

An interview with Flint whistle-blower Miguel Del Toral

James Brewer
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Miguel Del Toral, whose official EPA title was Region 5 (Midwest region) Ground Water Drinking Water Branch Regulations Manager, has been retired for six years. More than ten years ago, he played the primary role in blowing the whistle on the violations of federal water regulations in Flint, Michigan's drinking water. For that he was publicly derided as a "rogue employee" by state officials and reportedly "handled."

A professor of civil engineering at Virginia Tech University, Dr. Marc Edwards, responded to the call from Flint mother LeeAnne Walters, who was referred by Del Toral, and organized an independent sampling of hundreds of Flint residents' water. It proved that high levels of lead were in the city's drinking water and rapidly set in motion events that led to returning Flint to its original treated water source in October 2015. This followed 18 months of improperly treated water being drawn from the Flint River, damaging the infrastructure and incurring widespread health effects, as well as dozens of deaths due to an outbreak of Legionnaires' Disease.

Months later, despite the efforts of qualified water experts, including Del Toral, who closely monitored the state of Flint's water, the recovery of the city's water system was disrupted by an influx of pseudo-scientists, significantly that of the team out of Wayne State University called Flint Area Community Health and Environmental Partnership (FACHEP) who promoted the message that Flint's water was not improving, and that even years after returning to its original treated Lake Huron water source it was getting worse.

In response to the recent WWS article, A pseudo-left attack on science in Flint, Michigan, Del Toral suggested there be a follow-up to pay tribute to the selfless work of the many water experts who volunteered to work in Flint to help with the recovery.

At the same time this discussion was taking place, a war was being waged by the Trump administration on public health and all science-based public service, particularly the EPA. The Office of Research and Development, which studies and adopts standards and protocols to monitor and remedy environmental issues, has been shut down. Thousands have been terminated from the agency's workforce, severely crippling its ability to conduct its work.

A "Letter of Dissent" has been signed by thousands of EPA scientists, and the Trump administration has begun firing key staff members for signing this document, violating a legal precedent. A further report will be forthcoming on the World Socialist Web Site.

James Brewer: Miguel, you have gone through a rough several years as a result of your efforts in the water recovery. The anti-science trend in Flint has had the upper hand for so long and I feel strongly that the time for you to tell your story is long overdue.

Miguel Del Toral: It was hard enough to deal with the reality of all the corruption. And then even sadder part to me is that we were all together in the beginning ... everybody fighting for the same cause. And then you have all these carpetbaggers and people with self-interests that just fractured

that coalition into pieces. And that really hurt.

You know, in your story [A pseudo-left attack on science in Flint, Michigan], the one thing after I read through everything ... the one thing that I would suggest is a Chapter Three. The people that were dedicated to public service. Because you did an excellent job of characterizing the villains. But the beautiful people that worked their asses off... It's not really captured, and I think that that's equally important.

Because we would get three or four hours of sleep a night for weeks at a time. We'd be in my hotel room at four in the morning going over plans for the next day, looking at stuff that we did the previous day, trying to schedule, you know, it was all these people. All these beautiful people. And I think that is equally important for the public to know.

JB: Can you give a brief explanation of the EPA field work in Flint?

MDT: Our field team had dedicated "sub-teams." My focus was on ensuring we had solid, scientific proof on the water sampling for lead to protect the children. Other teams focused on the chlorine testing. We begged CDC to test for legionella in the water, but we never had any success. Beautiful people really stepped up. They installed automatic hydrant flushers in low water use neighborhoods and a lot more. Too much to put in a short comment. We had very strict protocols so they could stand up in court. None have ever been disputed.

JB: What you're saying right now is very eloquent about the work that it takes to recover a water system that's been destroyed by the corrupt actions of those responsible for overseeing them. It doesn't just happen...

MDT: No, I guess my point is that when you're there. When you're in the trenches, so to speak and you have all these people...

I mean, one colleague, for example. I called her "field general." She was ruthless ... in a good way. We would go out in the very early mornings up into the late hours. She would even try to drag people out at the last minute at night to go sampling. Somebody reschedules and she says "Come on! We gotta go!" Those kinds of things. And I remember at least once I said, "Hey, everybody's exhausted. We'll sample tomorrow." I said "No! You can't have them." In other words, "Don't drag them out. It's late. They're tired. They gotta rest." That was kind of the situation, but I love her I absolutely love her.

She went into a home where they actually had crack paraphernalia on the table. I said "Hey, get the fuck out of there!" I said, "Get out of there!" She wouldn't. She stayed there with a couple of other folks and did the sample. When she got back, I yelled at her. I said, "What!? Are you crazy?!" She said, "They deserve clean water, too."

