

# Benton Harbor, Michigan water crisis: More of the same toxic politics

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It has been a month-and-a-half since Democratic Michigan Governor Gretchen Whitmer issued a state of emergency in response to lead contamination of Benton Harbor, Michigan's water system. It took almost three years for the state to order residents of the city to stop drinking from their poisoned taps, from the time testing revealed a general lead contamination level of 22 parts-per-billion (ppb) in the city (well above the 15 ppb federal action level) to October this year. The city of approximately 10,000 sits on the eastern shore of Lake Michigan, the fourth largest source of freshwater in the world.

Until September, the city pursued a two-decades-long plan to replace the disintegrating lead pipe infrastructure responsible for the contamination, shrinking to five years that month and 18 months following Whitmer's emergency declaration and expedition. To this day, the city has only replaced a few hundred of the thousands of lead pipes in the city-owned plumbing system. Concretely, only the bidding process has begun, in which the city will choose a company to replace the pipes in the 18-month time frame outlined by Governor Whitmer. There are no plans to address the widespread existence of lead piping in home plumbing, which caused some homes to test as high as 800 ppb and above.

In early November, the Michigan Senate Oversight Committee opened a legislative investigation into the state response to the Benton Harbor crisis. The committee received 11,000 pages of internal documents from the Michigan Department of Environment, Great Lakes and Energy (EGLE), including emails and an accompanying letter from Liesl Clark, director of EGLE. Much of the text of these documents contained back-and-forth finger-pointing between state and city officials, with scientific discussion and organized planning for response efforts pushed aside.

While Clark's letter aimed to divert attention away from EGLE, which she claimed went "beyond legal requirements" with their response efforts, the magnitude of the crisis still remains. Regarding EGLE's communication efforts, Clark admitted, despite what she called "significant communication over the past three years," many residents continued to drink and use lead-contaminated water. This usage continued up to the state government's official direction to stop using tap water—including filtered tap water—and use provided bottled

water.

Even though bottled water is now freely distributed for Benton Harbor residents regularly, the distribution sites are overwhelmed. As the winter arrives, residents visiting these sites spend hours in line, facing the added cost of gasoline as they wait in their cars to stay warm. The logistical inefficiencies, financial costs, lack of communication of the dangers of lead poisoning to residents, and a lengthy timetable for completely fixing the lead issue will result in many residents continuing to use poisoned tap water.

The internal emails between EGLE and Michael O'Malley, the city employee overseeing Benton Harbor's water system, reveal far more than "communication problems" and, in fact, downright criminal neglect and cover-up. Local officials never initiated promised bottled water and tap water filter distributions early in the crisis. Local officials also failed to efficiently communicate the threat of elevated lead levels to residents after their discovery, as they are mandated to do by law.

The documents revealed that O'Malley bucked initial orders to increase corrosion-control chemicals, believing them premature. In emails on this point, O'Malley said state officials were "jumping to conclusions based upon Lead Action Levels only." Thus, for city officials, contamination levels of a well known neurotoxin, dangerous in any amount of ingestion, sometimes measuring dozens of times the emergency action level were not enough cause for concern to enact the less-than-minimal actions called for by the state.

Though Clark's letter attempts to shift all blame for the crisis onto city officials, who rightfully deserve blame, the Michigan state government facilitated the exacerbation of the crisis and the failings of local officials. At best, EGLE's efforts were below minimal. EGLE ordered city officials to increase corrosion chemical potency in the water system, holding two town halls in Benton Harbor to communicate the issue to residents, and founding a local water outreach task force.

On November 2, state and federal regulators ordered Benton Harbor officials to fix flaws with the management of their water system. Since at least 2018, Benton Harbor's water system's main intake line in Lake Michigan has been disintegrating while the water treatment plant's roof has been

caving in. More recently, the city's water main ruptured in October, cutting off water for 24 hours.

