

US District courts dismiss remaining Federal lawsuits over Flint water poisoning

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14 February 2017

Over the past 10 days, four key lawsuits filed by Flint, Michigan, residents against Governor Rick Snyder and other state officials were dismissed by a US District Court judge. All four claims accused leading state officials of being responsible for poisoning the city's water supply. All were rejected by US District Judge John Corbett O'Meara on technical grounds. O'Meara has now dismissed at least 60 lawsuits related to the massive health crisis that ensued after state officials switched the city's water source to the notoriously polluted Flint River.

Two of the lawsuits—filed by Flint residents Luke Waid and Myia McMillian—were dismissed last Tuesday on grounds that they did not fall under federal jurisdiction, due to a 60-day filing limit provision in the Safe Water and Drinking Act (SWDA). Waid filed his suit in February 2016 on behalf of his two-year-old daughter, who tested positive for high levels of lead and evidence of lead-related illness.

Filing under the SWDA, Waid sought compensation for past and future medical care, and for as-yet-unknown developmental damage his daughter is likely to have suffered between 2015 and 2016. Young children under the age of six are the most vulnerable to the toxic and irreversible effects of exposure to lead. Up to 9,000 Flint children may have been affected thus far by the lead-in-water crisis.

Class-action lawsuits filed by McMillian and another by Melissa Mays were launched on behalf of tens of thousands of Flint residents. Mays's lawsuit—which was rejected a week earlier by O'Meara on similar jurisdiction grounds—targeted 14 leading officials, including Snyder, emergency managers Darnell Early and Gerald Ambrose, and several key Department of Environmental Quality (MDEQ) leaders including Director Dan Wyatt and spokesman Brad Wurfel.

Wurfel was the official who, after Dr. Marc Edwards and his Virginia Tech team warned residents of a serious lead-in-water crisis, called him a charlatan and told residents to “relax” and drink the water. The lawsuit held them directly responsible for the “dangerous, unsafe...and inadequately treated water” that led to the ongoing health and social crisis in the city.

A fourth class action complaint, also thrown out by O'Meara, specifically targeted the engineering consulting firms for Flint water.

The dismissal of the lawsuits on technical grounds comes seven weeks after the official federal investigation into Flint's water crisis was hastily and quietly closed by the US House Oversight and Government Reform Committee. While the bipartisan committee assessed that the Environmental Protection Agency (EPA) and MDEQ failed to properly treat the lead-leached water supply, and openly acknowledged that Snyder refused to hand over key documents related to his knowledge about the crisis, nothing fundamental has been done to legally or politically hold these agencies and individuals accountable.

In fact, neither Congress nor the Obama administration made any serious attempt to intervene to protect Flint residents or allow their legal claims to proceed on substantive grounds. When Obama finally visited Flint last May, he infamously told residents that “you'll be okay.”

At the end of last December, after months of wrangling, Congress only made \$100 million in funding available for Flint's lead service line replacements. An initial estimate claimed that repairing all the affected lead service pipes in the city of Flint alone could cost as high as \$1.5 billion.

The same month that the congressional investigation

closed, it was reported there are nearly 3,000 areas across the United States that recorded lead poisoning rates at least double those found in Flint.



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