That's what I'm trying to portray.

Another colleague from ORD [Office of Research and Development], when we went around checking the chlorine levels, installing the hydrant flushers and everything. It was, honestly, I'd get to my room at night and I would cry.

JB: Out of exhaustion? Or?

MDT: Oh no, love. Out of love. People with their lives. So that's what I'm saying. That's the story, or a side of this horror story that I think is

equally important is all the beautiful people that worked so hard to fix it.

JB: I have a question in relation to the way Marc [Edwards] described being “canceled” because of the activities of FACHEP and the anti-science people. Did you feel the same way? How did it affect you and your work, that whole campaign?

MDT: Well, most of that I think was geared toward Marc because he was challenging a lot of their non-factual, shall we say, science, and so he became the main target. Near the end, that’s when I kind of started getting a bit of it too.

When I challenged Scott Smith, who’s the bogus “Water Defense” person... When I challenged Jordan Chariton, you know, both of them were threatening me with lawsuits.

JB: The activists, with FACHEP’s support, insisted that the water was giving them rashes, etc., and the TYT [Young Turks] network, before they fired Chariton, had posted videos calling for testing showers and water heaters, etc. They said it just makes common sense that that’s what you would do. How did that public campaign affect what you were doing?

MDT: Honestly, it was just too many battles on too many fronts. And with respect to, for example, the water heaters, checking for lead and this and that... In my head, I’m saying, if you’re going to check for anything in that water heater, you should be checking for legionella.

Because when you get in the shower, if it becomes airborne, you can breathe it in. You can bathe in Legionnaire water and it wouldn’t do anything. It doesn’t go through the skin. It’s an airborne infection. You inhale it. The mist.

So, to me, I think one of the major failures, and one I screamed about a lot at EPA, was the failure to check for legionella. But that was the purview of the CDC and not the EPA. As far as we’re concerned, under the Safe Drinking Water Act, if you maintain a [disinfectant] residual and sometimes you don’t even need that, and you test routinely for coliform bacteria and you get nothing, you should find no legionella.

In other words, it’s a general test for bacteria. And typically, if you’re doing good with that, you should be fine on legionella. You don’t have any direct testing for legionella at EPA. That’s under the purview of the CDC.

JB: Does the CDC have people who test residents’ water?

MDT: No, but they could if it were big enough, but typically, the state would be in charge. The county, both departments, the local health departments. So, they would have to work with them.

For the life of me, I do not understand because I brought it up so many times. Why are we not testing for legionella? We as the government. But it never happened. It just never happened.

JB: I’ve always sort of wondered about that and assumed that it was in places with large air-conditioning units, where the legionella, which is pretty much in the water to a certain extent as a rule, if the high levels of legionella are allowed to grow because of the problem with the combining with high levels of iron, I think, that combines with the chlorine and makes it ineffective. Anyway, that that would happen.

MDT: The iron will deplete the chlorine.

JB: Yeah. But that would happen historically. It happens in places with big air-conditioning units, which is why they gave it its name, because that’s where it first was discovered—at the Legionnaires’ convention.

MDT: There are places where you have, for example: You’ve got a waterfall in a hotel lobby. Here’s the problem with large structures.

Take a hotel that’s not really occupied all the time. So, you have stagnant water sitting in the plumbing to some rooms. From the main distribution pipe into that room. Bacteria grows. The water is not sterile. So you have bacteria. You have legionella, but not in quantities that are going to cause health problems. And if you maintain the chlorine, whatever is there is less effective at causing illness. So, even if it’s insufficient to kill it, that is, to kill all of it, it will be degraded and diminished to a level that it will not cause problems.

But for example, in some places, they will fill up the water tower once. They would fill it, so that they don’t have to do it again for, you know, whatever. So, it sits in this tank, and a lot of them are never cleaned. So, you have basically the potential for bacteria to grow, legionella, et cetera. And then it goes out into distribution system.

The same is true about buildings. I will tell you, New York is a horror. I have a buddy there, in Region 8. He and I and another regulations manager in Washington D.C. tried so hard to include a provision for the periodic inspection and cleaning of water towers, water tanks. We could not get that through. They took it out. Too expensive.

And that still needs to be done.

JB: Okay, well, that’s interesting. I mean, the whole basis that FACHEP was given their multi-million-dollar contract with the State of Michigan was to pursue Legionnaires. As far as I know, I think that was the pretext. Of course it was also to provide a public relations face for Governor Snyder, who was under the gun for responsibility for the Flint water crisis.

MDT: The thing about the politicians. Because of the mistrust that everybody had, they brought everybody to the table. Even the fools who had absolutely no idea what they were talking about.

