BADLY ABOUT THAT, AND YES, I'M SORRY THAT THE PEOPLE OF THE CITY OF FLINT HAVE HAD TO GO THROUGH -- I SAID THAT EARLIER -- THIS CRISIS. IT TEARS ME UP INSIDE. I'M VERY REGRETFUL AND REMORSEFUL FOR WHAT'S HAPPENED.

Ted Lieu:

MS. HEDMAN, THE EPA KNEW IN APRIL THAT CORROSIVE AGENTS WERE NOT BEING PUT IN. WHY DID IT TAKE SO LONG FOR THEM TO LET YOU KNOW END OF JUNE THAT THAT WAS NOT HAPPENING?

Susan Hedman:

I THINK THE -- FROM THE REVIEW OF THE E-MAILS THAT I HAVE SEEN DURING THAT TIME PERIOD, THAT THE FIRST REACTION WAS, IF WE SIMPLY TELL MDEQ THEY NEED TO DO THIS, THEY'LL DO IT.

Ted Lieu:

WHEN WERE CORROSIVE AGENTS ACTUALLY PUT IN?

Susan Hedman:

DECEMBER 9th IS WHEN CORROSION CONTROL BEGAN.

Ted Lieu:

SO APRIL, MAY, JUNE, JULY, AUGUST, SEPTEMBER, OCTOBER, NOVEMBER, CHILDREN OF FLINT WERE DRINKING LEAD-CONTAMINATED WATER. WHY IN JULY OR AUGUST DIDN'T YOU JUST STAND UP AND YELL AND SCREAM STOP THIS? GIVE THEM BOTTLED WATER. WHY DID IT TAKE SO LONG? TO ME, THIS IS NEGLIGENCE BORDERING ON DELIBERATE INDIFFERENCE. YOU KNEW -- EPA KNEW IN APRIL CORROSIVE AGENTS NOT DONE. IN JUNE YOU WERE NOTIFIED OF THAT, AND THEN YOU WERE GIVEN A REPORT THAT SAID LOTS OF LEAD IN THIS DRINKING WATER. AND THEN NOTHING IS DONE UNTIL DECEMBER. THERE IS NO EXCUSE FOR THAT. SOMEONE NEEDED TO HAVE YELLED AND SCREAMED AND SAID STOP THIS. PEOPLE ARE BEING POISONED. IT SHOULD HAVE BEEN DONE IN AT LEAST JULY OR AUGUST, MAYBE SEPTEMBER, AT LEAST BY OCTOBER. THAT WAS SO WRONG. THIS WAS A CRIME OF EPIC PROPORTIONS THAT COULD HAVE BEEN PREVENTED. I YIELD BACK.

Jason Chaffetz:

THANK THE GENTLEMAN. NOW RECOGNIZE THE GENTLEMAN FROM SOUTH CAROLINA, MR. MULVANEY, FOR FIVE MINUTES.

Mick Mulvaney:

I THANK THE CHAIRMAN. I THANK THE COMMITTEE. I'LL TRY AND, I GUESS, START AS SIMPLY AS I KNOW HOW. WHICH IS, DR. EDWARDS, I THINK, AT THE END OF MR. CARTER'S TESTIMONY HE ASKED A QUESTION OF MS. HEDMAN, AND I'LL GO AHEAD AND ASK IT. HE ASKED, DID YOU WARN FLINT RESIDENTS TO FLUSH THEIR WATER?

Susan Hedman:

ON JULY 10th, TEN DAYS AFTER I FIRST LEARNED ABOUT THIS, EPA REGION 5 ISSUED THE FIRST STATEMENT ADVISING FLINT RESIDENTS TO GET THEIR WATER TESTED BY THEIR WATER UTILITY AND REFERRING THEM TO EPA INFORMATION ON THE WEB ABOUT LIMITING EXPOSURE TO LEAD IN DRINKING WATER.

Mick Mulvaney:

SO IS THAT YOUR TESTIMONY WHEN YOU SAID YOU GAVE THEM WARNING TO FLUSH THEIR WATER? THAT'S WHAT YOU'RE REFERRING TO?

Susan Hedman:

RIGHT. THAT WAS THE FIRST TIME THAT WE DID THAT.

Mick Mulvaney:

OKAY. THAT WAS IN JULY.

Susan Hedman:

JULY 10th

Mick Mulvaney:

I'M LOOKING AT AN E-MAIL THAT'S BEEN MENTIONED A COUPLE TIMES. TO THE EXTENT IT'S NOT BEEN ENTERED IN THE RECORD, MR. CHAIRMAN, IT'S AN E-MAIL OF MIGUEL DEL TORAL DATED SEPTEMBER 22ND, 2015, I ASKED TO BE ADDED TO THE RECORD.

Jason Chaffetz:

WITHOUT OBJECTION SO ORDERED.

Mick Mulvaney:

AND I'M SITTING HERE. ARE YOU FAMILIAR WITH THIS E-MAIL, MS. HEDMAN?

Susan Hedman:

I'M NOT SURE WHAT THE E-MAIL IS.

Mick Mulvaney:

IT BEGINS – IT'S TO THOMAS POY, RITA BAIR, NICHOLAS DAMATO, JOANNA GLOWACKI, AND ANDREA PORTER, AMONGST OTHERS, FROM MIGUEL DEL TORAL JANUARY 20 – EXCUSE ME. SEPTEMBER 22ND, 2015. IT BEGINS: THIS IS NO SURPRISE. LEAD LINES PLUS NO TREATMENT EQUALS HIGH LEAD IN WATER EQUALS LEAD-POISONED CHILDREN. ARE YOU FAMILIAR WITH THAT E-MAIL?

Susan Hedman:

ONLY HEARING IT FROM YOU.

Mick Mulvaney:

IF YOU READ DOWN THE E-MAIL – BY THE WAY, I THINK THE E-MAIL WAS AN E-MAIL THAT YOU SENT MR. EDWARDS THAT WAS THEN FORWARDED. I'LL GET TO THAT IN A SECOND, I HOPE. IT SAYS: EVEN WORSE, ABSENT ANYTHING FROM EPA, MDEQ, AND THE CITY, OTHER THAN THAT THEY ARE IN FULL COMPLIANCE. OTHER FOLKS HAVE TO ALERT THE PUBLIC TO THE RISK. DO YOU GET THE IMPRESSION FROM THE E-MAIL THAT MR. DEL TORAL THINKS THAT THE EPA WARNED THE FOLKS IN FLINT IN SEPTEMBER TO FLUSH THEIR WATER?

Susan Hedman:

WE HAD BEEN TOLD ON AUGUST 31st BY MDEQ THAT THE MICHIGAN -- IT WAS MCH, THE OLD ACRONYM FOR THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, WAS IN FACT IMPLEMENTING A PUBLIC INFORMATION CAMPAIGN. ON SEPTEMBER 15th, I HELD CALLS WITH BOTH THE MAYOR AND WITH THE DIRECTOR OF MDEQ, URGING EXPEDITED IMPLEMENTATION OF CORROSION CONTROL AND EXPANDED PUBLIC INFORMATION CAMPAIGNS. AND THE MAYOR AND THE COUNTY DID ISSUE A HEALTH ADVISORY WITH THAT KIND OF INFORMATION TEN DAYS LATER.

