

Who's who in the Flint water crisis: Part three

Carlos Delgado
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The Flint Water Crisis, in which government officials from both political parties conspired to facilitate and cover up the poisoning of an entire city, has laid bare the real relationship between the state and the working population. Despite serving in organizations nominally tasked with “protecting” and maintaining the “quality” of the environment, officials at all levels of government looked on with indifference and contempt while Flint’s residents drank toxic water from the polluted Flint River. Even after a spike of Legionnaires’ disease left a dozen dead and clear evidence that a catastrophic level of lead exposure was causing widespread harm to the people of Flint, officials only took action to silence those who threatened to expose the crisis.

Now, faced with an outraged population and a political crisis that continues to spiral out of their control, these same officials have engaged in finger-pointing, attempting to shift the blame onto their political rivals while casting themselves as without fault. In truth, the complicity of regulatory agencies in the crisis points to a wider qualitative transformation in the role of these organizations. Where they once provided at least a modicum of environmental oversight, they now work hand in hand with big business polluters to facilitate the plundering of resources in the name of profit.

The neglect and cover-up by federal and state regulatory bodies led directly to the Flint water crisis—and has set the stage for even worse environmental and social catastrophes to come.

Environmental Protection Agency Administrator Gina McCarthy

Regina “Gina” McCarthy is the Obama administration’s administrator for the United States Environmental Protection Agency (EPA). The EPA played a critical role in covering up the scope of the lead crisis, ensuring that residents continued to drink lead-tainted water for many months after the level of toxicity became known. Despite this, she and other Obama administration officials maintain, to this day, that the EPA is completely without fault in the affair.

Prior to becoming the EPA administrator, McCarthy served in a variety of roles in local and state government agencies. She was the deputy secretary of the Massachusetts Office of Commonwealth Development under Republican Governor Mitt Romney, and the commissioner of the Connecticut Department of Environmental Protection under Republican Governor Jodi Rell. During both of these administrations she gave strong support to “market based” environmental legislation, including regional “cap-and-trade” schemes that transformed carbon pollution into a lucrative commodity. Her primary concern was always to ensure that environmental regulation did not hamper the ability of corporate polluters to continue amassing profits.

Obama tapped McCarthy to head the EPA’s Office of Air and Radiation in 2009, and she became the agency’s administrator in 2013 after a contentious confirmation hearing. She inherited an organization that had long since abandoned any pretense of serious environmental regulation. Decades of deregulation and defunding by both the Democrats and Republicans have crippled the ability of the EPA and other federal regulatory agencies to perform any kind of meaningful oversight on the rapacious operations of big business. In place of regulation, the EPA regularly promotes “market-based” incentives like cap-and-trade that do virtually nothing to rein in the environmentally destructive effects of capitalist production. Whatever paltry fines the EPA does extract from the most egregious offenders are little more than wrist slaps that polluters account for as an expected cost of doing business.

The EPA’s role is particularly grotesque in the case of environmental lead contamination. While the Safe Drinking Water Act (SDWA) explicitly gives EPA oversight authority in issues of water quality, and the Lead and Copper Rule (LCR) supposedly sets the standards for lead testing and monitoring, the EPA regularly allows states to exploit gaps and ambiguities in the rule in order to hide dangerous lead levels. The widespread use of practices such as pre-flushing before testing and the selective sampling of low-risk homes allow state agencies to artificially lower lead testing results and claim that their water systems are meeting LCR standards, even when there is widespread lead contamination. These and other practices, which have the tacit approval of an indifferent EPA, have become so widespread that, according to a source recently quoted in the *Guardian*, they occur in “every major US city east of the Mississippi.”

The utter failure of the LCR to regulate lead levels contributed to a major lead-in-water crisis in Washington DC in 2001-2004, as well as numerous other lead contamination episodes nationwide in the years before the Flint crisis. The EPA has not revised the LCR in nearly a decade, and doesn’t plan to do so until 2017-2018, even though the law requires the agency to do so every six years. Under the EPA’s watch, deliberate concealment of lead in drinking water has become unofficial government policy.

