

“We are being re-victimized”

## Lead poisoned Flint, Michigan residents, health care professionals raise concerns about bone scan required for compensation

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Health care professionals, including Dr. Mona Hanna-Attisha, are raising serious concerns that victims of the Flint, Michigan water crisis may be exposed to harmful radiation from bone scans required to qualify for compensation from the \$641.25 million water settlement.

Residents must prove their bodies were damaged by lead-in-water poisoning by submitting themselves to x-rays. However, the portable devices being used on residents to detect lead have not been approved by the Federal Food and Drug Administration (FDA) for use on humans.

The state's settlement provides home and business owners a maximum of only \$1,000 per household. To qualify for higher compensation, residents must prove lead exposure by having their bones scanned. Lead dissipates in the blood in a matter of days, but it remains in the bones for years.

The fee for the scan is \$500, which will be deducted from whatever compensation is awarded. The only portable bone scanners are owned by the law firm which led the settlement negotiations, Napoli-Shkolnik. The law firm's doctor, Aaron Specht, is the sole provider for the testing in Flint. Access to the testing has been limited to one day per week for those who are not clients of the law firm.

Flint is known worldwide for the crime carried out against the population in which its most basic necessity—clean water—was replaced with water laced with lead. Seven years ago this month the water source was switched to the toxic Flint River without adding needed corrosion-control chemicals to treat the water, causing lead, a dangerous neurotoxin, to leach into the water supply.

The settlement is the paltry amount agreed to by the state of Michigan for carrying out the water poisoning, which, until the COVID-19 pandemic, was the largest public health catastrophe in the United States. The money offered to residents who qualify hardly compensates for the untold suffering, including deaths, miscarriages, life-long illnesses, financial devastation for homeowners and small businesses, as well as developmental damage to children. An estimated 32 percent of the settlement will be consumed by legal fees.

Republican Rick Snyder was governor at the time the switch to the Flint River was made in 2014. He, as well as the entire political establishment on every level, worked to downplay and cover up the ensuing crisis. Snyder only faces two willful neglect of duty charges, misdemeanors with potential sentences of one year each and/or a \$1,000 fine. The limited charges are yet another slap in the face of Flint residents who consider him chiefly responsible for the suffering they are still enduring.

Dr. Hanna-Attisha, whose analysis of blood testing helped to expose the Flint water catastrophe, does not recommend bone scans for children. She says the risk, even if low, comes without benefits. She described as “maddening” the news that the scanner was used over the weekend on a pregnant woman.

Amber Stebbens, 22 years old and 28 weeks into her pregnancy, told the *Detroit Free Press* she was given a bone scan Sunday at the office run by Napoli-Shkolnik. She was never asked whether she was pregnant or given a lead shield or any other form of protection. Bone scans are not routinely performed on or recommended for pregnant women, because of concerns about exposing the fetus to radiation.

Florlisa Fowler, Stebbens' mother, told the WSWS, "This is harming us more. We are being re-victimized. We did not have a requirement to get poisoned but now we have to meet requirements to show we were poisoned! Anyone living in a Flint household on the water system should automatically be included in the settlement. It's happening in the whole world. The Flint water poisoning is just one example. It's not just water, it's the whole system."

At the same time Stebbens was at the facility, Kee, another Flint resident, came to inquire about the results of her test a number of weeks prior. She told the WSWS she was very surprised that the test was done on a visibly pregnant woman. "Why was Amber even tested? And besides, no one should be forced to go into a non-medical facility to get these tests. I was not even scanned for a temperature check for COVID. My ex-husband used to work in this building. It was previously used by an alarm company. All this law firm did is rent some space and build a pop-up office. I feel like we are being blackmailed to take the test in order to qualify for some compensation for being poisoned. It's ironic that we should be subjected to this bone scan for 3-5 minutes to check for lead."

Those who agree to be scanned must sign a form stating, "I understand this is not a medical test, and not for the purposes of diagnosis or treatment ... that the test involves some exposure to radiation, but no more than a typical x-ray." Furthermore, a "hold harmless" clause means those signing agree to not pursue any legal action regarding the bone scan.

The device used to scan the bones is an X-ray fluorescence (XRF) scanner which is administered with a hand-held gun. An employee of a major company in the metal recycling industry with 40 years' experience told the WSWS, "I can't imagine anyone using a device on a human which is intended to determine which alloy is in a metallic sample. Our guys are trained not to ever point the gun at a person or a body part—only aim at the sample you are testing. The devices are treated as containing radioactive material that must be stored and handled appropriately. I believe there are only two main manufacturers of this product, one of which is Niton."

Niton's website states: "While the radiation emitted from a portable XRF analyzer is similar to the exposure received in a normal medical or dental x-ray, *care must be taken to always point a handheld XRF analyzer directly at the sample and never at a person or a body part* " (emphasis added).

In court filings, Napoli-Shkolnik has submitted motions

which claim the devices have been modified for use on humans, while acknowledging the FDA has not approved the device for medical use on humans.

Mark Cuker, an attorney representing Flint residents, told the *Free Press* that the Flint settlement was crafted by Napoli-Shkolnik in such a way that it pays "uniquely large sums to people who underwent bone scans, almost all of whom are their own clients." He expressed concern that none of the other attorneys can get their own portable scanners because the manufacturer does not approve the device for use on humans.

Cuker and Stephen F. Monroe, another attorney with clients involved in the Flint water crisis settlement, are asking Judith E. Levy, a federal judge, to give residents more time to have their bones scanned for lead so that more information might be available regarding the use of the scanners.

The truth of the matter is the bone scanning should be stopped immediately. Every single man, woman and child who lived in Flint and used the Flint water from April 2014 until now should be fully compensated and provided with lifetime medical care for all children and adults free of charge and on a completely equal basis, educational and social programs, and full replacement of the water infrastructure.

Flint is a microcosm of the capitalist elite's indifference and hostility to the well-being of the working class. The methods used in Flint are now being applied in the coronavirus pandemic. The Biden administration, like the Trump administration, is not concerned about saving lives but protecting corporate profits. Only through the development of the class struggle can the working class make things right in Flint. This requires the organization and unification of the struggles of teachers, autoworkers and others, into a mass social and political movement against the entire ruling class and the capitalist system in the fight for socialism.



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