Mick Mulvaney:

ALL RIGHT. I WISH I COULD GO INTO EVERY SINGLE ONE OF THOSE. I KNOW DR. EDWARDS IS PROBABLY EAGER TO DO THAT, BUT I'M GOING TO -- I'M GOING TO -- YOU SAID SOMETHING EARLIER TODAY, WHICH I THINK TOOK A LOT OF US OFF GUARD, SURPRISED A LOT OF PEOPLE SITTING HERE WHEN YOU SAID YOU DIDN'T THINK THE EPA HAD DONE ANYTHING WRONG IN THIS ENTIRE PROCESS. AND MY GUESS IS IF I ASKED YOU FOR EVIDENCE OF THAT, YOU WOULD LAY OUT WHAT YOU JUST LAID OUT, WE DID THIS ON THIS DATE, THIS ON THIS DATE. LET ME ASK YOU THIS. IS THAT THE STANDARD TO WHICH YOU HELD YOURSELF AT THE EPA, JUST NOT TO DO ANYTHING WRONG?

Susan Hedman:

NO.

Mick Mulvaney:

WHAT WAS THE STANDARD TO WHICH YOU HELD YOURSELF WHEN YOU WERE AT THE EPA?

Susan Hedman:

TO DO THE BEST JOB POSSIBLE.

Mick Mulvaney:

DID YOU DO THE BEST JOB POSSIBLE?

Susan Hedman:

IN RETROSPECT, KNOWING WHAT I KNOW NOW, I WISH WE HAD ISSUED MORE FREQUENT AND MORE URGENT STATEMENTS ABOUT --

Mick Mulvaney:

BUT IT'S STILL YOUR BELIEF AND YOUR TESTIMONY THAT YOU DIDN'T DO -- THAT THE EPA AND YOU DIDN'T DO ANYTHING WRONG IN HANDLING THE FLINT SITUATION?

Susan Hedman:

AS I SAID, I WISH WE HAD DONE MORE. I WISH, WHEN MDEQ REPRESENTED FACTS TO US, WE HAD VERIFIED THOSE FACTS.

Mick Mulvaney:

LET ME ASK YOU ABOUT THAT BECAUSE THERE'S ANOTHER THING YOU SAID TODAY THAT AGAINCAUGHT ME A LITTLE BIT OFF GUARD. IT SAYS THE EPA, YES, IN ANSWER TO QUESTIONS FROM SOMEONE, I APOLOGIZE, FORGETTING WHO, IS SUPPOSED TO STEP IN TO PROTECT SAFETY, BUT ONLY IF THERE'S A THREAT, WHICH CLEARLY THERE WAS, AND THE STATE HAS FAILED TO ACT. DO YOU REMEMBER THAT TESTIMONY?

Susan Hedman:

YES.

Mick Mulvaney:

IS IT YOUR TESTIMONY, THEN, THAT THE STATE HAD NOT FAILED TO ACT?

Susan Hedman:

AT WHICH POINT IN TIME?

Mick Mulvaney:

AT ANY POINT IN TIME. PICK ONE. I DON'T CARE. SEPTEMBER -- BY MR. DEL TORAL'S E-MAIL OF DECEMBER 22nd, HAD THE STATE FAILED TO ACT BY THAT TIME?

Susan Hedman:

BY THAT TIME, THAT STATE HAD ISSUED AN ORDER TO FLINT, DIRECTING FLINT TO IMPLEMENT CORROSION CONTROL, AND THE MAYOR HAD ANNOUNCED THAT HE WAS GOING TO TAKE THAT ACTION.

Mick Mulvaney:

NOT MY QUESTION. MY QUESTION IS, HAD THE STATE FAILED TO ACT?

Susan Hedman:

THE STATE HAD TAKEN SOME ACTIONS. AND LET ME --

Mick Mulvaney:

NOT THE STANDARD. YOU SAID THE EPA ISN'T REALLY SUPPOSED TO GET INVOLVED UNLESS THERE'S A THREAT, NUMBER ONE, AND THE STATE HAS FAILED TO ACT, NUMBER TWO. SO I'M ASKING YOU, AS OF SEPTEMBER, HAD THE STATE FAILED TO ACT?

Susan Hedman:

WE WERE INVOLVED, AND THE LEGAL ADVICE THAT I RECEIVED AT THAT TIME --

Mick Mulvaney:

OKAY. YOU WERE INVOLVED, BUT PEOPLE WERE STILL DRINKING LEAD-CONTAMINATED WATER. HOW IS THAT POSSIBLE?

Susan Hedman:

WE WERE INVOLVED IN THAT THERE -- THERE ARE TWO THINGS THAT WE TRIED EVERY DAY TO MAKE HAPPEN. ONE IS IMPLEMENTATION OF CORROSION CONTROL.

Mick Mulvaney:

OKAY

Susan Hedman:

AND TWO IS A PUBLIC INFORMATION CAMPAIGN TO MAKE SURE THAT FLINT RESIDENTS KNEW WHAT THEY NEEDED TO DO TO REDUCE RISKS UNTIL CORROSION CONTROL WORKED.

Mick Mulvaney:

I'M NOT GOING TO HAVE NEARLY ENOUGH TIME TO DO ANY OF THIS. I DO WANT TO ASK DR. EDWARDS ONE QUESTION. YOU SAID SOMETHING, SIR, EARLIER THAT INTERESTED ME AS WELL, WHICH IS YOU SAID THAT IN A DIFFERENT ENVIRONMENT THIS WOULD BE CRIMINAL. WHAT DID YOU MEAN WHEN YOU SAID THAT? I APOLOGIZE IF THAT'S NOT THE EXACT WORDS, BUT YOU DID USE THE WORDS "CRIMINAL."

Marc Edwards:

I THINK IN ANY ENVIRONMENT IT'S CRIMINAL WHEN YOU KNOW CHILDREN ARE BEING HARMED AND NOT BEING PROTECTED BY FEDERAL LAW AND YOU SIT THERE SILENT.

Mick Mulvaney:

AND IF I --

Marc Edwards:

I WILL POINT OUT, VIRGINIA TECH ISSUED THE FIRST WARNING TO NOT DRINK THE WATER IN AUGUST 2015. MDEQ INVOKED THE AUTHORITY OF EPA IN ITS RESPONSE TO THE PRESS TO OUR WARNING ABOUT THE DANGERS OF FLINT WATER TO SAY THE WATER WAS SAFE TO DRINK. EPA SAT THERE SILENT AT A MINIMUM AS THE STATE ATTACKED US FOR SAYING FLINT WATER WAS NOT SAFE TO DRINK.

Mick Mulvaney:

IF I HAD DONE THIS AS A TERRORIST TO THE CHILDREN OF FLINT, AND I GOT CAUGHT, WOULD I BE IN JAIL?

Marc Edwards:

I'VE ALREADY SAID IF A LANDLORD DID THIS, HE WOULD BE IN JAIL.

Mick Mulvaney:

OR A BUILDER? A HOME BUILDER, WHICH IS WHAT I USED TO DO. IF I BUILT A HOUSE THAT POISONED MY RESIDENTS THE SAME WAY THE CITY OF FLINT HAS DONE IT, I'D BE IN JAIL, WOULDN'T I? WHICH LEADS TO MY LAST QUESTION. MS. HEDMAN, SHOULD THE GOVERNMENT BE HELD TO A DIFFERENT STANDARD THAN ITS CITIZENS?

Susan Hedman:

EVERYONE SHOULD BE REQUIRED TO FOLLOW THE LAW.

Mick Mulvaney:

THANK YOU, MR. CHAIRMAN.

Jason Chaffetz:

THANK YOU. WE'LL NOW RECOGNIZE THE GENTLEWOMAN FROM THE VIRGIN ISLANDS, MS. PLASKETT, FOR FIVE MINUTES.