Even though EPA officials were aware of severe lead contamination in Flint homes in February 2015, and knew that the city was not using corrosion control by April of that year, they refused to exercise any oversight authority and stood idly by while Flint residents continued to drink the water. McCarthy, who has spent her term pushing toothless policies like the Clean Power Plan and delivering fawning remarks to corporate criminals and billionaires at the World Economic Forum in Davos, was completely indifferent to the catastrophe in Flint until popular outrage forced her to respond. On January 21, 2016, nearly a year after EPA officials first learned of high lead levels in Flint, the EPA issued an SDWA Emergency Order prescribing various actions for the city and the Michigan Department of Environmental Quality (MDEQ).

She has since repeatedly and arrogantly asserted that the EPA did nothing wrong, often resorting to outright lies to cover up for her

agency's role in the affair. When asked by a *World Socialist Web Site* reporter about the silencing of Miguel Del Toral, the one EPA official who tried to raise alarms about the crisis, she stated that, "Miguel has never been silenced, and he won't be." In her March 2016 testimony before Congress, she refused to accept any blame for the Flint crisis, boldly declaring, "I will not take responsibility for causing this problem." In a *Washington Post* op-ed, she laid the blame entirely on the state, stating that "Michigan did not act as a partner" in the crisis.

In fact, the MDEQ and the EPA were both willing partners in criminal activity that has caused horrific injury to thousands. Though McCarthy's response has prompted calls from Flint residents for her resignation, the Obama administration has stood by her, declaring, "There's a strong case to make that the United States of America has never had a better administrator of the Environmental Protection Agency than Gina McCarthy."

EPA Region 5 Administrator Susan Hedman

The criminal neglect by the EPA in the face of severe environmental contamination was embodied by Region 5 Administrator Susan Hedman, who actively worked to silence and discredit the one EPA official who attempted to raise alarms over the crisis.

Prior to joining the EPA, Hedman was environmental counsel in the Illinois Attorney General's office. From 2000-2004 she was chief legal officer for the Geneva-based United Nations Compensation Commission, a subsidiary organ of the United Nations Security Council that levied brutal economic sanctions against Iraq in the name of "compensating" the population of Kuwait for damages suffered in the 1990-1991 invasion (a great many of which were actually inflicted by the United States' bombing campaign).

President Obama appointed Hedman to the EPA in 2010, where she dutifully carried out the agency's unofficial mission of partnering with polluters to defend their profit interests. She worked to shield Enbridge Energy from negative press after the company spilled over 800,000 gallons of oil into Michigan's Kalamazoo River in 2010. In 2012, she led the US delegation that negotiated the Great Lakes Water Quality Agreement with Canada, a non-binding international "soft law" that carries no mechanisms for enforcement.

Once her office became aware that the city of Flint was not implementing corrosion control and that lead levels were spiking dramatically, Hedman refused to exercise any oversight authority or alert the citizens of Flint that their children were being poisoned. Recently released internal emails have revealed that, while Flint residents were being poisoned, EPA officials engaged in hand-wringing over whether the MDEQ would "take this personally" or become "defensive" if EPA exercised any oversight, which they feared might come off as too "aggressive/controversial."

One EPA official, Miguel Del Toral, tried repeatedly to compel his superiors to action. He drafted a memo in June 2015 presenting evidence that the lack of corrosion control was causing lead to leach into Flint's drinking water, and that the crisis was affecting the entire city.

As his superiors delayed intervention and questioned his conclusions, he maintained that the actions of local and state officials constituted "criminal neglect," and that the EPA was enabling them. He added: "I am really getting tired of the bad actors being defended, the bad actions being ignored, and people trying to do the right thing are constantly being subjected to intense scrutiny as if we were doing something wrong ... I truly, truly hate working here. EPA is a cesspool."

