

Doctors raise concerns about bone scans required for claims in the Flint water settlement

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Doctors continue to voice their concerns about the use of a portable bone scanning device required for Flint, Michigan, residents to qualify for compensation in the \$641.25 million Flint water crisis settlement. In order to qualify for more than \$1,000 per household, residents must prove they have lead in their bodies by having their bones scanned by a device not made or approved for use in humans.

Lead is a dangerous neurotoxin, which cannot be removed from the body and has serious life-long implications for both children and adults. The portable bone scanner being used is a modified XRF fluorescence device that was originally manufactured to detect lead and other metals in scrap metal, walls, soil and other inanimate objects. The device is not manufactured to be used on humans, nor has it been approved by the FDA for use on humans.

The only location available to Flint residents to have the bone test administered is at the Flint Township offices of the law firm Napoli-Shkolnik, which has the sole ownership of the device and is charging \$500 per test. The law firm was appointed by US District Judge Judith Levy as the co-liaison counsel and has the majority of clients in the suit.

Several residents who were tested told the *World Socialist Web Site* that the dangers of radiation, particularly in children and pregnant women, were not explained. The wording on the forms deliberately downplays any dangers. To get the test, residents must sign to the following: “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.*” (Emphasis added.)

Dr. Lawrence Reynolds, a Flint pediatrician with 42 years of experience, told the WSWs, “Nowhere on the consent form does it state ‘this equipment was not made for use on humans.’” Furthermore, according to Dr. Reynolds, the Thermo Fisher XRF Fluorescence analyzer was modified by Aaron Specht, a research physicist from Harvard whose studies and research are cited by Napoli-Shkolnik, “but who for his part has refused to disclose the modifications he made to the original XRF device to his peers.”

Dr. Reynolds is the former president and chief executive officer of Mott Children’s Health Center in Flint. He, along with Dr. Mona Hannah-Attisha, were among the health officials in Flint who sounded warnings about increasing lead levels after the city changed its drinking water source from Lake Huron to the Flint River in 2014. The lead-tainted water coursed through the bodies of men, women and children for 18 months.

The bone scanner, Dr. Reynolds explained, “is a radiation-emitting device. The risk of radiation does not balance out the total lack of benefit, other than getting more dollars in compensation in the settlement. So there is an element of coercion there. This is outrageous.”

He noted that the device was not registered by the Licensing and Regulatory Agency (LARA) until February 2021, when his attorney filed a motion objecting to the use of the scanner. It is estimated, however, that at least 3,000 residents have been scanned by the device, which has been in use in Flint since at least October 2020.

“There’s no treatment protocol for a child who’s been exposed to lead. Whether it’s a chronic low-level

lead exposure or not, there is no treatment that would remove that lead from the bone. You are putting your child at risk or yourself at risk. What is the benefit? Other than to get more money, and I think I'm repeating myself, but this is the perversity of it.

"And then, what are you supposed to do? Well, you're supposed to remove lead from the child's environment. In this case, it was lead-laced water."

Dr. Reynolds explained in a chilling description what happened to infants between April 2014 and September 2016. "If you have an infant, zero to six months old who is exclusively breastfed, and especially formula fed, and the formula is unknowingly mixed with tap water tainted by lead, that's pretty much their diet for the first six months. Infants are little bags of water, so they can get in more water per body weight. "These children were exposed to high levels of lead-contaminated water during a critical period of organ development, specifically, brain development. Lead is toxic. Lead disrupts the signaling that helps the brain to develop. Besides its toxic effect, as the brain gets bigger, and the pathways are made, and as the parts of the brain become more specialized, lead disrupts the signaling, and poisons the process. Wherever there should have been calcium, or iron in the process, lead is replacing it. This is the essence of poisoning.

"Just because you are looking at a bone for, let's say, three to five years after the assault, it doesn't tell you what period this happened. It does not tell you the exact damage that has been done to various organs, especially the brain. It is not going to identify the problems that the child has now and the developmental challenges the child will have in years to come.

"These challenges can come across their entire life course, and even extend into young adulthood. I always point out the tragic case of Freddie Gray, 25, who died at the hands of the Baltimore police. Freddie Gray was lead-poisoned; he had high levels of lead contamination and behavioral problems." His lead contamination was confirmed in a lawsuit in 2008.

Another doctor, Dr. Catherine Wilkerson, who is a board-certified physician of Public Health and Preventive Medicine, spoke to the WSWs about her concerns over the use of the bone scanning device. "When I represented my department on Flint's Hurley Hospital Ethics Committee, I can tell you that if there had been any such proposed intervention brought to our

attention for review, I am confident that it would have been viewed with the contempt that this deserves." Between 1995-2000, Dr. Wilkerson worked in the emergency department at Flint's Hurley Hospital and was the medical director of the urgent care division.

"First of all," Dr. Wilkinson explained, "The risk of physical harm may be small, but there is no benefit to justify its use. Requiring individuals to sign informed consent forms is routine for medical interventions, intended to shield providers, institutions and corporations from liability. It is known that people may be harmed by many medical interventions, but people are informed of the potential harms versus the benefits and give or deny consent after weighing them."

However, she continued, "There is no justification for subjecting people to a quasi-medical procedure with no health benefits, regardless of the low estimates of risk merely to enable families to qualify for monetary compensation for the irreversible, lifelong and potentially devastating harm inflicted on them by the poisoning of their water. These scans will change nothing in terms of those dreaded outcomes. Requiring them prolongs the misery and delays whatever meager compensation that they must accept as justice.

"I question whether the results of these scans should be used to deny or reduce compensation. People are being required to consent under broad social conditions of duress. Minor children cannot give informed consent. I would imagine that many parents are in desperate economic circumstances, far worse as a result of the ongoing global pandemic. ... They hope that some financial help might be forthcoming if they consent to having their bones and their children's bones scanned by this device."



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