Stacey Plaskett:

THANK YOU, MR. CHAIRMAN, MR. RANKING MEMBER, WITNESSES. THANK YOU FOR BEING HERE THIS MORNING. MR. EARLEY, ON FEBRUARY 2nd, THE GOVERNOR OF MICHIGAN, RICK SNYDER, ISSUED A STATEMENT INFORMING THE PUBLIC OF YOUR RESIGNATION THAT WAS GOING TO BE EFFECTIVE ON FEBRUARY 29th. HAVE YOU SEEN THAT PRESS RELEASE?

Darnell Earley:

YES.

Stacey Plaskett:

AND IN IT, IT STATES, AND I'M GOING TO QUOTE HERE: GOVERNOR SNYDER AND I AGREED THAT OUR GOAL WAS FOR ME TO BE THE LAST EMERGENCY MANAGER APPOINTED TO DPS. I HAVE COMPLETED THE COMPREHENSIVE RESTRUCTURING NECESSARY TO DOWNSIZING THE CENTRAL OFFICE. THAT'S YOUR QUOTE, CORRECT?

Darnell Earley:

THAT IS.

Stacey Plaskett:

AND DO YOU REMEMBER GIVING THE QUOTE TO THE GOVERNOR FOR THE PRESS RELEASE FOR THAT?

Darnell Earley:

EXCUSE ME?

Stacey Plaskett:

DO YOU REMEMBER GIVING THE GOVERNOR THAT QUOTE FOR HIS PRESS RELEASE?

Darnell Earley:

YES, I REMEMBER -- NOT DIRECTLY TO HIM, BUT I DISCUSSED IT WITH HIS COMMUNICATIONS PEOPLE, YES.

Stacey Plaskett:

OKAY. AND THAT PRESS RELEASE AND YOUR RESIGNATION CAME A DAY BEFORE, LESS THAN 24 HOURS BEFORE THIS COMMITTEE WAS HAVING A HEARING ON FLINT, MICHIGAN, ON FEBRUARY 3rd. THE CHAIRMAN CHAFFETZ AND RANKING MEMBER CUMMINGS SENT A LETTER IN JANUARY FOR YOU TO TESTIFY AT THAT TIME, BUT YOU REFUSED TO COME. WHEN YOU WERE GIVING THE QUOTE TO THE GOVERNOR'S OFFICE FOR THE PRESS RELEASE THE DAY BEFORE THE HEARING TOOK PLACE, DID YOU HAVE A CONVERSATION WITH THE GOVERNOR OR WITH THOSE INDIVIDUALS IN HIS OFFICE ABOUT TESTIFYING BEFORE THIS COMMITTEE?

Darnell Earley:

NO. MY CONVERSATIONS REGARDING THE LETTER THAT YOU REFER TO TOOK PLACE BEFORE THAT. THEY WERE ONLY DRAFTED ON THE 1ST OF FEBRUARY, BECAUSE WE HAD PRETTY MUCH DONE ALL IN DETROIT PUBLIC SCHOOLS AS AN EMERGENCY MANAGER THAT I WOULD BE ABLE TO DO.

Stacey Plaskett:

SO YOU DISCUSSED WITH HIM AROUND FEBRUARY 1st YOUR RESIGNATION ON FEBRUARY 2nd AND WHAT THE QUOTE WAS GOING TO BE, BUT YOU KNEW THAT YOU HAD A PENDING REQUEST TO TESTIFY BEFORE THIS COMMITTEE AT THAT TIME. ISN'T THAT CORRECT?

Darnell Earley:

THE EXACT --

Stacey Plaskett:

ISN'T THAT -- DID YOU KNOW THAT YOU HAD TO TESTIFY, THAT THERE WAS A REQUEST FOR YOU TO TESTIFY ON FEBRUARY 3rd WHEN YOU WERE HAVING DISCUSSIONS WITH THE GOVERNOR AND HIS STAFF ABOUT YOUR RESIGNATION ON FEBRUARY 1st OR 2nd?

Darnell Earley:

WE HAD THAT DISCUSSION PRIOR TO THE 2nd. THE --

Stacey Plaskett:

YOU JUST SAID THE 1st, SO --

Darnell Earley:

WELL, THE 1ST. THE PRESS RELEASE CAME OUT AFTER THE --

Stacey Plaskett:

THE PRESS RELEASE CAME OUT ON FEBRUARY 2nd, LESS THAN 24 HOURS BEFORE THIS HEARING. IN YOUR DISCUSSIONS WITH THE GOVERNOR ABOUT THAT PRESS RELEASE, DID YOU DISCUSS WITH HIM THE REQUEST FOR YOU TO TESTIFY BEFORE THIS COMMITTEE?

Darnell Earley:

IT HAD NOTHING TO DO WITH THE –

Stacey Plaskett:

THAT'S JUST -- IT'S A YES OR A NO. YES OR NO. DID YOU DISCUSS IT WITH HIM?

Darnell Earley:

YES.

Stacey Plaskett:

YOU DID DISCUSS TESTIFYING BEFORE THIS COMMITTEE?

Darnell Earley:

I DID DISCUSS THAT I HAD RECEIVED THE INVITATION, YES.

Stacey Plaskett:

AND WHAT WAS SAID DURING THAT DISCUSSION?

Darnell Earley:

THAT I HAD RECEIVED AN INVITATION.

Stacey Plaskett:

AND THE GOVERNOR, DID HE DIRECT YOU TO COMPLY WITH THAT?

Darnell Earley:

NO.

Stacey Plaskett:

AND YOU DID NOT AT THAT TIME. SO CLEARLY YOU HAD A DISCUSSION WITH THE GOVERNOR, A GOVERNOR WHO HAS SAID HE WANTS TRANSPARENT AND ACCOUNTABILITY FOR THE INDIVIDUALS THAT ARE WORKING, AND YOU WORK FOR THE PLEASURE OF THE GOVERNOR. HE DID NOT DIRECT YOU TO TESTIFY WHEN THE REQUESTS HAD BEEN MADE BY THE HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM ABOUT THIS. SO ON FEBRUARY 2nd, WHEN CHAIRMAN CHAFFETZ'S STAFF INFORMED YOUR LAWYER THAT THE CHAIRMAN WAS CONSIDERING ISSUING A SUBPOENA TO COMPEL YOU TO TESTIFY BEFORE THE COMMITTEE ON THAT DAY, DID YOU -- WHAT -- DID YOU DISCUSS THAT WITH THE GOVERNOR?

Darnell Earley:

NO. I HAD THAT DISCUSSION WITH THE ATTORNEY, BECAUSE I HAD TO SEEK OUT SOME ADVICE AS TO HOW TO RESPOND TO THE INITIAL -- THE INITIAL INVITE, BECAUSE I DID NOT HAVE TIME TO PREPARE FOR A HEARING. WAS MORE THAN WILLING AND CERTAINLY WANTED TO COME FORWARD AND DISCUSS THE FACTS OF THIS. THAT HAD NOTHING TO DO WITH MY APPOINTMENT AT DETROIT PUBLIC SCHOOLS.

Stacey Plaskett:

BUT YOUR APPOINTMENT WAS MADE BY THE SAME GOVERNOR, WHO WAS -- AND YOU HAVE WITHIN YOU TO DISCUSS IT WITH HIM, AND YOU WERE SERVING AT HIS DIRECTION. AND EVEN THOUGH THAT DISCUSSION HAD TAKEN PLACE, YOUR ATTORNEY THAT YOU SAY YOU SOUGHT OUT ABOUT THE SUBPOENA,, YOU TOLD THE ATTORNEY -- AND ASKED HIM TO REFUSE TO ACCEPT THE SERVICE OF THE CHAIRMAN'S SUBPOENA BECAUSE YOU SAID YOU DIDN'T HAVE TIME TO COORDINATE YOUR TESTIMONY BUT YOU HAD TIME TO COORDINATE ON OCTOBER 26th YOUR OP-ED IN WHICH YOU SAID DON'T BLAME THE EMERGENCY MANAGER FOR THE FLINT WATER DISASTER AND OUTLINED REASONS WHY THAT WAS YOUR POSITION AT THAT TIME?