With Del Toral refusing to drop the issue, his EPA superiors stepped in

and told him that he was not to speak to anyone about the crisis or to contact any Flint residents, effectively placing him under "house arrest." In July, Hedman emailed Flint Mayor Dayne Walling apologizing for the Del Toral memo and insisting that it would tell a different story after it had been "revised and fully vetted by EPA management."

As the truth of the lead crisis came to light, EPA officials fought tooth and nail to avoid engaging on the issue. In January 2016, with public anger reaching a fever pitch, Hedman resigned, a move that Administrator McCarthy called "a courageous act."

In her testimony before Congress in March 2016, Hedman insisted, "I don't think anyone at the EPA did anything wrong," and that her own resignation was the result of "false allegations" against her.

Michigan Department of Environmental Quality District Supervisor Stephen Busch

With the federal EPA tacitly endorsing the cover-up of lead in drinking water, the door was open for bureaucrats like MDEQ's District Supervisor Stephen Busch to engage in deceitful practices to obfuscate the scope of the water disaster.

Busch's office oversaw the drinking water division in the district that included Flint. In March 2013, weeks before the city of Flint announced its plan to sever ties with the Detroit Water and Sewerage Department's (DWSD) water system, Busch emailed MDEQ Director Dan Wyant and others expressing concerns over the use of the Flint River as an interim source during the construction of the Karegnondi Water Authority (KWA) pipeline from Lake Huron.

He wrote: "All contract options with DWSD that are considered semi-competitive with the KWA contract do not fully supply the City of Flint, and would require the City of Flint to meet a significant, if not majority, of its water demands by treating water from the Flint River." He noted that Flint River water would pose an increased microbial risk as well as an increased risk of carcinogenic disinfection by-product.

The email was written in preparation for a same-day call with Michigan State Treasurer Andy Dillon, who would later claim that he had no knowledge of the plan to use the Flint River as an interim source.

Though the city of Flint had signed on to the KWA scheme in April 2013, in early 2014 the city's financial condition had become so dire that it threatened the ability of the Karegnondi Water Authority to issue bonds to begin construction on the new pipeline. In order to keep the KWA project on track, Busch issued a "sweetheart" environmental order that absurdly linked the KWA pipeline project to a cleanup effort on water treatment plant sludge the city had dumped in a lagoon area. The order required the pipeline construction as part of the lagoon cleanup effort, which ensured that the city's share of cost for the KWA project wouldn't count against the city's debt limit, thus plunging the city further into debt while keeping the KWA project on schedule. This makes a mockery of the claim that the switch from the DWSD was solely related to "cost cutting."

Busch ignored warnings from Utilities Administrator Mike Glasgow that the ancient Flint Water Treatment Plant was unfit for operation, and he covered up numerous warning signs once the corrosive water was flowing through the city's pipes. When automaker GM switched their water supply back to Lake Huron water because the Flint River water was corroding parts in their manufacturing plant, Busch's subordinate Mike Prysby told a *Flint Journal* reporter that the water, "although not optimal," was "satisfactory," adding, "I stressed the importance of not branding Flint's water as 'corrosive' from a public health standpoint simply because it does not meet a manufacturing facility's limit for production."

As evidence mounted that the Flint River water had caused an outbreak of Legionellosis, Busch stated, “There is no evidence or confirmation of legionella coming directly from the Water Treatment Plant or in the community water supply distribution system at this time,” providing no data to back up his assertion.

When EPA’s Miguel Del Toral found evidence of severe lead levels in Flint resident LeeAnne Walters’ home, Busch downplayed the significance, writing to his colleagues at MDEQ that he was “not sure why region 5 [EPA] sees this one sample as such a big deal” and insisting that the lead levels were the resident’s problem.

On February 27, 2015, Busch sent an email to Miguel Del Toral stating that the city of Flint “has an optimized corrosion control program,” a bald-faced and unambiguous lie. Two months later, the MDEQ admitted that no such program was in place. Rather than work to implement corrosion control, which is legally mandated under the SDWA, Busch and other MDEQ officials took to complaining about Del Toral in internal emails, with Busch stating that he would have his MDEQ supervisors “make a call to EPA to help address his over-reaches.”