Clark's letter characterized the negligence in the crisis surrounding Benton Harbor as a tool to "serve as an important point of reflection and discussion for officials and stakeholders at all levels of government," presumably for the next crisis. Of course, that crisis is already here, simultaneously unfolding alongside Benton Harbor's.

As previously noted, just over a dozen water systems, including Benton Harbor's and Hamtramck's, have recorded elevated lead levels above the emergency action level. These levels began appearing around the second half of 2018, likely found through updated lead testing requirements instituted around the same time.

The 15 ppb action level means that 90 percent of all samples must be lower than that. Benton Harbor's average lead contamination level of 22 ppb translates to 90 percent of households being below that level, and more than 10 percent are at least 22 ppb or higher. The insufficiency of these testing methods appears in the fact that any level of lead consumption can spawn a host of irreversible physical and mental side effects, especially among children and pregnant women. In adult men as well, lead poisoning can lead to myriad health complications.

Many Michigan political leaders hailed the state's updated water system instituted by former Republican Governor Rick Snyder's administration as the strictest in the nation at the time of its inception in 2018. Yet, loopholes allow officials to keep poisoned water systems legally operating and their status obscured.

One largely side-stepped requirement states officials must test lead pipes if initial testing shows signs of high lead contamination. Another will lower official state action levels to 12 ppb in 2025, an empty move that continues to overlook lead contamination lower than 12 ppb, which remains highly dangerous.

The lack of oversight appears even starker when one factors in that state records show some municipalities do not know what material composes 90 percent of their service lines. Lead was the material of choice for decades leading up to its banning in plumbing in 1986 (eight years after the US government banned its usage in paints). Most homes and city plumbing infrastructure built before 1986 are very likely to be lead.

Studies only seem to confirm the scale of this ticking infrastructural and health time-bomb. The Natural Resource Defense Council's report on lead piping infrastructure in the United States estimated the nation has between 9.2 and 12.7 million pipes containing lead, with Michigan among the highest lead pipe usage level.

Beyond the crises already publicly unfolding, a general health crisis could be unfolding undetected across Michigan. A *JAMA Pediatrics* study published in September found 78 percent of Michigan children tested in the study had detectable

levels of lead in their blood.

Unlike the notorious case of the Flint water crisis—where a criminal switch to untreated water corroded pipes—the catastrophes in Benton Harbor, Hamtramck and elsewhere are the advanced expressions of deteriorating infrastructure on its last legs. Between underfunding, aging public infrastructure and the resulting unmitigated deterioration, poor water systems face almost inevitable rising lead contamination if pipe replacement does not occur promptly. Thus, the crisis in Benton Harbor is only the first link in a chain of crises already rearing its head in water systems across Michigan and the US, putting countless residents at risk.

Within hours of the internal EGLE document's release, Governor Whitmer attempted to further redirect blame from the state government by ordering the Michigan Department of Health and Human Services to begin a "comprehensive review" of the state's water safety oversight and communication protocols. Meanwhile, Republican officials began flinging blame at the Whitmer administration's response to the Benton Harbor crisis, deflecting from the fact that both capitalist political parties are implicated in the lead poisoning disaster.

More recently, Michigan state officials have pushed plans to utilize the roughly \$1.3 billion in funding allotted to pipe replacement provided by federal Infrastructure Investment and Jobs Act, the final form of which shrunk drastically compared to its original proposal. It is currently unknown what the scale and intensity of the pipe replacement will be across the state. Hamtramck and Benton Harbor are some of the only primary targets so far identified.

Opposition to the state's actions has found initial expression in a lawsuit against the state. The suit, filed by Benton Harbor residents on November 10, alleges the state government violated their constitutional rights in responding to the city's lead poisoning crisis.

One of the lead plaintiffs, Doretha Braziel, stated her children and grandson consumed the lead tainted water up to this October. Water testing this year exposed her house had 886 ppb lead contamination levels, 59 times the federal action level.



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