Darnell Earley:

NO, I DID NOT DISCUSS THE SUBPOENA IN TERMS OF NOT COMING TO THIS HEARING. THAT WAS NEVER A DISCUSSION THAT I HAD. I SOUGHT COUNSEL BECAUSE I WANTED TO UNDERSTAND THE PROCESS. THE INVITATION WAS WHAT I SAID THAT I WAS NOT PREPARED TO ATTEND, NOT THE SUBPOENA.

Stacey Plaskett:

SO YOU DIDN'T REFUSE -- TELL YOUR ATTORNEY TO REFUSE SERVICE OF THE SUBPOENA?

Darnell Earley:

NO.

Stacey Plaskett:

IT WAS POTENTIALLY BEING --

Darnell Earley:

NO.

Stacey Plaskett:

OKAY. THAT'S IMPORTANT FOR US TO NOTE FOR THE RECORD. WE HAVE AN E-MAIL THAT SAYS THAT YOU WERE BEING TOLD THAT A SUBPOENA WAS GOING TO BE ISSUED TO YOU AT THAT TIME. YOU'RE AWARE OF THAT?

Darnell Earley:

I DON'T RECALL --

Stacey Plaskett:

WE HAVE THE E-MAIL, MR. EARLEY.

Darnell Earley:

OKAY. I DON'T --

Stacey Plaskett:

WOULD YOU WANT ME TO PUT IT ON THE SCREEN?

Darnell Earley:

YES.

Stacey Plaskett:

OKAY. COULD WE DO THAT? AND AT THAT TIME, WHILE THEY'RE PUTTING THAT UP, THAT E-MAIL EXCHANGE WITH YOUR ATTORNEY -- SO NOW YOU'RE SAYING THAT THE ATTORNEY DIDN'T TELL YOU THAT YOU WERE SUPPOSED TO POTENTIALLY BE SUBPOENAED TO TESTIFY BEFORE THIS COMMITTEE?

Darnell Earley:

I SOUGHT ADVICE OF COUNSEL ON THE ISSUE REGARDING THE INVITATION AND THEN DECLINED THE INVITATION, BECAUSE I DIDN'T HAVE AN OPPORTUNITY TO PREPARE.

Stacey Plaskett:

I'VE MOVED ON FROM THE INVITATION. I'M NOW TALKING ABOUT THE SUBPOENA.

Darnell Earley:

OKAY.

Stacey Plaskett:

DID YOU HAVE A DISCUSSION WITH YOUR ATTORNEY ABOUT SERVICE AND ACCEPTANCE OF THE SUBPOENA, POTENTIAL SUBPOENA?

Darnell Earley:

THAT'S AN ATTORNEY-CLIENT ISSUE THAT I WOULD LIKE TO REFER TO MY ATTORNEY TO ANSWER IF THAT'S POSSIBLE.

Stacey Plaskett:

I'M GLAD HE'S NOT A POTTED PLANT IN THIS ONE AND HE'S GOING TO GIVE YOU SOME ADVICE ABOUT THAT. THAT WAS VERY GOOD. SO DID YOU INFORM THE GOVERNOR THAT YOU WERE GOING TO REFUSE TO TESTIFY, EVEN AFTER A POTENTIAL SUBPOENA WAS GOING TO BE ISSUED?

Darnell Earley:

NO, I DID NOT.

Stacey Plaskett:

AND WERE YOU EVER -- DID THE GOVERNOR EVER INSTRUCT YOU TO COOPERATE WITH THIS COMMITTEE? AND DID THEY ENCOURAGE YOU TO COMPLY WITH THE REQUEST WHEN IT WAS AN INVITATION?

Darnell Earley:

NO. IT WAS STRICTLY MY DECISION BASED ON MY CONVERSATION WITH MY COUNSEL ABOUT PREPARATION FOR A VERY IMPORTANT HEARING, AND THAT WAS PRETTY MUCH THE EXTENT OF IT.

Stacey Plaskett:

AND WHEN YOU -- SO THE GOVERNOR DIDN'T TELL YOU YES OR NO WHETHER HE THOUGHT IT WAS A GOOD REASON THAT YOU SHOULD OR SHOULD NOT TESTIFY?

Darnell Earley:

THE GOVERNOR DID NOT ADVISE ME ON THAT, BECAUSE I SOUGHT LEGAL ADVICE --

Stacey Plaskett:

NO, NO, NO. I -- WE WENT BY EARLIER IN YOUR TESTIMONY, YOU SAID THAT YOU LET THE GOVERNOR KNOW THAT YOU HAD AN INVITATION TO TESTIFY. DID HE RESPOND TO THAT PARTICULAR COMMENT THAT YOU MADE TO HIM?

Darnell Earley:

I THINK THE RESPONSE WAS, AS I RECALL IT WAS, YOU KNOW, IT'S YOUR DECISION, DO WHAT YOU HAVE TO DO, DO WHAT YOU, YOU KNOW -- YOU FEEL MOST COMFORTABLE DOING.

Stacey Plaskett:

DO WE HAVE THE E-MAIL? NO? OKAY. THANK YOU VERY MUCH. ACTUALLY, MR. CHAIRMAN, I KNOW IT'S UNUSUAL BUT THE GENTLEWOMAN FROM MICHIGAN WANTED ME TO YIELD TIME TO HER. BUT, YOU KNOW, IN GETTING A WITNESS TO ACTUALLY ANSWER A QUESTION IT WAS A LITTLE DIFFICULT. WOULD YOU GIVE US THE INDULGENCE OF ALLOWING HER?

Jason Chaffetz:

WE WILL. BY UNDER HOUSE RULES, YOU CAN DO A SECOND ROUND.

Stacey Plaskett:

THANK YOU.

Jason Chaffetz:

BUT WE NEED TO GET THROUGH EVERYBODY FIRST.

Stacey Plaskett:

OKAY. THANK YOU, SIR.

Jason Chaffetz:

SO WE'RE GOING TO ACTUALLY NOW RECOGNIZE THE GENTLEWOMAN FROM NEW MEXICO, MS. GRISHAM.

Stacey Plaskett:

THANK YOU, SIR.

Michelle Grisham:

THANK YOU, MR. CHAIRMAN. I'LL BE HAPPY TO PROVIDE A MINUTE TO MY COLLEAGUE, MS. LAWRENCE, AND YIELD TO HER.

Brenda Lawrence:

THANK YOU. I HAVE A QUESTION FOR EACH OF THEM. MR. EDWARDS, IN YOUR COMMUNICATIONS ON THIS ISSUE, DO YOU FEEL THE GOVERNOR KNEW WHAT WAS HAPPENING?

Marc Edwards:

I HAVEN'T SEEN E-MAILS THAT SHOWED THAT HE KNEW ABOUT –

Brenda Lawrence:

DO YOU FEEL HE SHOULD HAVE KNOWN?

Marc Edwards:

I FEEL THAT THE GOVERNOR SHOULD HAVE LISTENED MORE TO THE PEOPLE OF FLINT AND BEEN LESS TRUSTING OF EPA AND MDEQ.

Brenda Lawrence:

MR. WALLING, IN YOUR ROLE, WOULD THE GOVERNOR OR SHOULD THE GOVERNOR HAVE KNOWN OR ARE YOU AWARE THAT HE KNEW? YOU SAID YOU CONTACTED HIS OFFICE. DID HE KNOW?