While evidence of severe lead contamination was mounting, MDEQ officials ordered Flint city workers to doctor the test results to hide the lead levels. At a meeting with Flint residents LeeAnne Walters and Melissa Mays, Busch and other MDEQ officials mocked their concerns and bragged that Del Toral had been “handled.”

In January 2016, faced with a volatile political situation and mounting public anger, the state suspended Busch without pay. He and his subordinate Mike Prysby are now facing criminal indictment, with charges including misconduct in office, tampering with evidence, and violating the Michigan Safe Drinking Water Act.

Michigan Governor’s Office Chief of Staff Dennis Muchmore

The conspiracy to cover up the level of toxicity in Flint’s drinking water was vast and intricate, involving officials at every level of government. Despite this, Michigan Governor Rick Snyder claims, ridiculously, that he did not learn of the lead hazard until October 2015. This brazen lie is belied by the role of Dennis Muchmore, Snyder’s chief of staff, who was actively engaged in the effort to politically defuse the crisis while maintaining plausible deniability for his boss.

Muchmore is a longtime lobbyist and corporate executive, who founded the Lansing-based lobbying firm Muchmore Harrington Smalley & Associates LLC in 1988. He served as the Executive Vice President at DHR International, a consulting firm that provides senior-level executive search services to corporations. He has also served as the executive director of the Michigan United Conservation Clubs, where his primary task was ensuring that the organization became “financially sound.”

His wife, Deb Muchmore, is the Michigan spokesperson for the Nestle Company, the largest owner of private water sources in the State of Michigan. Nestle, which has been repeatedly sued by northern Michigan residents for its water pumping practices, extracts 200 gallons of fresh water per minute from the aquifer that feeds Lake Michigan, paying next to nothing to do so.

In his role as Snyder’s Chief of Staff, Muchmore regularly sold face time to corporate spokespeople in exchange for large donations, and gave privileged access to corporate entities with whom the state did business. When the private prison food vendor Aramark Correctional Services came under fire for serving maggot-infested food to inmates at a Jackson, Michigan prison, Muchmore emailed Michigan Department of Corrections Director Dan Heyns to have Heyns cancel the paltry \$98,000 fine that had been levied against Aramark.

While the Flint crisis was unfolding, Muchmore was well aware of the absurdity of the government’s “cost-cutting” line, stating in a February 2015 email, “If GM refuses to use the water in their plant and our own agencies are warning people not to drink it ... we look pretty stupid hiding behind some financial statement.”

In July, he wrote to officials at the MDEQ and the Michigan Department of Health and Human Services that “These folks are scared and worried about the health impacts and they are basically getting blown off by us (as a state we’re just not sympathizing with their plight).”

In fact, the Governor’s office, and Muchmore himself, were doing more than simply “blowing off” concerns. Emails released by Freedom of Information Act requests show that Muchmore was striving to absolve the state of responsibility and to smear the scientists who had exposed the crisis. In September, Muchmore was included on email communications between high-ranking state officials laying out a strategy to discredit Dr. Mona Hanna-Attisha, the Flint pediatrician who discovered the dramatic increase in blood lead levels in Flint children.

The day after Dr. Hanna-Attisha released her findings, Muchmore emailed Snyder, saying, “I can’t figure out why the state is responsible except that [Michigan State Treasurer Andy] Dillon did make the ultimate decision so we’re not able to avoid the subject.”

In another email to Snyder he asserted, “It’s really the city’s water system that needs to deal with it.” He referred to the research scientists who had discovered the dangerous levels of lead as “the anti everything group.”

Muchmore left the Governor’s office in January 2016. In February, he joined the Detroit law firm Honigman Miller Schwartz & Cohn LLP, where he now leads the “Government Relations and Regulatory Practice Group.”

Concluded



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