See, you know, the shigellosis crap, right? Finding high trihalomethane, using a damn sponge. I mean, you know, how do those people get invited? Politics. Everybody has a seat at the table.

Then, they stay in the limelight and in some cases, keep the money coming.

JB: Mark Ruffalo made the following statement. And by the way, a lot of the information that I got in the article that I wrote came from Marc Edwards because he documented everything, and he took them up. He took the bad actors up on everything that they did. And so, when they took their videos down because they were too embarrassing, they still existed on his Flint Water Studies blog. So, I did refer to those in the article.

But Mark Ruffalo said publicly, “We aren’t scientists, but we’re just getting information, providing it, and that’s always a good thing.” Do you remember him saying that?

MDT: Yes. Now, it depends on the information they’re providing. If you’re providing garbage to people and scaring them, you’re not doing a service. Because you’re scaring people for no reason.

And that was my main concern. I asked, why are these people being invited? They have absolutely no experience in the field.

JB: You mentioned Scott Smith, and he played a very bad role, let’s say, during his time with Water Defense, but he later apologized and recognized the criticisms that Marc made of him. So, my question was, did you have any interaction with him, and you’d already answered that you had. But how did that work?

MDT: Well, we had discussions about what he was doing. And I told him that it’s unscientific. It’s invalid, and you’re scaring people. And then I find out, not only is he working for Water Defense, he’s working for himself. He’s selling water filters to the residents of Flint. At something like \$10,000 a pop, if I recall. So, he was doing double duty. Misleading the public, scaring the shit out of them so he could get them to buy his filters.

I remember this very clearly. There is a letter somewhere from Water Defense with Scott Smith’s name and his phone number on it. There was a business card for the water filter company with Scott Smith’s name, same phone number. He was doing both things at once. So, you create the problem, an artificial problem, and you fix it for them, right?

And I told Marc, “You’re a better man than me.” I don’t give a damn if he apologizes, the damage is done, and he didn’t really apologize in my mind. That was not a sufficient apology.

JB: You said when we talked last that you wanted to tell a story of those who worked so hard on the recovery of Flint’s water. I don’t know if you’re able to name people. You’re welcome to if you’d like, but do you

want to go into that?

MDT: Well, we can. I mean, basically the narrative was EPA let these kids get poisoned. And obviously, the EPA did not do enough to prevent it. Even when confronted with what I reported about the violations.

But I will tell you this. The rank-and-file volunteered to go to Flint. They volunteered to go help. And that story, to me, does not get enough attention. Beautiful people. We worked long hours. Very long hours. And there are a few, but I need, I would check with them first. I would very much like to them to be recognized.

JB: You're indicating that you don't have a lot of respect for the leadership of the EPA. In general, how do you feel about the EPA and it's carrying out of its responsibility?

MDT: Well, sad and sick. I mean, it is on a very steady slope down, and it has been for a long time. I don't know if I mentioned this before. I used to talk directly with congressmen, congressional liaisons, you know, their staff. I used to talk freely with the press. You just make a phone record, start the conversation. Put it in the file. You never had any issues, ever.

And then all of a sudden, both sides started using, weaponizing issues. Using them to bash their opponents over the head. And so, they both put their guards up. You can't talk to each other directly anymore. Refer to public affairs. You can't talk to the congressmen. You know, you have to go through the state liaison in the original administrator's office.

Well, communication, all direct communication is gone. And it kept declining, so to speak. People on both sides were so risk averse. "If I do that, he gets them ammunition," that kind of thing, that mentality. And it just became more and more difficult to do your job.

My job is a technical one. Their jobs are political. And their political agenda does not gibe with my ethical agenda.

And that's part of the corruption of government, because I will tell you, inside of EPA, not publicly, but inside of EPA we worked hard to undermine all the lies. Our Office of Research and Development, those folks down there. God! The people in my office here in Chicago. Everybody working so determinedly, even doing things without management, knowing. And they would feed me information, and they would say, look at this, look at that. And that's kind of like, in a sense, being in a failed marriage, where the woman has no choice but to stay because she has no means to survive if she leaves. And so, you stay in that bad marriage, and you do the best you can to navigate, and I will tell you. I talk to them all the time. I tell them how much I love them and everything they do. But they're still there.

JB: I'm reminded of Lianne Shekter Smith's comment about you being "handled" way back in 2015. What was this source of that? She must have talked to EPA about that.

MDT: There were certainly discussions with Region 5 at the time, for sure. There were discussions, probably between Lianne and our division director's office.

As far as being "handled," that was said, openly, I think, to LeeAnne Walters at a public meeting.

She did apologize. She apologized to me. She gave me a call. I mean, albeit at gunpoint, but she called and apologized.