Dayne Walling:

HE KNEW OF THE ISSUES WE HAD IN JANUARY OF 2015, BECAUSE WE DID HAVE THE -- A FOLLOW-UP PHONE CALL. FROM THE E-MAILS THAT I'VE SEEN, IT APPEARS THAT ALL OF HIS SENIOR AIDES WERE AWARE OF EXTENSIVE ISSUES WITH DEQ AND DHHS.

Brenda Lawrence:

OKAY. THANK YOU. MR. EARLEY, YOU WERE HIS DIRECT APPOINTEE. DID YOU COMMUNICATE WITH THE GOVERNOR? WAS THE GOVERNOR AWARE OF THIS WATER SITUATION IN FLINT?

Darnell Earley:

THE SITUATION THAT I COMMUNICATED TO THE GOVERNOR INVOLVED, AS I'VE SAID, THE CONTAMINATION ISSUES THAT WE WERE TRYING TO MANAGE WHEN I WAS THERE. I HAD NO DISCUSSIONS WITH THE GOVERNOR REGARDING LEAD, CORROSION, OR LEAD CONTAMINATION.

Brenda Lawrence:

BUT YOU COMMUNICATED WITH HIM THAT THERE WAS A WATER ISSUE IN THE CITY OF FLINT?

Darnell Earley:

YES, FROM THE SWITCH –

Brenda Lawrence:

MS. HEDMAN, DID YOU COMMUNICATE DIRECTLY WITH THE GOVERNOR'S STAFF -- THE GOVERNOR, TO INFORM HIM OF THE SITUATION THAT WAS HAPPENING WITH EPA AND THE WATER SITUATION IN FLINT?

Susan Hedman:

MY ONLY COMMUNICATION WITH THE GOVERNOR'S STAFF OCCURRED IN THE DAYS LEADING UP TO THE ANNOUNCEMENT OF THE FLINT ACTION PLAN, WHICH I THINK OCCURRED ON OCTOBER 2nd.

Brenda Lawrence:

THANK YOU. I YIELD BACK THE REST OF MY TIME.

Michelle Grisham:

MR. CHAIRMAN, THANK YOU VERY MUCH. SO I'M GOING TO TRY TO DIG A LITTLE DEEPER IN THAT CONTEXT, BECAUSE WHAT WE ALL WANT IS GOOD AND EFFECTIVE GOVERNMENT. AND FOR ME, IT'S IRRELEVANT WHETHER THAT GOOD AND EFFECTIVE PROTECTIVE GOVERNMENT IS AT THE FEDERAL LEVEL, AT THE STATE LEVEL, OR THE LOCAL LEVEL. IT SHOULD ALL BE WORKING TO SERVE AND PROTECT ITS CITIZENS. AND, MS. HEDMAN, I APPRECIATE YOUR RECOGNITION THAT YOU COULD HAVE BEEN MORE VIGOROUS, BUT IN THE CONTEXT OF IT'S THE STATE'S PRIMARY RESPONSIBILITY AND THAT WHEN A STATE FAILS, AS WAS THE CASE IN MICHIGAN, WE HAVE A TERRIBLE END RESULT. WE HAVE PEOPLE DRINKING UNSAFE WATER. AND I THINK PEOPLE WANT TO KNOW IF THE STATE OF MICHIGAN'S FAILURES ARE TYPICAL OF OTHER STATE GOVERNMENTS, WHICH IS REALLY GOING TO CAUSE – IT SHOULD CAUSE ALL OF CONGRESS TO THINK ABOUT THE ROLE OF FEDERAL GOVERNMENT, EPA, AND WHAT WE DO ABOUT STATE ACCOUNTABILITY IN THIS REGARD. NOW, MS. HEDMAN, IN A FOOTNOTE IN YOUR WRITTEN TESTIMONY YOU MENTIONED A DRINKING WATER CRISIS THAT OCCURRED IN TOLEDO, OHIO, IN 2014. WAS THE DANGER TO HUMAN HEALTH IN THAT CRISIS? WAS THERE DANGER?

Susan Hedman:

THERE WAS. IT WAS THE TOXIN MICROCYSTIN.

Michelle Grisham:

AND HOW LONG DID IT TAKE THE MAYOR OF TOLEDO, BASED ON THAT MESSAGE FROM YOU, TO ISSUE A DO NOT DRINK NOTICE?

Susan Hedman:

HE IMMEDIATELY ISSUED A DO NOT DRINK ORDER.

Michelle Grisham:

SO HE IMMEDIATELY REACTS. DID THE OHIO EPA RESIST THE SAMPLING PROTOCOL EPA WAS RECOMMENDING, AS MDEQ DID IN THE CASE OF FLINT?

Susan Hedman:

NO, NOT AT ALL. THEY TOOK ON BOARD ALL THE SAMPLING ADVICE AND WORKED VERY CLOSELY WITH OUR CINCINNATI LABS –

Michelle Grisham:

AND, IN FACT, IN YOUR WRITTEN TESTIMONY YOU COMMEND GOVERNOR KASICH FOR HIS HANDLING OF THAT PARTICULAR CRISIS. IN FACT, YOU NOTE THAT HE CALLED ON THE NATIONAL GUARD IMMEDIATELY.

Susan Hedman:

IMMEDIATELY GOVERNOR KASICH SAID HE WOULD CALL OUT THE NATIONAL GUARD TO DELIVER BOTTLED WATER AND HE DID IT.

Michelle Grisham:

SO I TAKE IT THAT YOU BELIEVE THAT THERE'S A SERIOUS CRITICAL DIFFERENCE BETWEEN THE RESPONSE OF GOVERNOR SNYDER AND THE RESPONSE OF GOVERNOR KASICH?

Susan Hedman:

YES.

Michelle Grisham:

IN OUR INVESTIGATION IN THE MICHIGAN CRISIS, THE COMMITTEE RECEIVED STARTLING TESTIMONY FROM THE FORMER HEAD OF THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY. HE TOLD US THAT THE TOPIC OF THE FLINT WATER CRISIS NEVER EVEN MADE IT TO THE AGENDA OF GOVERNOR SNYDER'S CABINET MEETINGS. NEVER. NOT ONCE. IN YOUR EXPERIENCE WORKING WITH OHIO, DID GOVERNOR KASICH MAKE TOLEDO'S DRINKING WATER A PRIORITY OF HIS ENTIRE ADMINISTRATION?

Susan Hedman:

WELL, I CAN TELL YOU THAT HE NOT ONLY RESPONDED QUICKLY IN TERMS OF CALLING OUT THE NATIONAL GUARD TO GET THE WATER OUT, AFTER THE ENTIRE SCENARIO HAD ENDED, I BELIEVE THAT HE ACTUALLY REACHED OUT AND THANKED EPA.

Michelle Grisham:

SO WE CAN SEE A STARK AND DRAMATIC DIFFERENCE BETWEEN THE RESPONSIBILITY OF THESE TWO STATES, AND I THINK IT'S THE JOB OF THIS COMMITTEE TO MAKE SURE THAT THE FEDERAL GOVERNMENT, THE STATE GOVERNMENT, AND THE LOCAL GOVERNMENT ARE DOING ALL IT CAN AND SHOULD AND IS REQUIRED TO DO TO PROTECT ITS CITIZENS, CORRECT?

Susan Hedman:

I AGREE.

Michelle Grisham:

THANK YOU. SO ONE LAST THING. I'M ABOUT OUT OF TIME. BUT, QUITE FRANKLY, GIVEN THIS TESTIMONY, IF GOVERNOR SNYDER HAD REACTED TO THE FLINT WATER CRISIS IN THE SAME WAY IN WHICH GOVERNOR KASICH REACTED TO THE TOLEDO WATER CRISIS, DO YOU BELIEVE IT WOULD HAVE MADE A SIGNIFICANT DIFFERENCE TO HUMAN HEALTH AND SAFETY IN REGARDS TO THE DRINKING WATER SITUATION IN FLINT, MICHIGAN?

