

Judge orders top Michigan health official to stand trial for Flint deaths

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21 August 2018

A state court judge ruled Monday that Nick Lyon, the executive director of the Michigan Department of Health and Human Services, will be brought to trial for two counts of involuntary manslaughter, as well as other felony charges related to the Flint water crisis. This ruling marks the first time anyone has been ordered to stand trial for the criminal conspiracy committed against the population of this working class city north of Detroit. Lyon was appointed by Governor Rick Snyder and still holds the position as head of the state health agency.

The maximum sentence for the involuntary manslaughter charges could be as much as 30 years in prison, plus another five for misconduct in office. In a packed courtroom with standing room only, Judge David J. Goggins of the 67th District Court took 160 minutes reading through pages of his detailed notes before giving the decision.

The charges against Lyon stem from his role in concealing the outbreak of Legionnaires' disease in 2014-2015 that killed at least 12 people and sickened at least another 79 people. No warning was given by Lyon in spite of residents' protests about foul-smelling water producing rashes and other illnesses. Flint's water source was switched from Lake Huron to the polluted Flint River in April 2014 without adding anti-corrosion controls, as part of a state-encouraged plan to move towards privatization of the water supply.

The state investigation of the Flint catastrophe, under the direction of Attorney General Bill Schuette—who is the Republican candidate to succeed Snyder in the November elections—has been winding slowly through the legal system since January 2016. No political officials have been charged, including Republican Governor Snyder and State Treasurer Andy Dillon, a Democrat appointed by Snyder who authorized the

Flint water switch.

Susan Hedman, the top federal Environmental Protection Agency (EPA) official in the Midwest, was aware as early as April 2015 that the water being piped into the homes of Flint, Michigan residents was not being treated for corrosion control, yet said nothing. This despite the fact that it is common knowledge among water professionals that the lack of such treatment, especially with highly corrosive water like that found in the Flint River, will cause lead to leach into tap water from pipes and fixtures.

Testimony before Judge Goggins revealed that although health experts warned of the danger of Legionnaires' disease and the possible link to the change in the city's water source as early as October 2014, their efforts to investigate the situation were blocked by high-placed officials in state and federal agencies. Documents made available through FOIA show Lyon was aware of the outbreak as early as January 2015, but it was not until January 2016 that Snyder announced the outbreak of Legionnaires.

Today's decision had been delayed until after the Michigan primaries, in which Schuette was opposed for the Republican nomination by Lieutenant Governor Brian Calley, who had Snyder's backing. Schette used the prosecution to try to distance himself from the much-hated outgoing governor, suggesting that he would be "providing justice for the people of Flint."

Already, evidence is emerging that the Flint water crisis caused more than just lead poisoning and Legionnaires' disease. A PBS Frontline report released in July of 2018 indicates that, during the same period that the Flint River was used, there were 119 deaths caused by pneumonia. This is a 46 percent increase from the previous year.

Of these 119 cases, 47 occurred between May and

October of 2014. During these summer months, one would expect a decline in deaths from pneumonia, which normally spikes in the winter. Epidemiologists interviewed by Frontline indicate that this is circumstantial evidence that some of these deaths may have been caused by Legionnaires' disease, rather than pneumonia. Epidemiologists told Frontline that Legionnaires "is misdiagnosed as pneumonia in about 40 percent of cases."

Another study by researchers David Slusky and Daniel Grossman found fetal death rates increased by 58 percent and fertility rates decreased by 12 percent after the April 2014 change in the city's water source. The researchers' study demonstrated that 250 babies were not born due to the lead-in-water crisis. Less than six months after the water switch, the General Motors engine plant stopped using the Flint River after its parts became corroded, and yet no warning whatsoever was issued to the residents.

John Bursch, one of Lyon's three defense attorneys, already plans to appeal the decision to bring him to trial. He claimed that Judge Goggins never referred to defense witness statements during his decision. If filed, the appeal will be heard in Genesee County Circuit Court. Immediately following Judge Goggins decision, Governor Snyder, according a tweet by his spokesperson Ari Adler, claimed that Lyon "has been a strong leader."

The criminal conspiracy has continued for more than four years. All levels of government are working together to hide the vast criminal conspiracy that produced the Flint water crisis and still impacts the population today, more than four years since the switch. The decision to put Lyon on trial is significant. While he may be offered up as the sacrificial lamb, leaving those such as Snyder, Dillon, and others untouched, the political establishment is fearful of that the growing anger of the working class in Flint will join with the emergence of working class struggles in the US and internationally.



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