So did the PR guy from DEQ, Brad Wurfel, who called me a rogue employee. He also called and apologized.

JB: He's the one who said about Marc Edwards—"He's known for pulling rabbits out of hats or something. That's his thing..."

MDT: It's like, "that's what he does. He always finds problems wherever he goes." And it's like, yeah, because he's looking for them. And the people that don't find them aren't finding them because they're not looking for them.

JB: Now, I just recently found out that the CDC in 2021 lowered the lead reference level from five micrograms per deciliter. But they lowered it to 3.5 in 2021, which seems like a good thing to me.

MDT: Okay, here's one thing about how the government regulates, and

it's an important point: Whatever you want to regulate you have to be able to accurately and reliably measure it at that level.

So, for example, there are some contaminants that we do not have at the time, we did not have lab methods to detect the chemicals that low. Reliably. So, then you go into a different phase which is developing laboratory methodology.

In a case of the CDC, this reference level, which is a good one, but it doesn't mean you can't be above it. If that makes any sense. It's just that. It's not a mandatory limit. It's a reference level.

JB: So, blood-lead level measure isn't the same protocol as the lead level in water, right? In which case they call it an action level, as opposed to a reference.

MDT: Right. So, the difference with lead in water, the reason we took the action-level approach is because the lead primarily comes from the distribution system and home. Leaving the treatment plant, it has no lead in it. You know, the vast majority of time. It's all external contribution. So, you can't basically set an MCL [Maximum Contaminant Level]. Where do you test for the MCL? One house has a lead pipe, another one doesn't. One has leaded soldered. Another one doesn't. One has leaded brass, another one doesn't.

So, it's very hard to take a sample at any one home and characterize the whole system by that value. So, it was impossible for us to set an MCL. And so the concept of action level was that you take a certain, you sample a certain number of homes and if it's above, if 10 percent of them are above the action level, that you must take these actions: Basically, reduce the water so it doesn't leach the lead out, all the way up to replacing any lead service lines. But even that has loopholes, big ones.

JB: Okay.

MDT: I don't know how familiar you are with how that works, but the rule on the water system, if 10 percent of my samples exceed the action level and I ultimately get kicked into lead service line replacement.

JB: Right. Which is monitored by the EPA, or is that I mean, it's done by the municipal?

MDT: By the state.

So, the thing is this. Number one, so many of these systems have absolutely no clue which homes have lead service lines. So how do you replace them?

Number two, if you know where they were, and you tested the water in the home, and it came back below the action level, you could tell that line as having been replaced, and it counts toward your 7 percent removal requirement without even touching it.

JB: Okay, that's your loophole.

MDT: And then the other, insanity. Is because the American Waterworks Association is suing EPA, over the lead service line replacement requirements, we ended up with what's called "partial lead service line replacement."

And what that means is the utility only has to replace the portion that it owns. So, from the water main up to the curb stop, they'll replace that. The rest of the line going to your house is still lead. They just connect copper pipe to it.

And that the combination of disturbing the ground and disturbing the pipe releases a lot of lead into the water. There's no requirement to warn people. There was no requirement to flush the lines thoroughly. Nothing.

I did a study here in Chicago with the city of Chicago water department. And, as I was looking at the results, I started asking questions. Because I had been studying about what the effects of disturbances would do to lead levels, and I started asking the residents. "Had there been any street work here?" And oh, yeah. They were doing this, they were doing that. And it turns out, the homes where there were disturbances were the worst ones.

Yeah, I published. I worked on that.
[2013. <https://pubs.acs.org/doi/abs/10.1021/es4003636>]

JB: Marc Edwards mentioned that in DC during their lead in water

crisis, they actually did something similar—partial lead line replacements—which increased the lead in the homes.

MDT: Correct.

JB: And as I recall, he said they stopped that because it was damaging to people, harmful.

MDT: Well, I mean, this is something that both Marc and Yanna [Lambrinidou] worked on initially. In DC, in Providence. I'm thinking in Providence, Yanna and the locals actually blocked the street to stop them from doing that.

JB: Oh, Wow.

MDT: Yeah, they just wouldn't move. To let the equipment through.

JB: How do you feel, or are you aware of what the EPA is doing under Trump?

MDT: I will tell you things are going off the cliff. I know so many people that said, you know what? "I'm supposed to ... you know, I could retire right now. I don't want to deal with this guy for four years." And they just left.

And one of the biggest threats is they want to dismantle the office of research and development. Yeah, so, they're dismantling in the office. Or they want to dismantle the office of research and development. They want to cut the budget by 45 percent. Move the remaining personnel out of the offices. And that will be absolutely destructive.

It's "we don't want any new science that we don't want to know about."



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