Susan Hedman:

I DO.

Michelle Grisham:

THANK YOU. I YIELD BACK.

Jason Chaffetz:

I THANK THE GENTLELADY. I HAVE A FEW MORE QUESTIONS I'D LIKE TO GO THROUGH. MS. HEDMAN, YOU HAVE CITED REPEATEDLY HOW URGENT IT WAS AND HOW IMPORTANT IT IS. WE SPENT, OVER THE COURSE OF THREE DAYS OF TRANSCRIBED INTERVIEW WITH MR. DAN WYANT. DO YOU KNOW WHO HE IS?

Susan Hedman:

YES. HE WAS THE DIRECTOR OF MDEQ.

Jason Chaffetz:

WHEN DID HE – WHEN DID YOU HAVE THE FIRST CONVERSATION ABOUT THE CONCERNS OF WHAT’S GOING ON IN FLINT, MICHIGAN?

Susan Hedman:

I KNOW FROM CHECKING MY RECORDS THAT I DEFINITELY HAD A CONVERSATION WITH HIM ON SEPTEMBER 15th RIGHT AFTER I HAD -- OR RIGHT BEFORE I HAD A CONVERSATION WITH THE MAYOR. I BELIEVE I ALSO HAD A SHORTER CONVERSATION WITH HIM ON SEPTEMBER 1st AS PART OF A COMMISSIONERS ROUNDTABLE.

Jason Chaffetz:

AT LEAST ACCORDING TO MR. WYANT, AND IT'S A WHILE AGO, HIS FIRST CONVERSATION WITH YOU WAS SEPTEMBER 27th. NOW, WHETHER IT'S THE 15th OR THE 27th, CAN YOU SEE THE CONCERN THAT IT TOOK THAT LONG BEFORE YOU ACTUALLY TALKED TO THE PERSON WHO'S IN CHARGE OF THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY? WHAT THE HECK ARE YOU DOING IF YOU'RE NOT CALLING HIM?

Susan Hedman:

SO, AGAIN, I BELIEVE I ALSO TALKED WITH HIM ON THE 1ST, BUT THE POINT --

Jason Chaffetz:

OKAY. SEPTEMBER 1st. OKAY. SO I'M GOING TO GO AHEAD AND GIVE YOU A LITTLE LATITUDE THERE. I DON'T BELIEVE YOU, BECAUSE I DON'T SEE ANYTHING -- ANY REASON TO TRUST YOU. BUT LET'S ASSUME THAT THAT'S TRUE FOR A SECOND. WHY DID IT TAKE SO LONG?

Susan Hedman:

MY STAFF WAS REPORTING --

Jason Chaffetz:

SO IT WAS YOUR STAFF'S FAULT?

Susan Hedman:

NO, NO, NO. THAT MICHIGAN WAS TAKING THE REQUIRED ACTION, THAT MICHIGAN WAS REPORTING THAT THERE WAS GOING TO BE A PUBLIC INFORMATION CAMPAIGN. AND IF MICHIGAN STAFF HAD SAID WE WILL NOT ISSUE THE ORDER THAT EPA HAS REQUESTED, THEN I WOULD HAVE GONE DIRECTLY TO THE DIRECTOR.

Jason Chaffetz:

BUT THEY DIDN'T, DID THEY?

Susan Hedman:

THEY DID ON AUGUST 17th.

Jason Chaffetz:

SO THIS IS THE FUNDAMENTAL PROBLEM WITH GOVERNMENT AND BIG GOVERNMENT. IT'S, OH, WELL, WE'LL DELEGATE THIS AND WE'LL -- INSTEAD OF JUST PICKING UP THE PHONE AND TALKING TO SOMEBODY AND HAVING A DISCUSSION WITH THEM. THEY HAVE THESE E-MAILS HERE. FOR INSTANCE, THIS ONE IS DATED OCTOBER 1st WHERE HE WAS LED TO BELIEVE THAT YOU ACTUALLY SUPPORTED WHAT THEY WERE DOING. AND THIS IS THE COMMUNICATION BACK AND FORTH THAT MR. EDWARDS TALKS ABOUT WHERE THEY'RE LED TO BELIEVE THAT THEY'RE ACTUALLY IN COMPLIANCE. IN FACT, IT'S LATER ON EVEN IN NOVEMBER WHEN THE EPA ADMITS THAT THE LEAD AND COPPER RULE IS AMBIGUOUS. THERE'S NOT CLARITY THERE. THEY ADMIT THAT. IT'S YOUR OWN INTERNAL E-MAIL. MR. EDWARDS, CAN YOU COMMENT ON THIS? AND YOU'VE BEEN SO GOOD AT GIVING A PERSPECTIVE ON ALL THIS. BUT FOR THOSE THAT DON'T KNOW HOW TO READ THESE REPORTS, WHAT'S YOUR ANALYSIS OF THAT?

Marc Edwards:

WELL, I THINK THAT EPA WAS EMBARRASSED BY HOW LONG IT TOOK THEM TO ACTUALLY ACT THAT IT BECAME A NATIONAL AND INTERNATIONAL EMBARRASSMENT BY THAT POINT. AND THEN WHAT ARE THEY GOING TO DO? SAY THAT THEY KNEW THERE WAS NO CONFUSION RIGHT FROM THE START? WHEN I READ THAT MEMO, IT WAS ESSENTIALLY A GET OUT OF JAIL FREE CARD FOR

BOTH EPA AND MDEQ. WE DON'T UNDERSTAND OUR OWN LAW, IS ESSENTIALLY WHAT THAT MEMO SAID. SO I JUST THOUGHT IT WAS ABSURD.

Jason Chaffetz:

MS. HEDMAN, ARE YOU FAMILIAR WITH THE -- WE HAD A HEARING HERE IN JULY OF LAST YEAR ABOUT YOU AND YOUR REGION. ARE YOU FAMILIAR WITH THAT?

Susan Hedman:

I DID HEAR ABOUT IT. I WAS ACTUALLY VISITING SOME INDIAN TRIBES IN NORTHERN MINNESOTA WHEN THAT OCCURRED.

Jason Chaffetz:

SO DID YOU GET A FOLLOW-UP? DID YOU READ ABOUT IT? TELL ME WHAT YOU KNOW ABOUT THAT.

Susan Hedman:

I DID. AND I WAS VERY, VERY CONCERNED ABOUT SOME OF THE ALLEGATIONS THAT WERE MADE. AND LET ME SAY, AS SOMEONE WHO HAS BEEN AN INTERN HERE ON CAPITOL HILL IN THE 1970s AND SOMEONE WHO EARLY IN MY CAREER EXPERIENCED BOTH SEXUAL HARASSMENT AND SEXUAL DISCRIMINATION, I HAVE ZERO TOLERANCE FOR THAT IN THE WORKPLACE.

Jason Chaffetz:

THEN WHY DID WE HAVE THREE OF YOUR EMPLOYEES DO A VERY BRAVE AND COURAGEOUS THING AND STEP FORWARD AND TESTIFY TO CONGRESS THAT YOU TRIED TO RETALIATE AGAINST THEM FOR TALKING ABOUT THIS, THAT SOME OF THEM WERE ASKED TO REMOVE THE INVESTIGATORS? I MEAN, IT'S ONE THING WHEN I GET ONE PERSON, BUT WHEN WE GET THREE PEOPLE TESTIFYING BEFORE CONGRESS, PUTTING THEIR LIVES AND THEIR LIVELIHOOD AND THEIR CAREERS ON THE LINE, THERE'S SOME SMOKE THERE, ISN'T THERE? ARE YOU TELLING ME YOU DID NOTHING WRONG?

Susan Hedman:

I CAN TELL YOU THAT I ASKED FOR FOLLOW-UP TO LOOK INTO THOSE ALLEGATIONS AND --

Jason Chaffetz:

WHAT WAS THE CONCLUSION?

Susan Hedman:

AT NO POINT DID ANYONE EVER PRESENT ANY EVIDENCE THAT THOSE ALLEGATIONS WERE, IN FACT, TRUE.

Jason Chaffetz:

WE SAT HERE FOR A COUPLE HOURS AND HEARD TESTIMONY. THERE'S SOME EVIDENCE THERE. I JUST WISH YOU WERE AT THE EPA SO I COULD CALL ON YOU TO BE FIRED, BECAUSE YOU SHOULD HAVE NEVER BEEN IN THIS POSITION. IT'S SO FRUSTRATING. THIS IS WHAT HAPPENS. 99 PERCENT OF THE PEOPLE, GOOD FEDERAL EMPLOYEES, THEY'RE PATRIOTIC, THEY'RE HARD WORKING, THEY DO THE RIGHT THING. AND THEN WE GET SOMEBODY WHO COMES ALONG WHO SPOILS IT. THEY'RE BAD APPLES, AND THEY JUST SAY, OH, I'LL JUST RETIRE. FULL BENEFITS, FULL EVERYTHING. THAT WAS ABSOLUTELY FUNDAMENTALLY TOTALLY WRONG.

Susan Hedman:

MR. CHAIRMAN, I DO WANT YOU TO KNOW THAT I APPOINTED A NEW ASSISTANT REGIONAL ADMINISTRATOR WHO HAS AGGRESSIVELY DEALT WITH THESE KINDS OF SITUATIONS. AND I PERSONALLY RECALL A CASE WHERE WE REMOVED SOMEONE FOR SEXUAL HARASSMENT, AND ANOTHER CASE -- WHICH THE INSPECTOR GENERAL GAVE US VERY HIGH MARKS FOR WHERE WE REMOVED AN INDIVIDUAL WHO VIEWED CHILD PORNOGRAPHY ON A FEDERAL COMPUTER, AND HE IS IN FEDERAL PRISON.

Jason Chaffetz:

WELL, AND THERE ARE ONGOING INVESTIGATIONS RIGHT NOW BY THE INSPECTOR GENERAL. AND THIS SHOULD HAVE BEEN DEALT WITH AT A MUCH HIGHER LEVEL. LET ME GO ON TO MR. WALLING. I NEED TO HELP, MAYOR, FOR SOME CLARIFICATION. YOU BECAME THE MAYOR IN 2009 IN A SPECIAL ELECTION. ELECTED, RE-ELECTED IN 2011. BUT I HONESTLY DON'T KNOW WHAT THIS MEANS, BUT I WANT TO UNDERSTAND. IN YOUR BIO, YOU WERE THE CHAIRMAN OF THE

KAREGNONDI WATER AUTHORITY FROM 2010 TO 2015. WERE YOU PAID OR COMPENSATED IN ANY WAY, SHAPE, OR FORM FOR BEING THE CHAIRMAN OF THE KWA?

Dayne Walling:

I WAS NOT. I SERVED AS A FUNCTION OF BEING MAYOR. THE MAYOR OF AN INCORPORATING COMMUNITY IN THAT AUTHORITY SERVES, AS DOES THE CURRENT MAYOR SERVES IN THAT ROLE NOW.

Jason Chaffetz:

SO WHEN YOU BECOME THE MAYOR, YOU THEN GET TO BE THE HEAD OF THAT. BECAUSE ONE OF THE CONCERNS IS ARE THERE CONFLICTS OF INTERESTS. BECAUSE ESSENTIALLY THE KWA GETS \$200 MILLION OR SO TO START BUILDING THIS PIPELINE. AND THAT PUTS YOU IN A PRETTY POWERFUL POSITION TO DIRECT DOLLARS AND LOCATIONS AND KNOWLEDGE AHEAD OF TIME. IT GIVES YOU ESSENTIALLY INSIDER INFORMATION, DOES IT NOT?

Dayne Walling:

IT IS A MAJOR PROJECT. IT WAS A MAJOR RESPONSIBILITY. THE CHAIRMANSHIP CAME TO ME THROUGH AN ELECTION OF THE MEMBERS OF THAT AUTHORITY. THAT HAPPENS ON AN ANNUAL BASIS, THE OFFICERS OF THAT AUTHORITY ARE ELECTED.

Jason Chaffetz:

ARE YOU HERE TO TESTIFY -- AGAIN, I JUST WANT TO BE CLEAR. I DON'T WANT TO DISPARAGE YOU UNFAIRLY IN ANY WAY, SHAPE, OR FORM, BUT I NEED TO KNOW FROM YOU PERSONALLY HERE. DID YOU BENEFIT PERSONALLY IN ANY WAY, SHAPE, OR FORM FROM THAT ASSIGNMENT AND THAT KNOWLEDGE?

Dayne Walling:

NO, I DID NOT, MR. CHAIRMAN.

Jason Chaffetz:

OKAY. MR. EDWARDS, TELL ME WHAT DEQ, IN YOUR OPINION -- MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, WHAT DID THEY DO RIGHT AND WHAT DID THEY DO WRONG? DID THEY DO ANYTHING RIGHT?

Marc Edwards:

NO. HONESTLY, AS I SIT HERE, I CAN'T THINK OF A SINGLE THING THEY DID RIGHT.

Jason Chaffetz:

DID THE EPA DO ANYTHING RIGHT?

Marc Edwards:

MR. DEL TORAL DID EVERYTHING, EVERY EPA EMPLOYEE SHOULD ASPIRE TO DO. HIS MEMO COULD HAVE MADE EPA THE HEROES HERE IN THIS PARTICULAR CASE. EVEN DESPITE THE TEN YEARS OF ALLOWING UTILITIES TO CHEAT ON THE LEAD AND COPPER RULE PRIOR TO THAT TIME, HE REALIZED THE DANGER THAT PUT IN FLINT'S CHILDREN IN.

Jason Chaffetz:

AND WHAT'S YOUR PERSONAL ASSESSMENT OF WHAT THE GOVERNOR HAS DONE OR IS DOING NOW?

Marc Edwards:

WELL, UNLIKE EPA, THE GOVERNOR HAS TAKEN RESPONSIBILITY FOR WHAT OCCURRED. CERTAINLY HE WAS GUILTY OF NOT LISTENING TO FLINT RESIDENTS. CERTAINLY HE WAS GUILTY OF BEING OVERLY TRUSTING OF MDEQ AND EPA, BUT AT PRESENT HE SAYS THAT HE WANTS TO BE PART OF THE SOLUTION. AND HE'S ACTIVELY ENGAGED IN THIS, AND SO I'M WILLING TO WORK WITH ANYONE WHO WANTS TO BE PART OF THE SOLUTION, AND I THINK HE'S SINCERE ABOUT TRYING TO HELP FLINT GET BACK ON ITS FEET.

Jason Chaffetz:

WE ARE ABOUT TO HAVE A VOTE CALLED ON THE FLOOR. LET ME -- IF THE RANKING MEMBER HAS ANOTHER -- YES.

Elijah Cummings:

THANK YOU, VERY MUCH, MR. CHAIRMAN. MR. EARLEY, I'M STILL A LITTLE STUNNED BY WHAT YOU TOLD REPRESENTATIVE PLASKETT. YOU SAID THAT YOU TALKED TO THE GOVERNOR'S OFFICE ABOUT OUR REQUEST FOR YOU TO TESTIFY ON FEBRUARY 3rd. AND BY THE WAY, THAT WAS A JOINT REQUEST, DEMOCRATS AND REPUBLICANS. AND YOU SAID THAT THEY NEVER DIRECTED YOU -- THE GOVERNOR NEVER DIRECTED YOU TO COOPERATE WITH US, THE HOUSE COMMITTEE ON GOVERNMENT OVERSIGHT AND REFORM, AND THAT THEY JUST TOLD YOU TO DO WHATEVER YOU HAD TO DO. IS THAT RIGHT?

Darnell Earley:

WELL, BASICALLY IT WAS, YOU KNOW, TO MAKE MY OWN DECISION ABOUT GOING. AND BECAUSE IT WAS, AS I SAID, AN INVITATION AND I WAS NOT PREPARED TO SIT BEFORE THIS COMMITTEE, I DECLINED THE INVITATION. AND THAT WAS THE EXTENT OF THE CONVERSATION I HAD WITH THE GOVERNOR. BUT THE SUBPOENA THAT YOU'RE REFERRING TO OR HAS BEEN REFERRED TO WAS ISSUED THE NIGHT BEFORE. I COULD NOT HAVE GOTTEN HERE PHYSICALLY TO DO THAT. SO, YOU KNOW -- AND IT WAS NEVER SERVED ON ME. SO MY ANNOUNCEMENT BASICALLY THAT, YOU KNOW, I WAS DECLINING THE INVITATION WAS IN HOPES THAT I COULD HAVE ENOUGH TIME TO PREPARE AND TO GET HERE AND TO MEET WITH THIS COMMITTEE.

Elijah Cummings:

NOW, YOU ALSO HERE SAID THAT YOU HAD SOME DISCUSSIONS WITH THE GOVERNOR. DID YOU HAVE DISCUSSIONS WITH MR. MUCHMORE? DO YOU KNOW WHO HE IS?

Darnell Earley:

YES, I KNOW MR. MUCHMORE.

Elijah Cummings:

AND DID YOU HAVE DISCUSSIONS WITH HIM ABOUT WHAT WAS GOING ON IN FLINT WITH REGARD TO THE WATER?

Darnell Earley:

NOT SPECIFICALLY. HE WAS A PART OF SOME OF THE MEETINGS THAT WE HAD AS WE WERE BRIEFING THEM ON THE PROGRESS. BUT, AGAIN, THIS WAS ALL ON THE CONTAMINATION ISSUES PRIOR TO THE LEAD LEACHING ISSUES WE NOW DEAL WITH. BUT THEY WERE APPRISED OF THE PROGRESS WE WERE MAKING AND CONVERTING FROM DWSD TO THE USE OF THE FLINT RIVER DURING THE INTERIM WHILE THE KWA WAS BEING COMPLETED. YES, WE HAD THOSE DISCUSSIONS.

Elijah Cummings:

OKAY. DID IT SURPRISE YOU THAT MR. WYANT HAD TOLD US THAT IT WAS NEVER BROUGHT UP IN THE GOVERNOR'S CABINET MEETINGS?

Darnell Earley:

THAT IS A SURPRISE.

Elijah Cummings:

WHY DO YOU SAY THAT?

Darnell Earley:

WELL --

Elijah Cummings:

THIS WAS A MAJOR THING, RIGHT? I MEAN, THIS WAS NOT --

Darnell Earley:

YES. YES. THAT IS A SURPRISE. I WAS NOT A PART OF THE GOVERNOR'S CABINET.

Elijah Cummings:

I UNDERSTAND THAT.

Darnell Earley:

SO I DIDN'T KNOW WHAT WAS BEING DISCUSSED IN THOSE MEETINGS. AND I CAN ONLY TAKE THAT AS, YOU KNOW, A COMMENT FROM A FORMER EMPLOYEE.

Elijah Cummings:

MR. WALLING, DID YOU HAVE DISCUSSIONS WITH MR. MUCHMORE?

Dayne Walling:

I DID ON A FEW OCCASIONS, A PHONE CALL.

Elijah Cummings:

AND WAS HE AWARE OF WHAT WAS GOING ON, I MEAN, IN FLINT –

Dayne Walling:

YES.

Elijah Cummings:

--WITH REGARDS TO THE WATER?

Dayne Walling:

YES.

Elijah Cummings:

SO IS IT FAIR TO SAY THAT YOU WOULD HAVE HAD MORE CONVERSATIONS WITH HIM THAN YOU WOULD HAVE HAD WITH THE GOVERNOR?

Dayne Walling:

YES, I DID. I WOULD CALL THE CHIEF OF STAFF AND ALSO ONE OF HIS DIRECT REPORTS, HARVEY HOLLINS, WHO IS HIS URBAN INITIATIVES DIRECTOR, WAS IN, YOU KNOW, REGULAR COMMUNICATION WITH US, EVEN AS ELECTED OFFICIALS DURING THE EMERGENCY MANAGER.

Elijah Cummings:

ONE OF THE THINGS THAT WE CONCLUDED IS THAT THE GOVERNOR PROBABLY DID NOT DO A LOT OF COMMUNICATING IN WRITING WITH REGARD TO THIS EVENT AND THIS WHOLE WATER THING, AND CRISIS. AND WHAT WE WERE TRYING TO DO IS GET -- SO THEREFORE, IN ORDER FOR US TO GET THE KIND OF INFORMATION WE NEEDED, WE NEEDED TO TALK TO FOLKS. AND THAT'S THE 15 PEOPLE WE WERE TRYING TO GET TO, INCLUDING MR. MUCHMORE, AND I THINK THE OTHER GENTLEMAN YOU JUST MENTIONED. AND, AGAIN, THEY REFUSED TO TALK TO US. SO HOPEFULLY THEY'LL HAVE A CHANGE OF HEART. I YIELD BACK.

Jason Chaffetz:

THANK YOU. WE'LL RECOGNIZE MS. PLASKETT FOR A MOMENT.

Stacey Plaskett:

THANK YOU, MR. CHAIRMAN. I JUST WANTED -- WE WERE CONCERNED ABOUT THIS E-MAIL, AND I DO HAVE THE REDACTED VERSION FOR YOU AND FOR YOUR ATTORNEY IF YOU WOULD LIKE AT SOME POINT TO HAVE A LOOK AT THIS, AND YOU MAY WANT TO MAKE AN AMENDMENT TO YOUR TESTIMONY AFTER SUCH A REVIEW. WE CAN -- THE CHAIRMAN AND THE STAFF CAN MAKE THIS AVAILABLE FOR THE BOTH OF YOU.

Jason Chaffetz:

WE'LL ALLOW 72 HOURS FOR SUCH CLARIFICATION.

Stacey Plaskett:

THANK YOU.

Jason Chaffetz:

THANK YOU. WE HAVE A VOTE ON THE FLOOR. I WANT TO THANK THE FOUR OF YOU FOR YOUR TIME. THIS IS VERY ILLUMINATING. AGAIN, OUR HEARTS AND PRAYERS AND THOUGHTS GO TO THE PEOPLE WHO ACTUALLY LIVE IN FLINT WHO ARE AFFECTED BY THIS AND ARE GOING TO CONTINUE TO BE AFFECTED BY THIS. WE LOOK FORWARD TO THE PART THREE OF OUR HEARING WITH GOVERNOR SNYDER AS WELL AS THE EPA ADMINISTRATOR. THAT WILL TAKE PLACE IN THIS ROOM ON THURSDAY AT 9:00 A.M. WE STAND ADJOURNED.